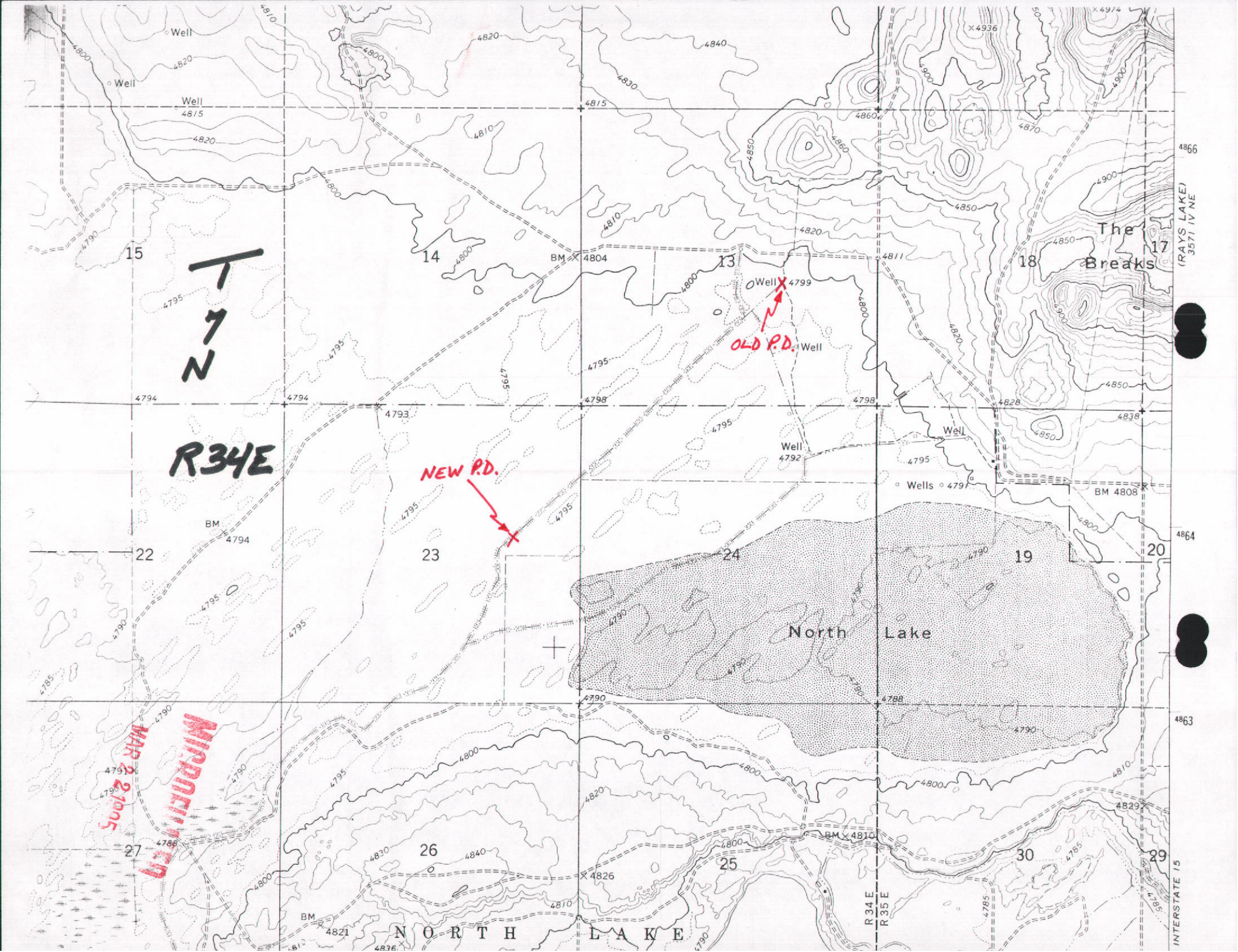

T 7 N
R34E
NEW P.D.
OLD P.D.
North Lake
The Breaks
NORTH LAKE
(RAYS LAKE) 3571 IV NE
INTERSTATE 15
R34E
R35E
MAR 2 2005
15
14
13
18
17
22
23
24
19
20
27
26
25
30
29
BM 4804
BM 4794
BM 4808
BM 4810
BM 4821
Well
Wells
4799
4793
4792
4826
4836

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265
AMOUNT: 64.4 cfs
PRIORITY: 5/22/1940
POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N½NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before October 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON
Director

PUBLISH: Thursday, September 15 & 22, 1994.

MAR 2 2 1995

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

№ 26384

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Prin. Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated September 15, 1994, and ending with the issue dated September 22, 1994.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

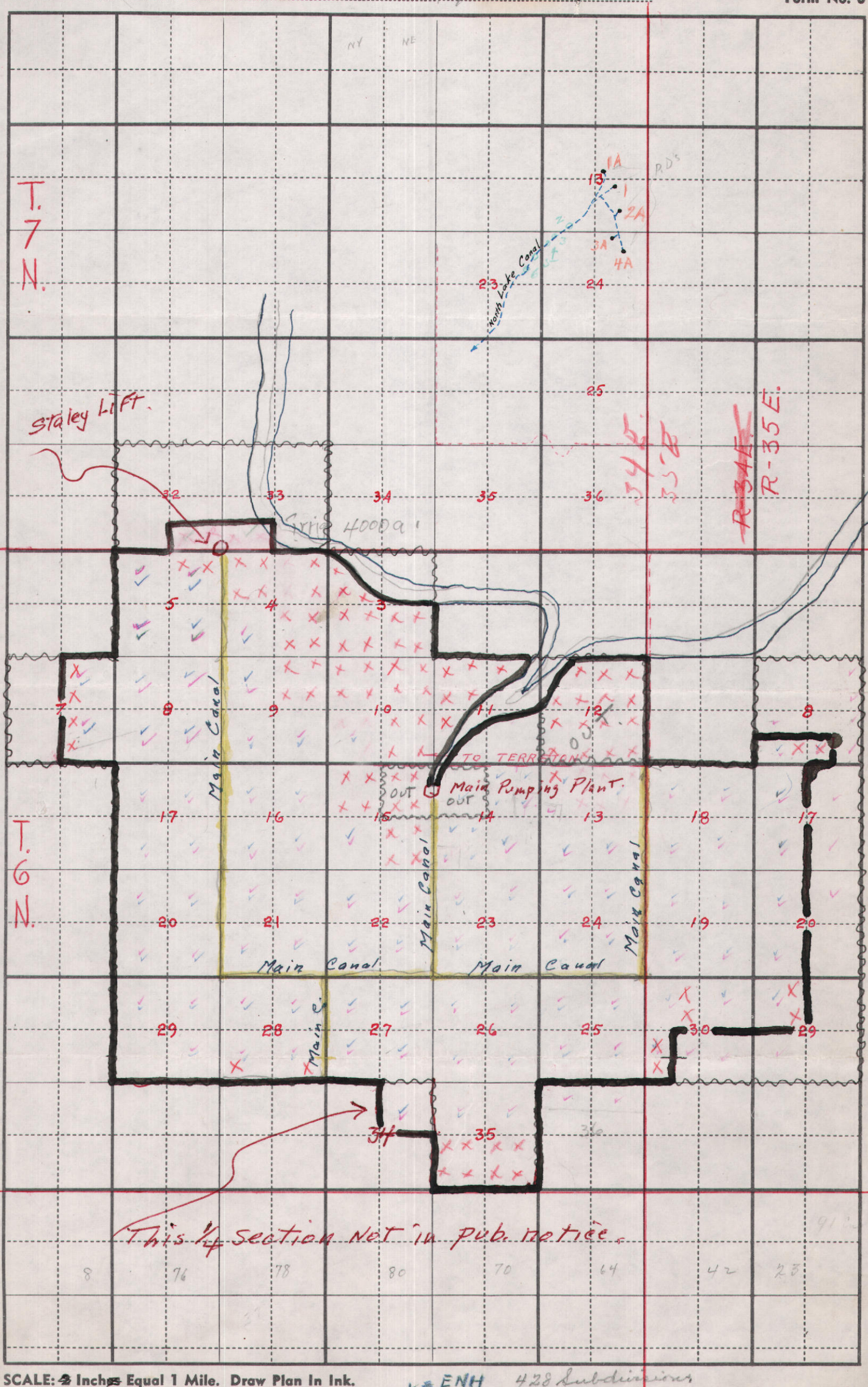
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12 day of October in the year of 1994, before me, a Notary Public, personally appeared Linda Capps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Irene R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

NAME OF APPLICANT OWSLEY CANAL COMPANY 1908 5

Form No. 0



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

V = ENH

Y = FAT.

428 Subdivisions

1908 5

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson: } ss.

I, R. I. 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, in 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 Four consecutive issues thereof; first publication having been made on the

29th day of November, 1951

and last publication on the

20th day of December, 1951

And affiant further says that at the times herein mentioned said newspaper 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.

R. I. Jones

Subscribed in my presence and sworn to before me this 29th day of December, 1951.

(SEAL)

Hope B Jones

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires Jan 30, 1954

Publication Fee: $_____

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.
2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.
3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.
4. Said water is to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.
6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4; S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ S-E¼ Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B.M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51)

19085

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson: } ss.

I, R. I. 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, in 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 2 consecutive issues thereof; first publication having been made on the

4 day of Nov., 1948

and last publication on the

11 day of Nov., 1948

And affiant further says that at the times herein mentioned said newspaper 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.

R. I. Jones

Subscribed in my presence and sworn to before me this 21st day of December, 1948.

(SEAL)

O. R. Birch

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires Dec 8, 1951

Publication Fee: $_____

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER CHAPTER 28, SESSION LAWS OF 1947

Notice is hereby given that on the 23rd day of November, 1948, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Enginer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

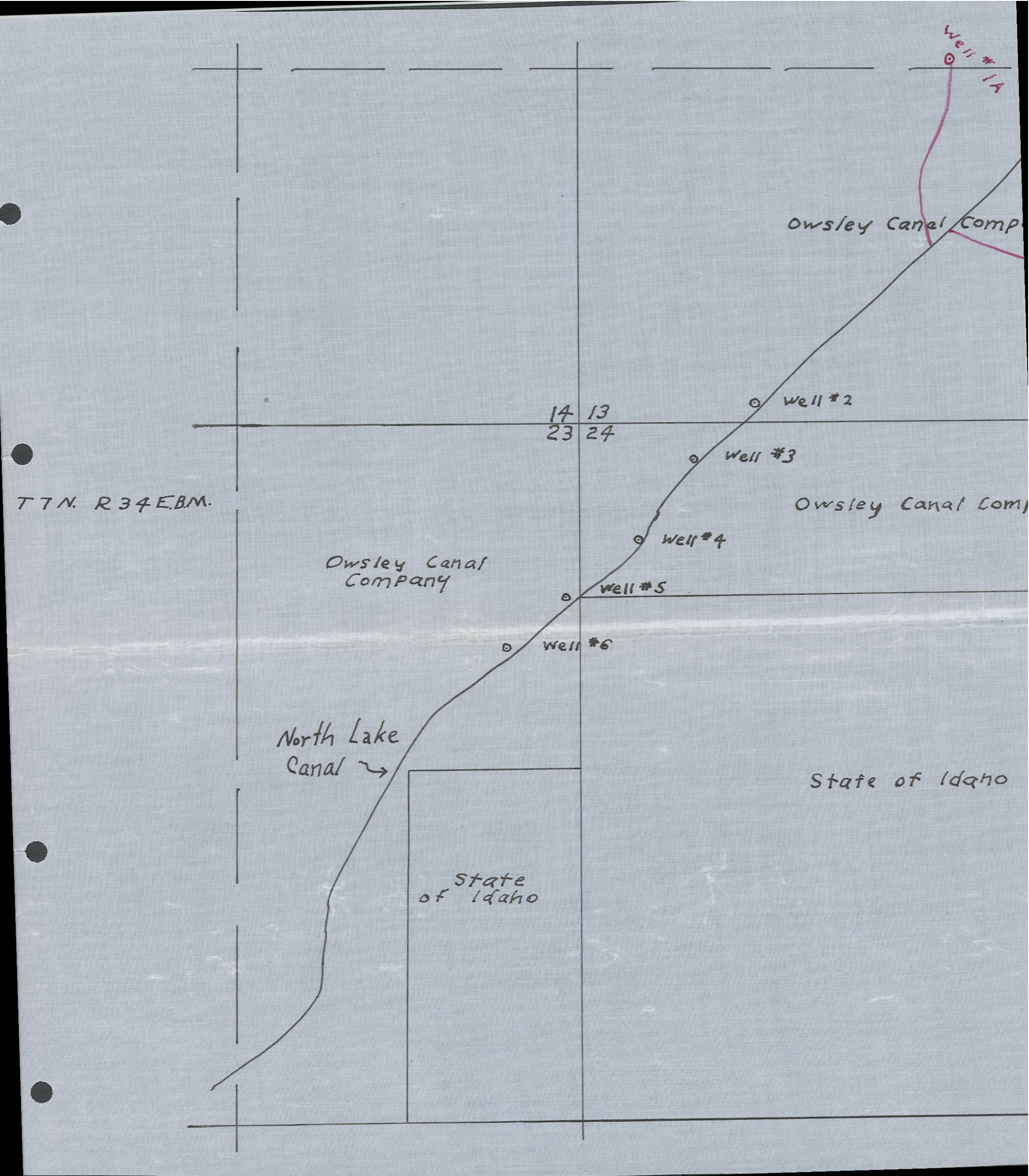
1. The number of said Permit is 19085.
2. The name and postoffice address of the person or persons or corporation holding this permit are Owsley Canal Company, Terreton, Idaho.
3. The amount of water claimed by the said permit or permits is 120 cubic feet per second from underground flow.

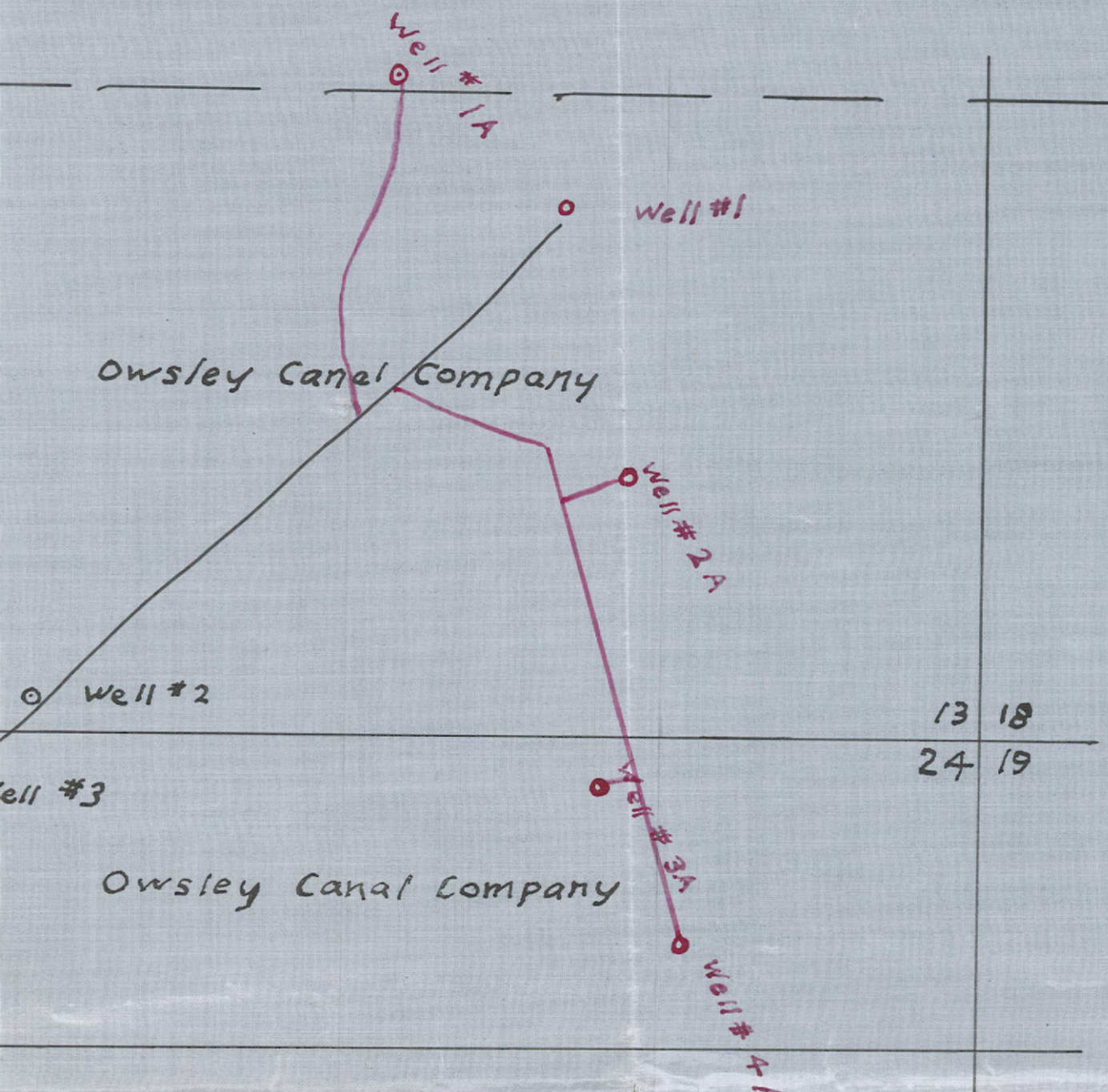
MARK R. KULP,
State Reclamation Engineer.

(45-46)

19085—

RECEIVED
DEC 23 1948
Department of Reclamation


Well #1A
Owsley Canal Comp
Well #2
14 13
23 24
Well #3
T 7 N. R 34 E.B.M.
Owsley Canal Comp
Well #4
Owsley Canal
Company
Well #5
Well #6
North Lake
Canal
State of Idaho
State
of Idaho



State of Idaho

24 | 19
25 | 30

SCALE - 8" = 1 Mile

WELL LOCATIONS
NORTH LAKE INLET CANAL
OWSLEY CANAL COMPANY

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho F[illegible] County of Bonneville, State of Id[illegible] before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4;S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ S-E¼ Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B.M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51) 12-6-51

NOTICE FOR PUBLIC[illegible]ON
NOTICE OF PROOF APPLI[illegible]ION OF WATER TO BENEFICIAL USE

Notice is h[illegible]y given that at 10:00 a. m. on the 14[illegible]ay of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho.

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

The amount applied to beneficial use is 87.2 cubic feet per second.

The place where said water is used: Lands within the boundary of the Owsley Canal Company located in the following Sections: Section 8, 17, 18, 19 ,20, 29, 30 Township 6 North, Range 35 East, B. M. Section 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 Township 6 North, Range 34 East, B. M.; Section 32 & 33 Township 7 North, Range 34 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal.

The right to take water from such works is based upon Permit No. 19085.

The source of supply from which such water is diverted is subterranean wells located in the NW¼SE¼, SW¼SE¼, SW¼-NE¼, Section 13; NW¼NE¼, NE¼NE¼ Section 24, Township 7 North, Range 34 East, B.M.

The date of priority which said user is prepared to establish is May 22, 1940.

MARK R. KULP,
State Reclamation Engineer.

(Publish: Oct. 20-27, Nov. 3-10, 1955.)

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho Fa[illegible] County of Bonneville, State of Idal[illegible]efore John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4;S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ S-E¼ Section 28; All Section 29; ~~N½ Section 29~~, N½ Section 35; Township 6 North, Range 34 East, B. M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51) 11-29-51

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER [illegible] BENEFICIAL USE

Notice is he[illegible] given that at 10:00 m. on the 14th [illegible]y of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho.

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

The amount applied to beneficial use is 87.2 cubic feet per second.

The place where said water is used: Lands within the boundary of the Owsley Canal Company located in the following Sections: Section 8, 17, 18, 19 ,20, 29, 30 Township 6 North, Range 35 East, B. M. Section 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 Township 6 North, Range 34 East, B. M.; Section 32 & 33 Township 7 North, Range 34 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal.

The right to take water from such works is based upon Permit No. 19085.

The source of supply from which such water is diverted is subterranean wells located in the NW¼SE¼, SW¼SE¼, SW¼-NE¼, Section 13; NW¼NE¼, NE¼NE¼ Section 24, Township 7 North, Range 34 East, B.M.

The date of priority which said user is prepared to establish is May 22, 1940.

MARK R. KULP,
State Reclamation Engineer.

(Publish: Oct. 20-~~27~~, Nov. ~~3-10~~, 1955.)

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS U[illegible]ER CHAPTER 28, SESSION LAWS [illegible]947

Notice is he[illegible]by given that on the 25rd day of November, 1948, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Enginer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19085.

2. The name and postoffice address of the person or persons or corporation holding this permit are Owsley Canal Company, Terreton, Idaho.

3. The amount of water claimed by the said permit or permits is 120 cubic feet per second from underground flow.

MARK R. KULP,
State Reclamation Engineer.

(45-46) 11-1

T. 7N.-R.34E.

T. 7N.-R.35E.

G-22254 Reling.

G-21890 Reling.

G-21891 R.W.

G-21892

G-25545

G-25546

G-25547

G-25550

G-25551

North Lake

P-17262 3+ wells

canal

Old shoreline 1921

P-17640 and P-18378, 36 wells

Camas Cr.

T.6N.-R.34E.

MUD LAKE

T.6N.-R.35E.

P-18378

OUT

OWSLEY CANAL Co. Project.

Jefferson Co., Idaho.

7-12-60

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

This is to certify that: **OWSLEY CANAL CO**
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF
Priority: 01/25/1930			

MICROFILMED
FEB 1 1 1999

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-00336B :			
IRRIGATION	04/15 to 10/15	11.05 CFS	
Priority: 04/27/1932			
Right No. 31-00337B :			
IRRIGATION	04/15 to 10/15	17.00 CFS	
Priority: 12/15/1932			
Right No. 31-00371 :			
IRRIGATION	04/15 to 10/15	23.00 CFS	
Priority: 09/10/1928			
Right No. 31-02239 :			
IRRIGATION	04/15 to 10/15	40.00 CFS	16899.4 AF
Priority: 01/25/1930			
Right No. 31-02265 :			
IRRIGATION	04/15 to 10/15	64.40 CFS	23375.9 AF
Priority: 05/22/1940			
Right No. 31-02289 :			
IRRIGATION	04/15 to 10/15	3.20 CFS	560.0 AF
Priority: 01/13/1949			
Right No. 31-02290 :			
IRRIGATION	04/15 to 10/15	3.60 CFS	840.0 AF
Priority: 02/14/1949			
Right No. 31-02297 :			
IRRIGATION	04/15 to 10/15	6.00 CFS	1190.0 AF
Priority: 12/29/1949			
Right No. 31-02310 :			
IRRIGATION	04/15 to 10/15	5.80 CFS	1015.0 AF
Priority: 09/24/1952			
Right No. 31-02317A :			
IRRIGATION	04/15 to 10/15	8.08 CFS	1414.0 AF
Priority: 02/28/1953			

MICROFILMED
FEB 11 1993

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			
	TOTAL:	*** 643.21 CFS	

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
SESE , Sec. 13, Township 07N, Range 34E
NENE , Sec. 23, Township 07N, Range 34E
NENE , Sec. 24, Township 07N, Range 34E
NWNE , Sec. 24, Township 07N, Range 34E

MICROFILMED
FEB 1 1 1998

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
SWSW , Sec. 13, Township 07N, Range 35E
SESE , Sec. 14, Township 07N, Range 35E
Lot 4(SESW), Sec. 18, Township 07N, Range 35E
Lot 1(NWNW), Sec. 19, Township 07N, Range 35E
SWNW , Sec. 19, Township 07N, Range 35E
SENW , Sec. 19, Township 07N, Range 35E
NESE , Sec. 22, Township 07N, Range 35E
NWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 25, Township 07N, Range 35E
SESW , Sec. 25, Township 07N, Range 35E
NWSE , Sec. 25, Township 07N, Range 35E
SESE , Sec. 26, Township 07N, Range 35E
NWNE , Sec. 27, Township 07N, Range 35E
NENW , Sec. 36, Township 07N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06N	34E	3	NENW	26	NWNW	35	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	461
		4	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		5	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		7	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			320
		8	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 11 199

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		9	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		10	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	20	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					620
		11	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		13	NWNW	40	SWNW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					400
		14	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESW	40	NWSW	40	
			SWSW	40	SESW	36	NESE	40	
			NWSE	40	SWSE	27	SESE	37	460
		15	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	36	NESE	40	
			NWSE	40	SWSE	40	SESE	40	476
		16	NENE	40	NWNE	40	SWNE	40	
			SENE	25	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					625
		17	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 1 1 1999

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	20	NWSE	40	SWSE	10	
			SESE	10					560
		20	NENE	30	NWNE	35	SWNE	40	
			SENE	40	NENW	40	NWNW	30	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					615
		21	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	25	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					625
		22	NENE	20	NWNE	20	SWNE	40	
			SENE	40	NENW	36	NWNW	20	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					576
		23	NENE	15	NWNE	40	SWNE	40	
			SENE	40	NENW	35	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					610
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	10	NWNW	30	
			SWNW	40	SENW	30	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					590
		25	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		26	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

FEB 1 3 2003

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		27	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		28	NENE	40	SWNE	40	SENE	40	
			NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	600
		29	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		34	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			NESW	40	NWSW	40	SWSW	40	
			SESW	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			560
		35	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
	35E	1	NWNW	4					4
		2	NENE	40	NWNE	40	SWNE	40	
			SENE	8	NESW	32	NWSW	40	
			SWSW	40	SESW	38	NWSE	40	
			SWSE	40					358
		3	Lot 1 (NENE)	41.9	Lot 2 (NWNE)	41.7	SWNE	40	
			SENE	40	Lot 3 (NENW)	41.5	Lot 4 (NWNW)	35	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SESE	40					640.1
	4	Lot	4(NWNW)	7		NESW	40	NWSW 40	
			SWSW	40		SESW	40	NESE 40	
			NWSE	40		SWSE	40	SESE 40	327
	5	Lot	1(NENE)	41.2	Lot	2(NWNE)	38	SWNE 40	
			SENE	40		NESW	40	SESW 40	
			NESE	40		NWSE	40	SWSE 40	
			SESE	40					399.2
	8		NENE	40		NWNE	40	SWNE 40	
			SENE	40		NENW	40	NWNW 40	
			SWNW	40		SENW	40	NESW 40	
			NWSW	40		SWSW	40	SESW 40	
			NESE	40		NWSE	40	SWSE 40	
			SESE	40					640
	9		NENE	40		NWNE	40	SWNE 40	
			SENE	40		NESW	40	NWSW 40	
			SWSW	40		SESW	40	NESE 40	
			NWSE	40		SWSE	40	SESE 40	480
	10		NENE	40		SWNE	40	SENE 40	
			SENW	40		NESW	40	NWSW 40	
			SWSW	40		SESW	40	NESE 40	
			NWSE	40		SWSE	40	SESE 40	480
	11		NENW	40		NWNW	30	SWNW 40	
			SENW	40		NESW	40	NWSW 40	
			SESW	40					270
	14		NESW	10		NWSW	40		50
	15		NENE	34		NWNE	40	SWNE 40	
			SENE	40		NENW	40	NWNW 40	
			SWNW	40		SENW	40	NESW 40	
			NWSW	40		SWSW	40	SESW 40	
			NESE	40		NWSE	40	SWSE 40	
			SESE	40					634
	16		NENE	40		NWNE	40	SWNE 40	
			SENE	40		NENW	40	NWNW 40	
			SWNW	40		SENW	40	NESW 40	
			NWSW	40		SWSW	40	SESW 40	
			NESE	40		NWSE	40	SWSE 40	
			SESE	40					640
	17		NENE	40		NWNE	40	SWNE 40	
			SENE	40		NENW	40	NWNW 40	
			SWNW	40		SENW	40	NESW 40	

MICROFILMED
FEB 11 1993

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		18	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		19	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		20	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		22	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			NESW	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			440
		29	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	10	SESW	40			290
		30	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
07N	34E	32	SESW	40	SWSE	40	SESE	40	120
		33	NWSW	10	SWSW	20	SESW	40	
	35E	32	Lot 8(SWSE)	2	Lot 7(SESE)	18			20
		33	SWSW	1					1
		35	NESE	38	NWSE	34	SWSE	34	
			SESE	38					144
		36	NESW	40	NWSW	40	SWSW	38	118

Total number of acres irrigated: * 24261.3

MICROFILMED
FEB 11 1998

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

*** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.

10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.

* 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.

* 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.

* 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

MICROFILM
FEB 1 1 1999

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

* 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
* 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
* 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
* 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
* 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
* 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
* 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
* 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
23. Two points of diversion are located within SESE, S14, T07N, R35E.
24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.
25. Five points of diversion are located within SWSW, S25, T07N, R35E.
26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 1999.

L. Dan Saylor

Chief, Water Allocation Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4383
WATER RIGHT NO. 31-02265

This is to certify that: **OWSLEY CANAL CO**
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	64.40 CFS	23,375.9 AF

SOURCE

GROUNDWATER

Priority: 05/22/1940

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
SWSE , Sec. 13, Township 07N, Range 34E
SENE , Sec. 23, Township 07N, Range 34E
NENE , Sec. 24, Township 07N, Range 34E
NWNE , Sec. 24, Township 07N, Range 34E
NWNW , Sec. 24, Township 07N, Range 34E
SWSW , Sec. 18, Township 07N, Range 35E
NENW , Sec. 19, Township 07N, Range 35E
NWNW , Sec. 19, Township 07N, Range 35E
SWNW , Sec. 19, Township 07N, Range 35E
SENW , Sec. 19, Township 07N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION
SEE REMARKS

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED

MAR 2 2 1995

TRANSFER NO. 4383
WATER RIGHT NO. 31-02265

CONDITIONS/REMARKS:

3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4383 shall not exceed 64.4 cfs, nor total combined annual volume of 23,375.9 afa.
9. The well previously used under Right No. 31-02265 shall be abandoned in a manner which complies with Department well abandonment rules.
10. Right No. 31-02265 is limited to the irrigation of 17,240 acres located within the Owsley Canal Company service area.

Dated this 2nd day of February, 1995

R. Gene Saxton
Chief, Water Alloc. Bureau

RECEIVED
MAR 2 2 1995

-92 -22

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4383

RECEIVED
OCT 31 1994
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Owsley Canal Company c/o Garth Sodequist Phone 208-663-4359

Post Office address P.O. Box 68 Terreton, Idaho 83450

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s), ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The well is in a cinder formation which has caved in. We want to drill in a rock formation.

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

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
				4-15	10-15 *
31-02265	5/22/1940	64.4	IRRIGATION	4-1	to 10-31
					to
					to
					to

2. Total amount of water being transferred 64.4 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Well / Groundwater tributary to _____
4. Point(s) of Diversion: * as previous chart - HWJ

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	23	7N	34E	Jefferson	"Replacement" well
		SW SW	NE SE	13				
		NE	NE	24				
		NW	NE	24				

5. Lands irrigated or place of use: See attached map - Adjudication Claim - WR Proof Report

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

APPROVED
MAR 22 1995

Total acres 17,240

PART 1

6. General Information:

a. Description of diversion system 11 wells in this area that pump into canal and then discharge into Mud Lake.

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

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

No change

d. Remarks:

Old well will be abandoned. The new well was dug to 50 ft. many years ago and then abandoned. Owsley Canal will deepen well and develope water.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

_____

MAR 2 2 1995

Transfer No. 4383

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

RECEIVED
MAR 2 2 1995

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

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Gregory L. Taylor NOTARY PUBLIC STATE OF IDAHO

Earth Science West - Grest
Dudley Canal Company
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of June, 19 94.

Gregory L. Taylor
(Notary Public)

My commission expires 3/3/98

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 6-29-94 Protest filed by _____

Prelim. check by HWJ Fee $50.00 E019774

Receipted by RB Date 6-29-94

Published in Jefferson Star & Statewide Copies of protest forwarded by _____

Pub. dates July 21 & 28 - 94 Sep 15 & 22 - 94 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MAR 22 1995

Page _____ of _____ TRANS NO. 4383

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **31-02265**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	to	64.40 CFS

SOURCE

GROUNDWATER

Priority: 05/22/1940

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
NWSE , Sec. 13, Township 07N, Range 34E
SWSE , Sec. 13, Township 07N, Range 34E
NENE , Sec. 24, Township 07N, Range 34E
NWNE , Sec. 24, Township 07N, Range 34E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
06N	34E	3				
		4				
		5				
		7				
		8				
		9				
		10				
		11				
		12				
		13				
		14				
		15				
		16				
		17				
		20				
		21				
		22				
		23				
		24				
		25				
		26				
		27				
		28				
		29				
		35				
	35E	8				
		17				

MAR 22 1995

Page _____ of _____ TRANS NO. 4383

Water Right No. 31-02265

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
		18				
		19				
		20				
		29				
		30				
07N	34E	32				
		33				

CONDITIONS/REMARKS:

1. P/U WITHIN LANDS OF OWSELY CANAL CO.
2. AC. IRR. = 17,240.

MAR 2 2 1995

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A31-02265 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 19085

Last Name	First Name	Address
*** A - ATTORNEY *** FOSTER	KENT W	1 - PO BOX 50130 2 - 3 - City- IDAHO FALLS State- ID Zip- 83405 Phone - 208-523-0620
*** C - CURRENT OWNER *** OWSLEY CANAL COMPANY		1 - C/O HOLDEN, KIDWELL, HAHN 2 - & CRAPO 3 - PO BOX 50130 City- IDAHO FALLS State- ID Zip- 83405 Phone - 208-523-0620

Priority Date	Region	Stage	Status
05/22/1940	15 EASTERN	L - LICENSE	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07N	34E	13	SW NE			(51) JEFFERSON
			NW SE			(51) JEFFERSON
			SW SE			(51) JEFFERSON
		24	NE NE			(51) JEFFERSON
			NW NE			(51) JEFFERSON
			NW NW			(51) JEFFERSON
	35E	18	SW SW			(51) JEFFERSON
		19	NE NW			(51) JEFFERSON
			NW NW			(51) JEFFERSON
			SW NW			(51) JEFFERSON
			SE NW			(51) JEFFERSON

11 wells noted on Part 1, B.6a.

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	64.400	
02	IRRIGATION STORAGE	11/01	04/01		17985.00
03	IRRIGATION FROM STORAGE	04/01	11/01		17985.00

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
64.400	17985.00	63017.5	

PART 1 Land List

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	3	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 22 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	3	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	3	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	4	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	5	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	7	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	7	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	8	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	9	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NE NW		20.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	10	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	10	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	11	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	13	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	SE SW		30.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	14	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	15	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	16	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	16	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SW SE		30.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	17	SE SE		25.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NE NE		25.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	20	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	21	NW NW		25.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	21	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NE NE		20.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NE NW		20.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	22	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	23	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NE NW		10.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	24	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SE NW		30.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	24	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	25	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	26	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	27	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	27	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	28	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	29	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	34	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	34	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	34E	35	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	8	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	8	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	8	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	8	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	8	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	17	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	35E	18	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	18	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	19	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	20	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	SW SW		10.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	29	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	35E	30	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SE NE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NW NW		25.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SW NW		25.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SE NW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NE SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	NW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	30	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	32	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	32	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	32	SE SE		40.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	33	NW SW		10.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	33	SW SW		40.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	33	SE SW		40.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	33	SW SE		30.0	01	IRRIGATION	(51) JEFFERSON
07N	34E	33	SE SE		10.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 17985.0

+ - - Diversion Means - SEE ATTACHMENT "A"

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - SEE ATTACHMENT "C"

Remarks

OWSLEY CANAL COMPANY HOLDS THIS AND ALL ITS WATER RIGHTS FOR THE USE AND BENEFIT OF THE LANDS OF ITS STOCKHOLDERS DESCRIBED IN THE ATTACHED LAND LIST (ATTACHMENT "C")_____MUD LAKE & TRIBUTARIES A31-00052/00104/00105/00162/00159/00185/00163/00006/00169/00237/00034/00035/00187/00036/00037/00232/00038/00186/00363/.
BYBEE WELL FIELD-A31-00327/00328/00329/00330/.
NORTH LAKE WELL FIELD-31-02239/002265/02341/02342/02343/02344/02345/07005/. WATEWATER A31-02276/
**********MEMO**********
BASED ON IRRIGATED ACREAGE THE CONSUMPTIVE USE SHOULD BE 17985.0 X 2.5 = 44942.5.
ATTACHMENT B OF NOTICE DISCUSSES STORAGE PRACTICES BUT FAILS TO IDENTIFY A VOLUME. SINCE IRRIGATION STORAGE HAS BEEN CLAIMED FOR EACH NATURAL FLOW, RIGHT FOR DATA ENTRY PURPOSES. THE VOLUME WAS SET AT 1 AF/ACRE.

MAR 2 2 1995

Water right number - A31-02265 Prefix Translation: ADJUDICATION CLAIM

Remarks

SEE A31-00065 FOR MAP OF THE AREA SERVED BY THIS RIGHT.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Comments

No Comments Found

Audit Fields
00/00/00

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 12/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E004950	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

MAR 2 2 1995

Water Right Number - 31-02265 Prefix Translation: WATER RIGHT Old (D) Number - 19085

*** C - CURRENT OWNER ***
OWSELY CANAL CO.

1 -
2 -
3 -
City- TERRETON State- ID Zip- 83450
Phone -

Priority Date	Region	Stage	Status
05/22/1940	15 EASTERN	L - LICENSE	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
07N	34E	13	SW NE			(51) JEFFERSON			
			NW SE			(51) JEFFERSON			
			SW SE			(51) JEFFERSON			
		24	NE NE			(51) JEFFERSON			
			NW NE			(51) JEFFERSON			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			64.400	

Total Div. Rate: 64.400 Total Div. Volume: Total Div. Capacity:

PART 2 Canal List

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	3				01	IRRIGATION	(51) JEFFERSON
06N	34E	4				01	IRRIGATION	(51) JEFFERSON
06N	34E	5				01	IRRIGATION	(51) JEFFERSON
06N	34E	7				01	IRRIGATION	(51) JEFFERSON
06N	34E	8				01	IRRIGATION	(51) JEFFERSON
06N	34E	9				01	IRRIGATION	(51) JEFFERSON
06N	34E	10				01	IRRIGATION	(51) JEFFERSON
06N	34E	11				01	IRRIGATION	(51) JEFFERSON
06N	34E	12				01	IRRIGATION	(51) JEFFERSON
06N	34E	13				01	IRRIGATION	(51) JEFFERSON
06N	34E	14				01	IRRIGATION	(51) JEFFERSON
06N	34E	15				01	IRRIGATION	(51) JEFFERSON
06N	34E	16				01	IRRIGATION	(51) JEFFERSON
06N	34E	17				01	IRRIGATION	(51) JEFFERSON
06N	34E	20				01	IRRIGATION	(51) JEFFERSON
06N	34E	21				01	IRRIGATION	(51) JEFFERSON
06N	34E	22				01	IRRIGATION	(51) JEFFERSON
06N	34E	23				01	IRRIGATION	(51) JEFFERSON

pt 2
of List

RECEIVED
MAR 22 1995

Water right number - 31-02265 Prefix Translation: WATER RIGHT

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	34E	24				01	IRRIGATION	(51) JEFFERSON
06N	34E	25				01	IRRIGATION	(51) JEFFERSON
06N	34E	26				01	IRRIGATION	(51) JEFFERSON
06N	34E	27				01	IRRIGATION	(51) JEFFERSON
06N	34E	28				01	IRRIGATION	(51) JEFFERSON
06N	34E	29				01	IRRIGATION	(51) JEFFERSON
06N	34E	35				01	IRRIGATION	(51) JEFFERSON
06N	35E	8				01	IRRIGATION	(51) JEFFERSON
06N	35E	17				01	IRRIGATION	(51) JEFFERSON
06N	35E	18				01	IRRIGATION	(51) JEFFERSON
06N	35E	19				01	IRRIGATION	(51) JEFFERSON
06N	35E	20				01	IRRIGATION	(51) JEFFERSON
06N	35E	29				01	IRRIGATION	(51) JEFFERSON
06N	35E	30				01	IRRIGATION	(51) JEFFERSON
07N	34E	32				01	IRRIGATION	(51) JEFFERSON
07N	34E	33				01	IRRIGATION	(51) JEFFERSON

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

P/U WITHIN LANDS OF ONSELY CANAL CO.
AC. IRR. = 17,240.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff | Decree Defendant | Decree Date 00/00/0000

Comments

No Comments Found

Audit Fields - 03/26/85 05/22/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 03/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/16/1979	Appl Received	- 00/00/0000	Transfer/Amended	-

MAR 2 2 1995

Water right number - 31-02265 Prefix Translation: WATER RIGHT

+ - Water Rights Dates and Flags Area - +

Decree Date - 00/00/0000 Name Connector - POU Ownership Flag-
Presumption Flag -

MAR 2 2 1995

Form 222.1
12-92

Page 3 of 6

Transfer No. 4383

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 31-02265 issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 5/22/1940

5. Water is used for the following purpose:

   amount 64.4 cfs for IRRIGATION purposes from _____ to _____
   (cfs/~~ac-ft~~)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)

6. Total amount of water under right 64.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	13	07N	34E	Jefferson	Well #2 Northlake
		SW	NE	13				
		SW	SE	13				
		NE	NE	24				
		NW	NE	24				

8. Lands irrigated or place of use: See proof Report of License

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

RECEIVED
MAR 22 1995

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Remarks on Adjudication claim for other rights

PART 2

Transfer No. _____

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

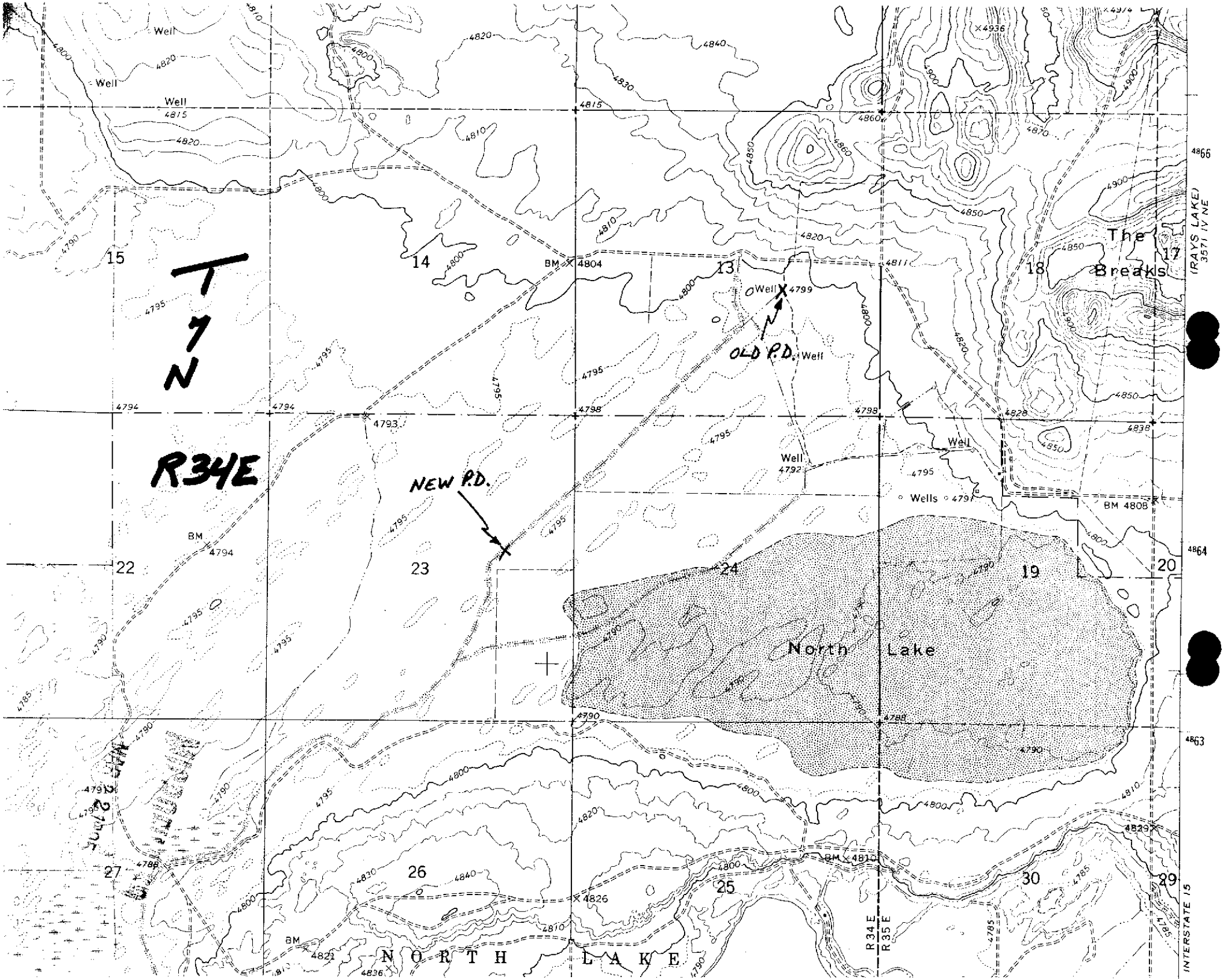
3. Lands irrigated or place of use:

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

[redacted] [redacted]

RECEIVED
MAR 2 2 1995

Total acres _____


T 7 N
R34E
NEW P.D.
OLD P.D.
North Lake
The Breaks
NORTH LAKE
Well
BM 4804
BM 4794
BM 4808
BM 4810
BM 4821
4799
4792
4826
4836
15
14
13
18
17
22
23
24
19
20
27
26
25
30
29
R34E
R35E
(RAYS LAKE) 3571 IV NE
INTERSTATE 15

State of Idaho
License and Certificate of Water Right

Water License No. 19085 **Amount** 64.4 c.f.s.

Water District No. **Priority** May 22, 1940

THIS IS TO CERTIFY that OWSLEY CANAL COMPANY

of Terreton, Idaho **, made application for a permit to appropriate the public waters of the State of Idaho, dated** May 22 **,** 1940 **; that Permit No.** 19085 **was issued under said application; that Certificate of Completion of works, with a carrying capacity of** 87.2 **second feet, was issued thereunder on** October 30 **,** 19 52 **, showing that said works were completed on the** 28th **day of** December **,** 1951 **; and that on the** 14th **day of** November **,** 19 55 **,**

OWSLEY CANAL COMPANY

of Terreton **, State of** Idaho **, made proof to the satisfaction of the** State Reclamation Engineer **of Idaho, of the right to use the waters of** wells **, a tributary of** subterranean flow **, for the purpose of** irrigation **, under Use Permit No.** 19085 **of the** Department of Reclamation **and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume** 11 **of Licenses at page** 6969 **, on the** 22nd **day of** September **,** 19 60 **;**

The right hereby confirmed dates from May 22 **,** 19 40 **;**

The Point of Diversion is located $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 13; $NW\frac{1}{4}NE\frac{1}{4}$ **in the** NE ¼ NE ¼, Sec. 24 **,** Tp. 7 N. **,** R. 34 E. **,** B. M. **County of** Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 64.4 **cubic feet per second.**

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
17,240 acres		in Sec.	32, 33, T. 7 N., R. 34 E.; Sec. 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T. 6 N., R. 34 E.; Sec. 8, 17, 18, 19, 20, 29, 30, T. 6 N., R. 35 E., B.M.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 22nd **day of** September **,** 19 60 **.**

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

31 2265

REMARKS: The following shows the amount of water to be developed on each 40-acre subdivision involved, the several subdivisions being the point of diversion for the amount of water set opposite: i. e. an amount equivalent to a continuous flow of:

Second Feet	Subdivision	Section	Township	Range
20	SE¼ NE¼	13	7 N.	34 E.
20	SW¼ NE¼	13	7 N.	34 E.
20	NW¼ SE¼	13	7 N.	34 E.
20	SW¼ SE¼	13	7 N.	34 E.
20	NW¼ NE¼	24	7 N.	34 E.
20	NE¼ NE¼	24	7 N.	34 E.

The water to be developed at the several wells located as above described is to be conveyed in ditches to Mud Lake, thence diverted at a point North 42°30' East 3985 feet from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34 East, B. M. and distributed by a system of canals and laterals already constructed upon the lands shown in the accompanying list.

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, has been made by the owner thereof, Owsley Canal Company, of Terreton, Idaho, which application was duly advertised in the Rigby Star for two consecutive weeks, stating that on the 20th day of December, 1945, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said Permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13), of the Session Laws of 1945, hereby extend the time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, to December 28, 1948.

WITNESS MY HAND this 20th day of December, A. D. 1945.

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085 has been made by the owner thereof, Owsley Canal Company, of Terreton, Idaho, which application was duly advertised in the Rigby Star for a period of two consecutive weeks, stating that on the 23rd day of November, 1948, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work;

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 28 of the 1947 Session Laws, hereby extend the time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, to December 28, 1951.

WITNESS MY HAND this 29th day of December, A.D. 1948.

MARK R. KULP
State Reclamation Engineer

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that OWSLEY CANAL COMPANY of Terreton, County of Jefferson, and State of Idaho, the holder of Permit No. 19085, issued upon Application No. 26400 bearing date of priority of May 22, 1940, authorizing the diversion of 120 second feet of the waters of Subterranean flow from wells, County of Jefferson, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 87.2 second feet of the waters of subterranean flow from wells; that the points of diversion of said waters or location of the wells as follows: NW¼ SE¼, SW¼ SE¼, SW¼ NE¼ Section 13; NW¼ NE¼, NE¼ NE¼ Section 24; All in Township 7 North, Range 34 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lands within the boundaries of the Owsley Canal Company, and located in the following sections: Sections 8, 17, 18, 19, 20, 29, 30, Twp. 6 North, Range 35 East, B.M. Sections 3,4,5,7,8,9,10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, Twp. 6 North, Range 34 East, B.M. Sections 32, 33, Twp. 7 North, Range 34 East, B.M.

Witness my hand this 30th day of October, A.D. 1952.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made December 28, 1951
Certificate of completion of works issued October 30, 1952

LICENSE ISSUED FOR 64.4 SEC. FT.
Page 6969

STATE OF IDAHO FILING UNDER
S.B. 150, 1939 SESSION LAWS

Date Aug. 19 1940
Publication Sept. 5 to Sept. 19 1940
Last Protest Sept. 28 1940

IF PROTESTED

Hearing Oct. 7 1940
Meeting Nov. 12 1940
Fee

Nº 19085
[redacted]
31-2265

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26400
Permit No. 19085
District No.

Edwin Snow
Box 515, Boise, Idaho

1. Name of Applicant: OWSLEY CANAL COMPANY
Postoffice address: Terreton County: Jefferson State: Idaho

I. If applicant is a corporation, give:
(a) Date and place of incorporation: May 15, 1914
(b) Amount of capital stock: $20,000.00
(c) Amount paid in: $15,320.00
(d) Names and addresses of directors: J. B. Adamson, C. C. Madison, L. H. Shuldberg, Chas. H. Rickman, Ben H. Matkins, all of Terreton, Idaho.

II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: 120 cubic feet per second.

see "Remarks"

3. Source of water supply: Underground waters- for details / other source so far as known which is a tributary of Not tributary to any

4. Location of point of diversion: See "Remarks". feet distant from the corner of Section , T. , R. , B. M., and is the of Section , T. , R. , B. M., County of Jefferson

5. Water is to be used for: Irrigation

6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , B. M.
(b) Amount of power generated: H. P., under feet head.
(c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.

7. Estimated cost of works: $ 5,000.00

8. Kind of works: Wells and gathering ditches

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

10. Size of headgate: Width None feet; height feet.

11. Ditch: Width at bottom 15.0 feet; width at water line 22.2 feet; depth of water 3.6 feet; dimensions of flume:
Diameter of pipe inches; length of conduit 3.61 miles.
Average grade per mile 1.0 feet.

12. The time required for the completion of such work is Five years.

13. The time required for the complete application of the water to the proposed use is Four additional years.

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

Mud Lake, which is a natural reservoir

15. (a) Is reservoir to be used? Water is to be stored in/If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

OWSLEY CANAL COMPANY *Applicant.*

By John L. Hutton *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A.M. May 22, 1940

Returned to applicant for correction: June 21, 1940

Corrected application received: August 16, 1940

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19085
Recorded in Book 69 Page 19085 Approved December 28, 1940
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 $ 1,000 to be filed on or before February 27, 1941
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 28, 1943
The whole of said work to be completed on or before December 28, 1945
Beneficial use of water appropriated in accordance herewith, to be made on or before December 28, 1949

Witness my hand this 28th day of December, 1940

JAMES SPOFFORD *Commissioner of Reclamation.*

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSEN Governor of the State of Idaho, and GEO. H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of December 1940

Countersigned:

(SEAL

By GEO H. CURTIS *Secretary of State.*

STATE OF IDAHO

By C. A. BOTTOLFSEN *Governor.*

Remarks: (See below)

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N.	35 E.	6										40	40						80
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20		40	40		40	40	40	40	40	40	40	40					400
		29						40	40			20							100
		30	40	40	40	40		40	40										240
"	34 E	3													40	40	40	40	160
		4	40		40	40			40	40	40	40	40	40	40				400
		5			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		7	40			40									40			40	160
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		11									40	40	40	40	40	40	40	40	320
		12											40						40
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		14	40	40	40	40					40	40	40	40	40	40	40	40	480
		15					40	40	40	40	40	40	40	40					320
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40			40	40	40	40	40	560
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640 640
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	40	40	40	40	40	40	40	40					480
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40			40	40	40	40	40	40	40	40	560
		27	40	40	40		40	40	40	40	40	40		40			40	40	480
		28	40	40	40	40	40	40	40	40	40	40		40	40	40	40		560
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35	40	40	40	40	40	40	40	40									320
7 N.	"	32															40	40	80
		33											40	40					80

Total number of acres to be irrigated - - - 15,340

(Form No. 1)

Address all communications to

Edwin Snow

P. O. Box 515 Rigby, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26400

Permit No. 19085

District No. ____

1. Name of applicant: OGDEN CANAL COMPANY

Post office address Terreton County Jefferson State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: May 15, 1914

(b) Amount of Capital stock: $ 20,000.00 (c) Amount paid in: $ 15,280.00

(d) Names and addresses of directors: J. B. Adamson, C. C. Madison, L. H. Shuldberg, Geo. H. Nielsen, Ben H. Watkins, all of Terreton, Idaho.

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

(b) Treasury stock: ____ (c) Bonds to be issued: ____

(d) Other resources: ____

2. Quantity of water claimed: 100 cubic feet per second

3. Source of water supply: Underground waters. for details see "Remarks"

which is tributary of Not tributary to any other source so far as known.

4. Location of point of diversion: see "Remarks" feet distant from the ____ corner of Section ____, T____ R____, B. M., and is in the ____ of Section ____, T____ R____, B. M., County of Jefferson

5. Water is to be used for: Irrigation

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

(a) Point of use of water: ____ feet distant from ____ corner of Section ____ T____, R____, B. M., in the ____ of Section ____, T____, R____, B. M.

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

(c) Water is to be returned to ____ at a point ____ feet distant from the ____ corner of Section ____, T____, R____, B. M., in the ____ of Section ____, T____, R____, B. M.

7. Estimated cost of works: $ 8,000.00

8. Kind of works: Wells and gathering ditches

(Reservoir, dam, ditch, flume, pipe, etc.)

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

(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width None feet; Height 15.0 feet

11. Ditch: Width at bottom 20.3 feet; Width at water line 5.6 feet; Depth of water ____ feet; Dimensions of flume 5.61; Diameter of pipe 1.0 inches; Length of conduit ____ miles. Average grade per mile ____ feet.

19085

12. The time required for the completion of such work is [illegible] years.

13. The time required for the complete application of the water to the proposed use is [illegible] additional years.

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

(Give irrigable acreage in each 40-acre subdivision)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N.	35 E.	8										40	40						80
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20		40	40		40	40	40	40	40	40	40	40					400
		29						40	40			20							100
		30	40	40	40	40		40	40										240
"	34 E.	3													40	40	40	40	160
		4	40		40	40			40	40	40	40	40	40	40				400
		5			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		7	40			40									40			40	160
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		11									40	40	40	40	40	40	40	40	320
		18											40						40
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		14	40	40	40	40					40	40	40	40	40	40	40	40	480
		15					40	40	40	40	40	40	40	40					320
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40			40	40	40	40	40	560
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	40	40	40	40	40	40	40	40					480
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40			40	40	40	40	40	40	40	40	560
		27	20	40	40		40	40	40	40	40	40		40			40	40	480
		28	40	40	40	40	40	40	40	40	40	40		40	40	40	40		560
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		32	40	40	40	40	40	40	40	40									320
7 N.	"	28															40	40	80
		33											40	40					80

Total Number of Acres to be Irrigated 15,240

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: _____

16. (a) Is reservoir to be used? Water is to be stored in Mud Lake, which is a natural reservoir (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: _____

(c) Date of filing of Application for Storage Permit and Name of Applicant: _____

Remarks: The following shows the amount of water to be developed on each 40-acre subdivision involved, the several subdivisions being the point of diversion for the amount of water set opposite: i. e. an amount equivalent to a continuous flow of:

SECOND FEET	SUBDIVISION	SECTION	TOWNSHIP	RANGE
20	SE¼ NE¼	13	7 N.	34 E.
20	SW¼ NE¼	13	7 N.	34 E.
20	NW¼ SE¼	13	7 N.	34 E.
20	SW¼ SE¼	13	7 N.	34 E.
20	NE¼ NE¼	24	7 N.	34 E.
20	NE¼ NE¼	24	7 N.	34 E.

The water to be developed at the several wells located as above described is to be conveyed in ditches to Mud Lake, thence diverted at a point North 48°30' East 3980 feet from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34 East, B. M., and distributed by a system of canals and laterals already constructed upon the lands shown in the accompanying list.

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.

ORSLEY CANAL COMPANY
Applicant.

By John L. Hutton, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

_____

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, 195__, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person___ whose name___ _____ subscribed to the foregoing certificate, and acknowledged to me that ___he___ executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

_____
Notary Public.

My commission expires _____

Approval of State Reclamation Engineer

The number of this permit is 19085

Recorded in Book 69 Page 19085 Approved December 28, 1940

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 $ 1,000 to be filed before February 27, 1941

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 June 28, 1943

The whole of said work to be completed on or before December 28, 1945

Beneficial use of water appropriated in accordance herewith, to be made on or before December 28, 1949

Witness my hand this 28th day of December, 1940

JAMES SCOFIELD
State Reclamation Engineer.
Commissioner of Reclamation

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN Governor of the State of Idaho, and GEO. H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of December, 1940.

Countersigned:

By GEO. H. CURTIS
Secretary of State.

STATE OF IDAHO

By C. A. BOTTOLFSEN
Governor.

(SEAL)

No. 19085

PERMIT

Date of first receipt at office of State Reclamation Engineer: May 28, 1940.

Returned to applicant for correction: 5:00 P.M.

Corrected application received: June 21, 1940.

Fees, $ August 15, 1940

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. ____ $5.00

For each additional Sec. Ft. or Fraction ____ .25

Thereof ____

NOTICE OF WATER FILING UNDER R. S. 293, 1935 SESSION LAWS

Date of Notice: August 19, 1940

Date of Publication: Sept. 5 to Sept. 19, 1940.

Last Date for Protest: Sept. 24, 1940.

PROTESTED

Date of Notice of Hearing: Oct. 7, 1940.

Date of Hearing: Nov. 12, 1940.

Notice of Appeal filed: _____, 19____.

7-5-94 - HWJ

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 31-02265 Applicant Owsley Canal Co.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
   ☐ Other _____
4. Check:
   a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
   b. ☒ Description of original point of diversion.
   c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☒ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☐ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred. N/A
   h. ☑ Check for expansion in use of right. Comments _____
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) N/A
   j. ☑ Is use within a Watermaster District? ☒ Yes ☐ No
      If yes, what district? WD 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on 7-19-94
2. Is transfer published correctly? ☑ Yes ☐ No
3. Protest received? ☐ Yes ☑ No

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED
OCT 31 1994
Department of Water Resources

4. By RDC Date 10/26/94

DOP 10-3-94
8-8-94
Copy Trans. Sent
Copy of Ad Sent

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

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/02344/02345/07005

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.

MICROFILMED
FEB 11 1999

MEMORANDUM

TO: FILE 31-02265

FROM: PAM SKAGGS

RE: TRANSFER # 5335

DATE: 11-5-98

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 31-00327 .

MICROFILMED

FEB 11 1999

Form 238-7
7/94

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

31-94E 010-200

1. DRILLING PERMIT NO. [redacted]

Other IDWR No. [redacted] 31-02265 T#4383

2. OWNER:

Name Owsley Canal Company

Address

City State Zip

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. 7 North ☒ or South ☐

Rge. 34 East ☒ or West ☐

Sec. 23, ____ 10 acres 1/4 SE 40 acres 1/4 NE 160 acres 1/4

Gov't Lot ____ County Jefferson

Address of Well Site

City

(Give at least name of road + Distance to Road or Landmark)

Lt. ____ Blk. ____ Sub. Name

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation

☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK

☐ New Well ☒ ~~Modify or Repair~~ ☒ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s)

Was drive shoe seal tested? Y☐ N☐ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
26	+1	305	.375	Steel	☒	☐	☒	☐
24	298	378	.250	Steel	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

☐ Perforations Method

☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

15'6" ft. below ground Artesian pressure ____ lb.

Depth flow encountered ____ ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. Bottom hole temp.

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
30	0	60	Loose Black Lava	X	
30	0	35	Loose Black Lava		X
30	35	60	Loose Black Lava	X	
30	60	68	Black Lava	X	
30	68	78	Soft Black Lava	X	
30	78	84	Red Lava	X	
30	84	110	Red + Black sand	X	
26	110	155	Brown clay + sand		X
26	155	300	Sticky Blue Clay		X
26	300	310	hard clay + gravel		X
26	310	320	Black Lava		X
26	320	350	Black Lava + Clay		X
26	350	360	Hard gray Shale + Clay		X
24	360	366	Soft Black Lava + Brown Clay		X
24	366	378	Black Lava		X
24	378	381	Hard gray Basalt		X
24	381	405	Black Lava	X	
24	405	410	Harder Black Lava	X	
24	410	429	Black Lava	X	
24	429	475	Black Lava + Brown Clay	X	
24	475	480	Sticky Blue Clay		X
24	490	483	Hard Black Lava		X

RECEIVED
MAR 28 1995
Department of Water
Eastern District Office

Completed Depth 483' (Measurable)

Date: Started Oct. 20 '94 Completed 3-5-95

13. DRILLER'S CERTIFICATION

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

Firm Name High Plains Firm No. 299

Firm Official Marvin Franden Date 3-28-95

Supervisor or Operator Terrance Franden Date 3-28-95

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 13, 1995

OWSLEY CANAL CO.
C/O GARTH SODERQUIST
P O BOX 68
TERRETON ID 83450

Transfer of Water Right No. 31-02265

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4383). Please be sure to thoroughly review the "Conditions/Remarks:) as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
MAR 22 1995

MEMORANDUM

TO: FILE NO. 31-02265

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4383

DATE: November 14, 1994

==========

Transfer No. 4383 was filed to change a point of diversion and identify the replacement well under Right No. 31-02265. The right was licensed with 5 points of diversion and one of these has become inoperative due to a cave in and will be replaced with another existing well that will be deepened and developed for use.

The SRBA Claim on this right identifies 11 total points of diversion and the transfer application also notes that 11 wells are part of the diversion system, pumping into a canal that discharges water into Mud Lake. All 11 points of diversion are included on the transfer approval including the replacement well.

The place of use on the license was incomplete and identifies only township, range and section and a total number of irrigated acres. The transfer approval limits irrigation to acres within Owsley Canal Co. service area. Review and recommendations of the SRBA will confirm a specific acre place of use.

Recommended conditions include well abandonment requirements, place of use limitations, watermaster control, irrigation overlap, right-of-way, multiple points of diversion limits, measuring devices and standard transfer conditions.

RECEIVED
MAR 2 2 1995

TRANSFER REVIEW SHEET
(11-94)

Transfer # 4383 **Date Reviewed** 11-14-94 CB

Right(s) 31-022265

✓ **Print Split Summary**

B:Change P/D **C**:Add P/D **D**:Change P/U **E**:Change Nature of Use
F:Change Period of Use **G**:Other **(H)**:Change P/D & Add P/D
I:Change P/D & P/U **J**:Add P/D & Change P/U

Proof of Ownership NA P/D changes only

Transfer ✓ **All of Right** ____ **Portion of Right**
Resulting Split(s) NONE

Check Transfer Against Right **Season/Vol.** B/3.5

(1) ✓ **Priority** **(2)** ✓ **Use** **(3)** ___ **Season** **(4)** ✓ **Rate** **(5)** ___ **Volume**

(6) ✓ **Source** **(7)** ___ **P/D** **(8)** ___ **P/U** **(9)** ✓ **Proof/Owner** **(10)** ✓ **Map**

(11) 31 **Water District** (Mud Lake + tributaries) **(12)** NO **Pertinent Conditions** **(13)** NO **Expansion**

(3) No Season on License - Allow Standard 4-15 to 10-15
(5) No vol on License 17,240 Acres x 3.5 = 60,340 afa > 64.4 x 183 x 1.9835 = 23,375.9 afa
VER > VDA 23,375 afa max volume
(8) Claim add specific acres to QQ + S34, 6N, R34E. - XFER makes no change to P/U - changes should be evaluated by SRBA - Update remark about P/U

(7) Change P/D NWSE, S13 to SENE, S23, 7N 34E + add other wells
WR - 5 P/Ds - Transfer replaces 1 XFER App describes 11 wells in system
AJ Claim reflects 11 P/D QQ descriptions - Reflect All 11 P/Ds on XFER + No Readvert. Req. per JJ. Discussed w/region HWJ.

Transfer Remarks WB4 - Multiple P/Ds P/U - incomplete/identified in SRBA well Abandonment
Conditions R04, ~~046~~, R30, ~~803~~, T04, T07, T08, T09, T17 (61M)
Drilling Permit Issued 7-19-94 + Supplemental .0037 cfs/acre - NA to Canal Co.
Database/Processing Notes T file - Nothing special
Database updated 2-13-95 CB

6wstay.trs

WR0749NP
No. T31-02265

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/14/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	OWSELY CANAL CO C/O GARTH SODERQUIST PO BOX 68 TERRETON ID 83450 (208) 663-4359	05/22/1940	IRRIGATION	04-15	10-15	64.40 CFS	23375.90 AFA
				TOTAL DIVERSION:		64.40 CFS	23375.90 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion:						
T07N R34E S13	SWNE	SWSE			JEFFERSON	County
S23	SENE				JEFFERSON	County
S24	NENE	NWNE	NWNW		JEFFERSON	County
R35E S18	SWSW				JEFFERSON	County
S19	NENW	NWNW	SWNW	SENW	JEFFERSON	County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
06N	34E	3																	
06N	34E	4																	
06N	34E	5																	
06N	34E	7																	
06N	34E	8																	
06N	34E	9																	
06N	34E	10																	
06N	34E	11																	
06N	34E	12																	
06N	34E	13																	
06N	34E	14																	
06N	34E	15																	
06N	34E	16																	
06N	34E	17																	
06N	34E	20																	
06N	34E	21																	
06N	34E	22																	
06N	34E	23																	
06N	34E	24																	
06N	34E	25																	
06N	34E	26																	
06N	34E	27																	
06N	34E	28																	
06N	34E	29																	
06N	34E	35																	
06N	35E	8																	
06N	35E	17																	
06N	35E	18																	
06N	35E	19																	
06N	35E	20																	
06N	35E	29																	

Place of use Legal Description for: IRRIGATION

	NE					NW					SW					SE					
	NENE		NWNE		SWNE	SENE		: NENW		NWNW		SWNW	SENW		: NESW		NWSW		SWSW	SESW		: NESE		NWSE		SWSE	SESE		:
T R S	: Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	: SUM
06N 35E 30	:							:							:							:							:
07N 34E 32	:							:							:							:							:
07N 34E 33	:							:							:							:							:

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
31-02265 31-02341 31-02343 31-02344 31-02345 31-07005

Other Water Rights Listing Overlapping Place(s) of use:
31-00101A 31-00102A 31-00164 31-00165 31-00184 31-00185 31-00186 31-00187 31-00188 31-02252
31-02265 31-02270 31-02272 31-02341 31-02342 31-02343 31-02344 31-02345

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 31.

R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.

T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow
- determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4383 shall not exceed 64.4 cfs, nor total combined annual volume of 23,375.9 afa.
The well previously used under Right No. 31-02265 shall be abandoned in a manner which complies with Department well abandonment rules.
Right No. 31-02265 is limited to the irrigation of 17,240 acres located within the Owsley Canal Company service area.

Dates:
App. Received: Priority Date: 05/22/1940
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 04/16/1979

Misc: Water District Number: 31 Field Exam Fee:

Comments: Date: 07/11/1994 User-ID: BODELL Subject: TRANSFER NO. 4383
The well is in a cinder formation which has caved in. The applicant wants to drill in a rock formation. Old well will be abandoned. The new well was dug to 50' many years ago and then abandoned. Owsley Canal will deepen well and develope water. Six (6) other currently used wells are also added to update the record to reflect the existing system.

Audit: 07/11/94 BODELL 11/14/94 PSKAGGS

WATER RIGHT NUMBER	NAME	CFS
31-02265	OWSELY CANAL CO.	64.40

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265
AMOUNT: 64.4 cfs
PRIORITY: 5/22/1940
POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNE, SWSE, SEC 13, NENE (REPLACEMENT WELL) SEC 28, NWNE, SEC 24, T7N, R34E, B.M.

Any protests against approval of this proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before October 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON
Director

PUBLISH: Thursday, September 15 & 22, 1994.

RECEIVED
OCT 21 1994

Affidavit of Publication

STATE OF IDAHO } SS.
COUNTY OF TWIN FALLS }

№ 26384

I, Linda Capps McBurney being first duly sworn upon oath, depose and say that I am Press Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated September 15, 1994, and ending with the issue dated September 22, 1994.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12 day of October in the year of 1994, before me, a Notary Public, personally appeared Linda Capps McBurney, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Drew R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

Form 235-1 (2/93)

Drilling Permit No. 31-94-E-010
Water Right Permit No. 31-02265 T#4383
Injection Permit

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

Expedited

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. **Applicant (please print):** Owsley Canal Co. c/o Garth Soderquist
2. **Mailing Address:** PO Box 68
   City & State Terreton, ID Zip Code 83450 Telephone 663-4359
   [X] Well Owner [ ] Well Operator [ ] Contractor or Other, specify _____
3. **Proposed Well Location:** Twp. 7N, Rge. 34E, Sec. 23, SE 1/4 NE 1/4
   Gov't Lot No. _____ County Jefferson
   Street Address of Well Site _____
   Lot, block and subdivision _____
4. **Proposed Use of Well:**

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

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

   NON-DOMESTIC: [X] Irrigation [ ] Municipal [ ] Industrial
   [ ] Stock (Over 1,000 Head) [ ] Test [ ] Other _____ (Describe)

   [ ] INJECTION

   [ ] MONITORING: A well bore schematic and map is required for each blanket permit.
   No. of proposed wells: _____

5. **Well Construction Information:**

   A. [ ] New well [ ] Modify (Deepen or Enlarge) [X] Replace - See Condition 9

   B. Proposed Casing Diameter 30" Proposed Maximum Depth 135'

   C. Anticipated bottom hole temperature:

   [X] 85°F or less (Cold Water Well) [ ] 85°F to 212°F (Low Temp. Geo. Well) [ ] 212° F. or more (Geothermal Well)

6. **Construction Start Date:** August 15, 1994
7. **Anticipated Well Driller:** High Plains #0299
   NOTE: The actual well driller must be identified prior to drilling.
8. **Applicant's Signature** Garth Soderquist Date 7-15-94
   Title Pres Owsley Canal Company

RECEIVED
MAR 22 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED. Date 7/15/94.

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

GENERAL CONDITIONS:

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

SPECIFIC CONDITIONS:

If a protest develops during processing of this transfer, then no use can be made of the well.

Signature of Authorized Department Representative

Eastern Regional Manager
Title

Receipt No. E020041 Receipted by lk Fee $200.00 Date 7/15/94

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: MAR 2 2 1995

RECEIVED
JUL 1 9 1994
Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 4383

WATER DISTRICT ~~4383~~ #31

WATERMASTER Don Shenton

DATE: 7/19/94

COMMENTS: The old well will not produce water Because of CAVE IN and Mosley CANAL needs this Flow BACK very Soon I thereby endorse as I see no injury to another water Right.

X I do endorse approval of this change.

___ I do not endorse approval of this change.

I recommend the following conditions of approval:

Donald W. Shenton
Watermaster

MAR 22 1995

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Christine Fee
of the Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the

Change # 4383,

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for 2 consecutive issues, the first publication having been made on Sept 14, 94 and the last publication having been made on Sept 21, 94. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Christine Fee

On this 22 day of Sept, in the year of 1994, before me, a Notary Public, personally appeared

Christine Fee,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Crystal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999

RECEIVED
SEP 23 1994
Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265
AMOUNT: 64.4 cfs
PRIORITY: 5/22/1940
POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N1/2NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before October 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the Jefferson Star, Rigby, Idaho, September 14 and 21, 1994.

APPROVED
MAR 22 1995

The Idaho Statesman
P.O. BOX 40, BOISE, IDAHO 83707

RECEIVED
SEP 26 1994
Department of Water Resources
Eastern District Office

LEGAL ADVERTISING INVOICE

Amount Due
$52.68

Account Number	Identification		
10056400	NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4383		
Ordered By	**P.O. Number**	**Rate**	**Run Dates**
Rita Bodell		NT	September 15 & 22, 1994

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Estimated Inches	Real Inches
# Affidavits: 1	Legal Number: 8476

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265
AMOUNT: 64.4 cfs
PRIORITY: 5/22/1940
POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS: The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N1/2NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before October 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Pub. Sept. 15 & 22, 1994 8476

LINDA PORTER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 15, 19 94

and ending with the issue of SEPTEMBER 22, 19 94

Linda Porter

STATE OF IDAHO)
ss.
COUNTY OF ADA)

MAR 22 1995

On this 22nd day of SEPTEMBER in the year of 1994, before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 11-27-99

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 09/22/94 INVOICE NO. 511613

Account No. 446600

Description 511613NOTICEOFPROPOSED

Times 2 Lines 41

Tab. Lines

$ 46.13

LEGAL ADVERTISING INVOICE

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

RECEIVED
SEP 28 1994
Department of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

511613
NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:
LICENSE NO. 31-02265
AMOUNT: 64.4 cfs
PRIORITY: 5/22/1940
POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS
The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N1/2NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline, Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before October 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published statewide on September 15 & 22, 1994.

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 511613NOTICEOFP attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 09/15, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 09/15/94, and the last publication thereof being on the 09/22/94, and said 511613NOTICEOFP was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 22nd day of September 1994

Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires 7/97

MAR 22 1995

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265 AMOUNT: 64.4 cfs

PRIORITY: 5/22/1940

POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N1/2NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before October 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published statewide on September 15 & 22, 1994.

RECEIVED
MAR 2 2 1995

06-Sep-1994

JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 3, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

MAR 2 2 1995

06-Sep-1994

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 3, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

MAR 2 2 1995

06-Sep-1994

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 3, 1994.

Yours truly,

Rita Bodell

Rita Bodell
Secretary

Encl.

MAR 2 2 1995

06-Sep-1994

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 3, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

MAR 2 2 1995

14-Jul-1994

DON SHENTON
WATER DIST 31
PO BOX 33
DUBOIS ID 83423

RE: Application No.'s 4383

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

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

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ:rb
enc.

RECEIVED
MAR 2 2 1995

14-Jul-1994

OWSLEY CANAL CO
PO BOX 68
TERRETON ID 83450

RE: Application for Transfer of a Water Right No. 4383

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your permit for a water right transfer. This office is currently in the process of advertising the application in the Jefferson Star and statewide on July 21 & 28, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ:rb

MAR 2 2 1995

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265 AMOUNT: 64.4 cfs

PRIORITY: 5/22/1940

POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N1/2NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before August 8, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published statewide on July 21 & 28, 1994.

Was not published
Will resubmit

MAR 2 2 1995

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4383

Notice is hereby given that Owsley Canal Co., Terreton, ID, has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-02265 AMOUNT: 64.4 cfs

PRIORITY: 5/22/1940

POINT(S) OF DIVERSION: NWSE (WELL #2 NORTHLAKE), SWNE, SWSE, SEC 13, NENE, NWNE, SEC 24, T7N, R34E, B.M.

The water is used to irrigate 17,240 acres within SEC 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, T6N, R34E, SEC 8, 17, 18, 19, 20, 29, 30, T6N, R35E, SEC 32, 33, T7N, R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNE, SWSE, SEC 13, SENE (REPLACEMENT WELL) SEC 23, N1/2NE, SEC 24, T7N, R34E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before August 8, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published statewide on July 21 & 28, 1994.

MAR 2 2 1995

#2. 25hp. G.E. out for repair.

Pump # PL 6691

F. M. Turb. #870

E. M Switchbd #1171

on N. wall in well house

Well hse 6'x6'x7'h.

del to W. thru 20" pipe into canal.

#(1) 25hp. G.E.

PHJ 691 8849 - 440V

PL 6667 F. M. Turb

14 stage 1.

E. M. Switchbd #1193 on S. Wall.

Concrete pipe conn.

20" pipe x 6' del. to W. into Canal.

50hp. U.S. motor

Johnston Pump

Left 12' (del. thru 30" pipe)

#926124 = motor

A.B.& Trumbull Switch on wall. 3' fr. motor

house over sump.

22'x8'x7'h.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19085

Staley L.I.P.

in same house

25hp. G.E. motor

PHJ 69 18847

E.M. Switchbd. #1170

del. 18" pipe

REPORT ON PROOF OF Beneficial Use

OWSLEY CANAL COMPANY, Terreton, Idaho

app. 120 cfs
acres 15,340
Sec. 384

Form 23

#1A.

50 hp. U.S. motor

Plate to close to West wall to read.

Well house same, as others

#B switch on E. wall. also Trumbull switch

F. Morse Turb

Johnston "

no plate

Pub. Notice = 872 cfs.
Proof = 1729 acres

R-34 E.

T. 7 N.

13

24

Lake Canal

Area = All lands under Owsley Canal Co. Irrig. System

Q = 64.4 cfs.

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

19085-

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. -19085

This proof is for Beneficial use In Water District No.

1. Name of applicant Owsley Canal Company, Terreton, Idaho

2. Source of water supply: Subterranean from five wells

3. Location of point of diversion: Is in the NW¼SE¼, SW¼SE¼, SW¼NE¼ of Section 13; and NW¼ NE¼, NE¼ NE¼ Section 24;
T. 7 N. R. 34 E. County of

4. Describe works as they exist, giving dimensions and capacities of same: Well #1: 25 hp G.E. Motor Serial# PHJ 2918849. Fairbanks Morse Turbine Pump serial No. PL 6687. Delivery to the West through 20" pipe into canal. Well #1A: 50 hp U.S. Motor. Unable to read the No. Fairbanks Morse Turbine Pump, no specification plate. Well #2A: 25 hp G. E. Motor, pulled for repairs. Pump is a Fairbanks Morse Turbine, serial #PL 6691. Well #3A: has a Fairbanks Morse Turbine pump # PL 6688, G. E. 25 hp Motor # PHJ 6918848. Well #4A: 25 hp G. E. Motor # PHJ 6918845. Fairbanks Morse Turbine Pump #PL 6689. All pumps are in small houses approximately 6'x6'x7' high, with aluminum sheeting. Water all dumps into large canals and flows into Mud Lake. The relift pumps at the Staley lift has 50 hp U.S. Motor with a Johnston Turbine pump. Motor # is 926124. Delivery through 30" pipe, lift is 12'. (Continued below)

5. Water is used for: Irrigation

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

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

Lands within the boundaries of the Owsley Canal Company, in the following sections:

Sections 8, 17, 18, 19, 20, 29, 30- Twp. 6 North, Range 35 East, B. M.

Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35- Twp. 6 North, Range 34 East, B. M.

Sections 32 & 33, Township 7 North, Range 34 East, B. M.

See the Map.

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

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

Remarks: #4 continued - Another pump in the same building has a 25 hp G. E. Motor serial NO. PHJ 6918847. It delivers through the same lift with an 18" pipe line. The balance of the water is pumped out of Mud Lake at the main pumping station just South of the main highway through Terreton running East and West. All water measurements made by Van't Hul of the U. S. Geological Survey.

This examination was made on the 24 day of July, 1936

(Signed) E. M. Humphreys

Examiner.

#3A #PL 6688 F.M. Pump
Size 14" 1 stage 870 rpm

GE 25 hp. motor
440V. #PHJ 6918848

E-M. Switchbd #1172

6'x6'x7'h. al. house.
Pump & Motor sets on cog.
house on plank

del. to W. thru 20" pipe
into large cond. 30' w.
3' deep.

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
DEC 5 1956
Department of Reclamation

Owsley Canal Company
Terreton, Idaho

Permit No. 19085

Jack Renard, Terreton.

Examination for Beneficial Use

County Jefferson

13824-7N.-34E.

Q = 120.0 cfs.

S = Wells.

P.D. = NW.SE., SW.SE., SW.NE., Sec. 13; NW.NE., NE.NE., Sec. 24; all in 7N.-34E.

1729.5 acres.

Use = Irrigation

Will send a list of land irrigated.

Priority = May 22, 1940
Due = Dec. 28, 1949.
(C/W ext. to 12/28/51)

C/W = 10-30-52

4A. h=15' est.

25 hp G.E. Motor
#5K 405XA3B = Model
#PHJ 6918845
440V 33.6A.

F. M. Turb. 14" 1 stage
PL. 6689 870 rpm

E.M. Switchbd. #1169

Sheet AL pump house
6'x6'x7' ^ roof.
No conc. foundation
Pump sets on cog

18" del. to well into
canal 30'+/- x 3'+/- deep.

(Form No. 1)

Address all communications to
Edwin Snow,
P. O. Box 515, Boise, Idaho.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26[illegible]400

Permit No. 19085

District No.

1. Name of applicant: Owsley Canal Company,

Post office address Terreton, County Jefferson, State Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: May 15, 1914.

(b) Amount of capital stock: $ 20,000.00 (c) Amount paid in: $ 15,320

(d) Names and addresses of directors: J. B. Adamson, A. J. Hodgson, L. H. Shuldberg, Chas. H. Rickman, Ben H. Matkins, all of Terreton, Idaho.

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

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 120 cubic feet per second.

3. Source of water supply: Underground waters - for details see "Remarks"

which is ~~[illegible]~~ not tributary to any other source so far as known.

4. Location of point of diversion: See "Remarks" feet distant from the corner of Section, T., R., B. M., and is in the of Section, T., R., B. M., County of

5. Water is to be used for: Irrigation

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

(a) Point of use of water: feet distant from corner of Section T., R., B. M., in the of Section, T., R., B. M.

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

(c) Water is to be returned to at a point feet distant from the corner of Section, T., R., B. M., in the of Section, T., R., B. M.

7. Estimated cost of works: $ 5000.00

8. Kinds of works: Wells and gathering ditches.
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam feet; length of dam at top feet; length of dam at bottom
(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)
feet; material used in dam

10. Size of headgate: Width none feet; Height feet.

11. Ditch. Width at bottom 15.0 feet; Width at water line 22.2 feet; Depth of water 3.6 feet;
Dimensions of flume Diameter of pipe inches;
Length of conduit 3.61 miles. Average grade per mile 1.0 feet.

19085—

12. The time required for the completion of such work is five years.

13. The time required for the complete application of the water to the proposed use is four additional years.

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

(Give irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	35E	8	~~40~~			~~40~~						40	40	~~40~~	~~40~~		~~40~~	40	~~320~~ 80
"	"	~~16~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~									~~320~~
"	"	17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	20	~~40~~	40	40	~~40~~	40	40	40	40	40	40	40	40					~~480~~ 400
"	"	29					~~40~~	40	40	~~40~~	~~40~~	20 ~~40~~	~~40~~	~~40~~					~~200~~ 100
"	"	30	40	40	40	40	~~40~~	40	40	~~40~~	40	40	40	40					~~640~~ 3 240
6N	34E	3 4	40		40	40			40	40	40	40	40	40	40	40	40	40	160 ~~160~~ 400
"	"	5	~~40~~	~~40~~	40	40	40	40	40	40	40	40	40	40	40	40	40	40	~~640~~ 560
"	"	7	40			40									40			40	160
"	"	8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	~~480~~ 640
"	"	10	40	40	40	40	40	40	~~40~~	40	40	40	40	40	40	40	40	40	640
"	"	11 13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320 ~~360~~ 640
"	"	14	40	40	40	40					40	40	40	40	40	40	40	40	~~240~~ 480
"	"	15					40	40	40	40	40	40	40	40					~~160~~ 320
"	"	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	17	40	40	40	40	40	40	40	40	40	~~40~~	~~40~~	40	40	40	40	40	~~640~~ 560
"	"	20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	24	40	40	40	40	40	~~40~~	40	40	40	40	40	40	~~40~~	~~40~~	~~40~~	~~40~~	~~640~~ 480
"	"	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	26	40	40	40	40	40	40	~~40~~	~~40~~	40	40	40	40	40	40	40	40	~~640~~ 560
"	"	27	40	40	40	~~40~~	40	40	40	40	40	40	~~40~~	40	~~40~~	~~40~~	40	40	~~640~~ 480
"	"	28	40	40	40	40	40	40	40	40	40	40	~~40~~	40	40	40	40	~~40~~	~~640~~ 560
"	"	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	~~34~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~									~~320~~
"	"	35	40	40	40	40	40	40	40	40									320
"	"	~~36~~	~~40~~	~~40~~			~~40~~	~~40~~											~~160~~
7N	34E	32															40	40	80
		33											40	40					80

Total Number of Acres to be Irrigated ~~15,360~~ 15,340

12 SW SW 40 A

Water is to be stored in Mud Lake

15. (a) Is reservoir to be used? which is a natural reservoir (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: The following shows the amount of water to be developed on each 40-acre subdivision of the following described, the several subdivisions being the point of diversion for the amount of water set opposite; i.e. an amount equivalent to a continuous flow of:

Second Feet.	Subdivision.	Section.	Township.	Range.
20	SE¼NE¼	13	7 N.	34 E.
20	SW¼NE¼	13	7 N.	34 E.
20	NW¼SE¼	13	7 N.	34 E.
20	SW¼SE¼	13	7 N.	34 E.
20	NW¼NE¼	24	7 N.	34 E.
20	NE¼NE¼	24	7 N.	34 E.

The water to be developed at the several wells located as above described is to be conveyed in ditches to Mud Lake, thence diverted at a point North 42°30' East 3985 feet from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34 East, B. M. and distributed by a system of canals and laterals already constructed upon the lands shown in accompanying list.

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.

OWSLEY CANAL COMPANY
Applicant

By (Edwin Brown) Agent.
John Hutton

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of ..., County of ..., State of ..., do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of ... is located, to-wit: ...

and that I do hereby grant unto the said ... permission to file on the said spring as set forth in the foregoing application.

...

STATE OF IDAHO
County of ... } ss.

On this ... day of ..., 193..., before me a Notary Public for the State of Idaho, residing at ..., personally appeared ...

known to me to be the person... whose name ... subscribed to the foregoing certificate, and acknowledged to me that ... he ... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

...
Notary Public.

My commission expires ...

Approval of Commissioner of Reclamation

The number of this permit is 19085

Recorded in Book 69 Page 19085 Approved DEC 28 1940

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 $ 1,000 to be filed on or before February 27, 1941

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 June 28, 1943

The whole of said work to be completed on or before December 28, 1945

Beneficial use of water appropriated in accordance herewith, to be made on or before December 28, 1949

Witness my hand this 28th day of December, 1940

.....
Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN Governor of the State of Idaho, and GEO. H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of December, 1940

Countersigned: STATE OF IDAHO

By ..... Secretary of State

By ..... Governor

No. 19085

PERMIT

Date of first receipt at office of Commissioner of Reclamation 9:00 A.M. May 22, 1940

Returned to applicant for correction June 21, 1940

Corrected application received August 16, 1940

Fees, $ 34.75

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. $5.00

For each aditional Sec. Ft. or fraction thereof 25

NOTICE OF WATER RIGHT UNDER R. S. [illegible], 1903 Session Laws

Aug. 19 1940

Sept. 5 to Sept. 19 1940

Sept. 28 1940

Oct. 7 1940

Nov. 12 1940

..... 19

Well #1 108' deep.
30" x 30" Col. 20"
duplicates other wells.

PL 6687 Fairbanks Morse Pump.
Niagra Prop.

G.E. Motor 25 hp
PHJ. 6918849 875 rpm

T. 52°F.
Conditions identical with others

Armco flap valves 20"
Tested 620"

Form 23

#1A 58' deep all conditions identical with others.
Have a 50 hp. motor will install.
Tested 953" last fall.
h = 10' drawdown. 13'
(Pump & house set down in ground approx. 6' to 8')

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19085

REPORT ON PROOF OF Completion of works
OWSLEY CANAL COMPANY, Terreton, Idaho

1A 4 Morse Pump-
PL 6680
Motor G.E.
PHJ 6918846
T = 53°F.

Meter for well 1A. =
G.E 480V. # 30 052 868.
Approx 30' SE. of well on pole under transformer.

Excavated 1 mi. 7' x 3'
1½ : 1 slope
12' W. in bottom

657
950
1050
1083
549
50) 4289 (85'
400
289

Copied fr. Report by
Rogers Farm Store
witnessed by Elvin Hennings
16 Nov. 52
Well #1 = max flow
= 630" @ 19' head
flow meter Hennings = 657½'

#1A. 3 Dec 51
950" @ 27' head
flow meter Hennings 953'

#4A 10 Dec 51
1050" 10' lift
by Clayton no check

2A. 4 Dec 51
Clayton 1083" 13' lift
no check

3A. 18 Dec 51
Clayton 549" 19' lift
& Jones.

Used 220 hp. radial engine

Mud Lake dike 8.7 feet Lift

P.D. # 1A checked by Henninger Survey.
Others not checked on this inspection
but appear to be as mapped.
(Mapped by Ouabley Canal Co)

N.

Ralph Cox Jr
1 stage 23" Turnbuck pumps impellers.

197.3' along ditch From center section line

Well #1A

Transformer bank

Transformer bank

Transformer.

14 13 18

#1

2A

#2

3 3A

#4 4A

North Lake canal

23 24 19

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

19085

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19085

This proof is for Completion of works In Water District No.

1. Name of applicant Owsley Canal Company, Jack Gerard, President, Terreton, Idaho

2. Source of water supply: Subterranean from wells

3. Location of points of diversion: Is in the NW¼NE¼ and NE¼ NE¼ of Section 24
NW¼ SE¼, SW¼ SE¼, SW¼ NE¼ Section 13
T. 7 N. R. 34 E. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: This permit is for 5 new wells for the Owsley Canal Company. Nos. 1, 1-A, 2-A, 3-A and 4-A. With the exception of well No. 3-A, these all have small houses approx. 6' by 6' by 6' high. These houses and the pump and motor rest on large timbers that extend across the top of the hole. There is a concave sunken type of hole around the top of each well, generally approx. 12' to 14' in diameter. Well No. 4-A is 108' deep. 50' is 30" bore, balance is 20" bore. Has 20" bowl, 20" column. Pump sets down 20'. Static H is 2'. Draw down is 5'. Depth of casing is uncertain. Pump is Fairbanks Morse with Niagara propellors, No. PL 6689. Motor is 440 v. G.E. 25 h.p., 875 r.p.m. 33.8 amps. 60 cycle, 3 phase, No. PHJ 6918845. Switch board is Mongerson panel No. 1169. Discharge is to the West through a 20" pipe 8' long into an open ditch. Temp. is 50° F. This well on test, pumped over 1050". With present installation they anticipate 800".

5. Water is used for: Irrigation

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation): 15340 acres in following locations:

W½ SW¼ Section 8; All Sections 17, 18, 19; W½NE¼, NW¼, SW¼ Section 20; W½NW¼, NW¼SW¼ Section 29; NE¼, W½ NW¼ Section 30; Twp. 6 N., Range 35 E., B.M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼ Section 7; All Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½E½SW¼, SE¼ Section 17; All Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼ NW¼, N½SW¼, SE¼SW¼, S½SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼ Section 28; All Section 29; N½ Section 35; Twp. 6 North, Range 34 East, B.M.

S½SE¼, Section 32; S½SW¼ Section 33; Township 7 North, Range 34 East, B.M.
(Submit map on attached plat, showing location and details of above description.)

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

Remarks: The amount to be ~~best~~ allowed for completion to this permit was discussed on the basis of the figures given me from memory by the man at the well and totalled 87.2 c.f.s. Mr. Gerard, who accompanied me on the inspection was satisfied that 87.2 should be a sufficient amount to allow for completion of works. Afterwards, more accurate figures were obtained from the records at the company office at Terreton and these totalled slightly over 85 c.f.s. The tests on these pumps were made with a 220 h.p. motor so that whether 85 or 87.2 is allowed, it should be ample and fair to the Owsley Canal Company.

Water is pumped thru canal to Mud Lake — distributed thru regular delivery system from there to all lands under Owsley Proj.

This examination was made on the 26th day of May, 19.52

(Signed) E. N. Humphreys
Examiner.

2A. Well. 128'
30" bore 50' bel. 20" csd 20'
in each section
Pump down 20'. Col. = 20"
1 stage 20" bowl. h = 2'
drawdown = 5'.
ditch. in west into open pit.

T = 52°F

Switch bd = Morgenson 1171

440 v G.E. 25 hp
PHJ 6918847
other spec. same as 4A.

Pump - same as 4A
PL 6691 Fairbanks Morse
Niagra Prop
Head same as other.
Pumped 1050" on test.
Pump 800 at present

Meter = G.E. 480 V.
# 28 830 492
Demand: .5 x 80
for pumps 1 & 2A.
with N. of 2A. approx 100 yds
by transformer

5/120
4
20
200

1050" - 2A.
1200" - 4A.
620" - 1
953" - 1A
5340"

53) 4363 (67.2
40
363
350
130

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.

Owsley Canal Company
Terreton, Idaho

Permit No. 19085

Examination for Completion of works

County Jefferson

Q = 120 cfs
1 = 6 wells. 20 cfs each.

Proof for { Pumps only Temporary irrig. 83.86 cfs / 65 340 acres

V. Johnson
J. Girard
Coil, Warren.

make a map
advise me how re this
irrigation

Three Wells 28.57 = Compl. Works.

#2A Well. 108' x 24" csd
Pump down 20'. 30" x 30" bel. 20"
20" col. - 20" bowl. h = 2'
drawdown = 8'

440 v G.E. 25 hp. 875 rpm
33.8 amps # PHJ 6918845

Fairbanks Morse Pump - 20" bowl
Niagra Propeller single
Pump no. 14 PL 6689

Switch board = Morgenson Pat #1169

Sheet Al. house 6'x6'x6'h.
over timber frame
House rests on timbers across hole. These wells all cave at top
ditch & west thru 20" x 8' approp
into open ditch.
Has pumped over 1200" with ample
T = 58°F.
Equipped & pump 800'

Registered Notice sent to

Western American Company
C/o Clarence A. Bandel, Rigby, Idaho

Owsley Canal Co.
C/o John L. Hutton , Terreton, Idaho

Edwin Snow- Box 515, Boise, Idaho

Copy also sent to Otto McCutcheon, Idaho Falls, Idaho

19085—

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date May 22 19 52, a.m. p.m. Stream Owsley Well # 4 A

Party Larson Location

Gage Height beg end Mean Discharge

Dist. from initial point	Depth	Depth of ob. srvat	Rev-olu-tions	Time in sec onds	VELOCITY At point	VELOCITY Mean in ver-tical	Mean in sec tion	Area	Mean Depth	Width	Discharge
1.2	.8		0	0							
2.0	.9	.36	20	39	1.16		.58	.680	.85	0.8	.39
3.0	1.5	.60	30	52	1.29		1.22		1.2	1.	1.46
4.0	1.6	.62	30	56	1.21		1.25		1.55	1.	1.94
5.0	1.6	.64	30	56	1.21		1.21		1.6	1	1.94
6.0	1.5	.60	20	44	1.03		1.12		1.55	1	1.74
7.0	1.5	.60	20	43	1.05		1.04		1.5	1	1.56
8.0	1.5	.60	20	43	1.05		1.05		1.5	1	1.58
9.0	1.2	.48	20	46	.99		1.02		1.35	1	1.38
10.0	.6	.24	10	40	.58		.785		.9	1	.71
10.6	.2		0	0			.29	.24	.4	0.6	.07
											5 5
									total		12.77
									miners inches		638.5
Totals											19085

No. of Sheets. Comp. by Chk. by

WATER RIGHTS OF CHERRY CANAL COMPANY

According to records of State Reclamation Engineer.

Water permits upon which license has issued:

PERMIT No. 4715? ✓

License issued on September 1, 1923,
For 80 cubic feet per second
From Mud Lake
Priority April 15, 1918
Points of diversion: N. 42°32' E. 3935 ft. from S. 1/4 corner Section 11, Twp. 6 N., Rge. 34 E., B.M.

ALSO: License issued on May 17, 1926,
For 78.6 cubic feet per second
From Mud Lake
Priority December 2, 1916
Point of Diversion N. 42°36' E. 3985 ft. from 1/4 corner common to Sections 11 & 14, Twp. 6 N., Rge. 24 E., B.M.

PERMIT NO. 17262: ✓

License issued January 8, 1942
For 40 cubic feet per second
From North Lake and subterranean water
Priority January 25, 1930
Point of Diversion- SE¼ SE¼ Section 23, Twp. 7 N., Rge. 34 E., B.M.

PERMIT NO. 17640: ✓

License issued February 24, 1938
For 50 cubic feet per second
From subterranean water
Priority January 8, 1938
Points of diversion- SE¼ SE¼, SW¼ SE¼, NW¼ SE¼ Section 25, Twp. 7 N., Rge. 35 E., B.M.

PERMIT NO. 18378: ✓

License issued January 8, 1942
For 80 cubic feet per second
From subterranean wells
Priority June 26, 1936
Points of diversion- SE¼ SW¼, NE¼ SW¼, SW¼ SE¼, NW¼ SE¼ Section 35, Twp. 7 N., Rge. 35 E., B.M.

19085

Water Permits upon which License has not yet Issued.

PERMIT NO. 19612: A.

Amount: 100 cubic feet per second
Source - Subterranean water
Date of filing - July 16, 1931

Points of diversion:
SW¼ NW¼ Section 15 and NE¼ SE¼, NE¼ SW¼, NW¼ SE¼ Section 16;
Twp. 7 North, Range 36 East, B. M.
SE¼ NW¼, NE¼ SW¼ Section 25;
Twp. 7 North, Range 35 East, B. M.

One-fifth of work to be completed - April 1, 1935

Construction work to be completed - August 1, 1934

Proof of beneficial use due - - August 1, 1937

Extension allowed for completion of work to December 2, 1938

Indefinite extension pending litigation granted December 27,1938

PERMIT NO. 19085: ✓

Amount - 120 cubic feet per second
Source - Underground waters
Date of filing - May 28, 1940

Points of diversion :
SE¼NW¼, SW¼NE¼, NW¼SE¼, SW¼SE¼ Section 13;
NW¼NE¼, NE¼ NE¼ Section 24;
Twp. 7 North, Range 34 E., B.M.

One-fifth of work to be completed - June 23, 1943

Construction work to be completed - December 28, 1945

Proof of beneficial use due - - December 28, 1949

Extension allowed for completion of works to December 28, 1951

19085 -

PERMIT NO. 19588: ✓

Amount - 10 cubic feet per second
Source - Water seepage and return flow from applicant's irrigation system.
Date of filing - November 24, 1944

Points of diversion:
SW¼ NE¼, SE¼ SE¼ Section 8;
SW¼SW¼, NE¼SW¼, SW¼SE¼, SE¼SE¼ Section 9;
SW¼SW¼, NE¼SW¼, SW¼NE¼, NE¼NE¼ Section 10;
NW¼NE¼, NE¼NE¼ Section 17;
NW¼NW¼, NE¼NW¼, NW¼NE¼, NE¼NE¼ Section 16;
NW¼NW¼, NE¼NW¼, NW¼NE¼, NE¼NE¼ Section 15;
NW¼NW¼, SW¼NW¼, NW¼SW¼, SW¼SW¼ Section 24;
Twp. 6 North, Range 34 East, B. M.

One-fifth of work to be completed - August 12, 1946
Construction work to be completed - February 12, 1948.
(Proof made, and awaiting report of Field Engineer on inspection.)

Proof of beneficial use due - April 12, 1950

PERMIT NO. 20231: C

Amount- 25 cubic feet per second
Source- North Lake
Date of filing - September 29, 1947

Point of diversion - NW¼ SE¼ Section 19,
Twp. 7 North, Range 35 East, B. M.

One-fifth of work to be completed - June 30, 1950

Construction work to be completed - December 30, 1952

Proof of beneficial use due - - December 30, 1956

PERMIT NO. 20291: C

Amount - 25 cubic feet per second
Source - Underground water
Date of filing - November 22, 1947

Point of diversion - SE¼ NW¼ Section 20,
Twp. 7 North, Range 35 East, B. M.

One-fifth of work to becompleted - August 14, 1950

Construction work to be completed - February 14, 1953

Proof of beneficial use due - - February 14, 1957

19085

PERMIT NO. 20292:

Amount - 25 cubic feet per second
Source - Underground water
Date of filing - November 22, 1947

Point of diversion: NW¼ SW¼ Section 30,
Twp. 7 North, Range 35 East, B. M.

One-fifth of work to be completed - August 14, 1950

Construction work to be completed - February 14, 1953

Proof of beneficial use due - - February 14, 1957

PERMIT NO. 21301:

Amount - 20 cubic feet per second
Source - Underground water
Date of filing - September 20, 1949

Point of diversion - NE¼ NE¼ Section 27,
Twp. 7 North, Range 34 East, B. M.

One-fifth of work to be completed - June 10, 1952

Construction work to be completed - December 10, 1954

Proof of beneficial use due - - December 10, 1958

PERMIT NO. 21302:

Amount - 20 cubic feet per second
Source- Underground water
Date of filing - September 20, 1949

Point of diversion - NW¼ NW¼ Section 26,
Twp. 7 North, Range 34 East, B. M.

One-fifth of work to be completed - June 10, 1952

Construction work to be completed - December 10, 1954

Proof of beneficial use due - - December 10, 1958

19085

PERMIT NO. 21303 (

Amount - 2- cubic feet per second
Source - Underground water
Date of filing - September 20, 1949

Point of diversion - SW¼ SE¼ Section 25,
Twp. 7 North, Range 34 East, B. M.

One-fifth of work to be completed - June 10, 1952

Construction work to be completed - December 10, 1954

Proof of beneficial use due - - December 10, 1958

19085

September 22, 1960

Re: Permit No. 19085

Owsley Canal Co.
Attn: Mrs. Marrill Jemmett, Sec.
Terreton, Idaho

Dear Mrs. Jemmett:

We enclose herewith License and Certificate of Water Right issued on Permit No. 19085.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By;

RALPH W. THOMAS
Office Engineer

RT:ew

Enc. license

19085

MEMORANDUM

Elmer:

In regards to valid water rights from wells in the name of Owsley Canal Co., I find:

P-17262 for 40.0 c.f.s. from North Lake and subterranean water from 3 + wells in sections 23, 26, & 27, 7 N., 34 E.
Priority: 1/25/30 (This was not included in the Bauerle Decree mentioned below.)

P-17640 for 50.0 c.f.s. from wells (12) in Sec. 25, 7 N., 35 E.
Priority: 1/8/32

P-18378 for 80.0 c.f.s. from 24 wells in Sec. 12, 6 N., 34 E. (Shown on Tolman's report but not in license.) and Sec. 25, 7 N., 35 E.
Priority: 6/26/36

A letter from Roy to H. R. Harn concerns Owsley Canal water rights and refers to Decree, Owsley vs Bauerle, October 1940, which includes permits 17640 & 18378 as well as permits 17611 & 17612 (now cancelled.)

The only wells on record in Sections 13 & 24, 7 N., 34 E. were relinquished February 6, 1956. They were:

G-21890, G-21891 and G-21892.

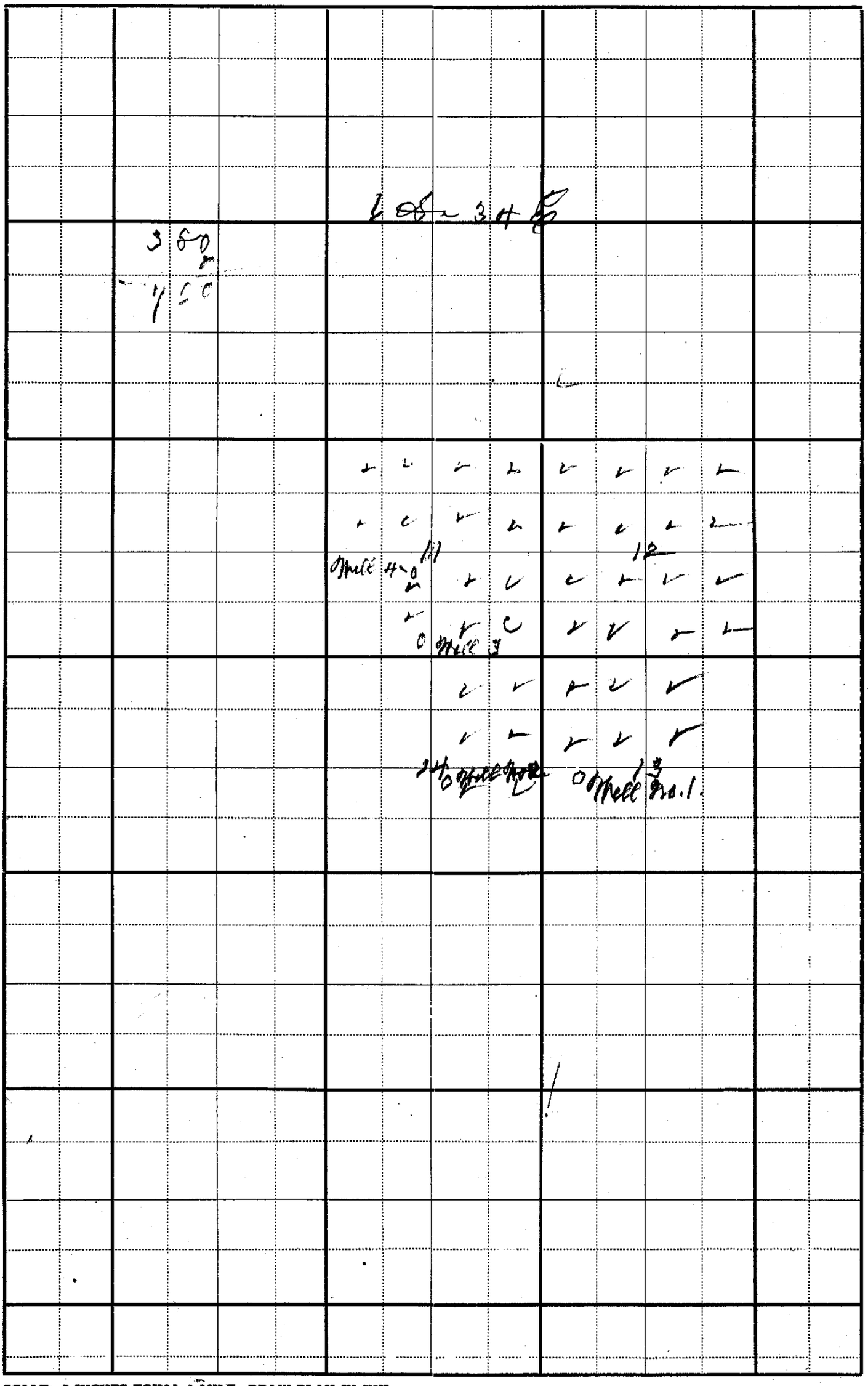
They may have been drilled later but our records do not show this.

H. Petri

G-21890 = 20 cfs. - SW SW, S13, Dec 1960 7/12/60
1 = 20 " - NW NW S24 "
2 = 20 " " " " " "
3 = 20 " SE NE S23 " 19085

NAME OF APPLICANT.....

Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

19085-

NAME OF APPLICANT

6 N-34-E

Sec. 3 - 3-0
4 - 16-4
5 - 16-16
7 - 8-8
8 - 12-16
9 - 16-12
10 - 16-4
11 - 6 0
12 - 12 0
13 - 16-12
14 - 16-12
15 - 16-4
16 - 16-16
17 - 16-16
20 - 16-16
21 - 16-16
22 - 16-16
23 - 16-16
24 - 16-16
25 - 16-16
26 - 16-16
27 - 16-16
28 - 16-16
29 12-12
34 4-4
33 - 16-8
~~34~~

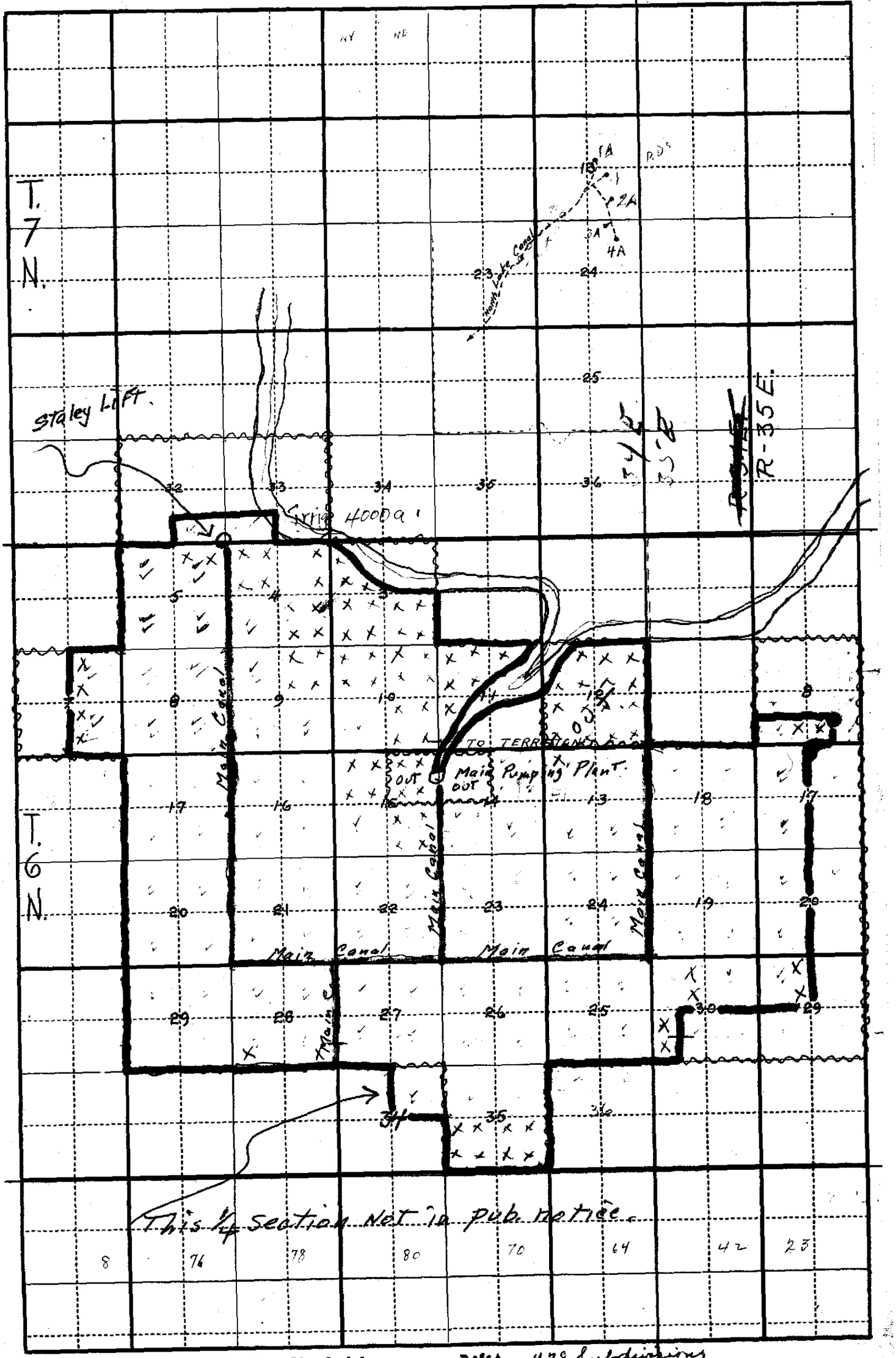
6 N-33-E

8 - 8-4
17 - 16-8
18 - 16-16
19 - 16-16
20 - 12-8
29 - 4-4
30 - 16-8

446 Forties

NAME OF APPLICANT OWSLEY CANAL COMPANY 19085

Form No. 0



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

Y = ENH 428 Subdivisions

Y = FAT.

19085

OFFICERS
JACK GERARD
President
ROY SHULDBERG
Vice-President
WM. JEMMETT
Manager
BETTY JEMMETT
Secretary

The Owsley Canal Co.
Terreton, Idaho

DIRECTORS
J. B. ADAMSON
REX FURNESS
L. H. SHULDBERG
JACK GERARD
PAUL HOLM

Terreton, Idaho
July 26, 1956

Dept. of Reclamation
State Reclamation Engineer
Boise, Idaho

Attention Mr. E. F. Humphrey:

Dear Mr. Humphrey,

Enclosed herewith is a map with the ground under irrigation by the Owsley Canal Co. outlined in ink with the exception of the NE¼ of Sec. 15 and the NW¼ of Sec. 14 of township 6 North, Range 34 E. B. M. which is irrigated by private waterright.

I hope this is the necessary information and if there is anything else please let us know.

Thank you.

Very truly yours,

Mrs. Merrill Jemmett

Mrs. Merrill Jemmett
Secretary

bjj

19085

OFFICERS
JACK GERARD
President
ROY SHULDBERG
Vice-President
WM. JEMMETT
Manager
BETTY JEMMETT
Secretary

The Owsley Canal Co.

Terreton, Idaho

DIRECTORS
J. B. ADAMSON
REX FURNESS
L. H. SHULDBERG
JACK GERARD
PAUL HOLM

RECEIVED
JUL 23 1956
Department of Reclamation

Terreton, Idaho
July 18, 1956

Mr. E. M. Humphrey
Deputy State Reclamation Engineer
Boise, Idaho

Dear Mr. Humphrey,

In regard to your letter of July 16, 1956 to us in regard to making an inspection on July 24 on Permit No. 19085, Mr. Gerard has ask me to write you and inform you that he will meet you to make this inspection. He would like for you to come to his residence which is a large brick home just East of the Terreton Store.

Thank you for your letter.

Yours truly,

Mrs. Merrill Jemmett

Mrs. Merrill Jemmett
Secretary
Owsley Canal Co.

bjj

19085

July 16, 1956

RE: Permit No. 19085

Owsley Canal Company
Terreton, Idaho

Gentlemen:

State law requires that a field inspection be made on any Permit being brought to license within the State of Idaho.

I intend to make inspection in connection with your Permit on July 24, 1956, in the mid-forenoon.

Please advise as to whom I shall meet and where in order to make this inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

19085

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
GROUND WATER BRANCH
209 FIDELITY BUILDING
BOISE, IDAHO

IN REPLY REFER TO:

RECEIVED
JUN 15 1956
Department of Reclamation

JUNE 13, 1956

MR. ELMER HUMPHREY
DEPUTY STATE RECLAMATION ENGINEER
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DEAR MR. HUMPHREY:

SOMETIME AGO YOU REQUESTED RECORDS OF PUMP-DISCHARGE RATES FOR VARIOUS WELLS IN THE MUD LAKE AREA. IN APRIL WE OBTAINED A DIRECT MEASUREMENT ON ONE PUMP AND COMPOSITE DISCHARGES ON FOUR OTHERS IN THE OWSLEY CANAL COMPANY'S NORTH LAKE WELL FIELD. THE WELL NUMBERS AND LOCATIONS, AND THE ESTIMATED DISCHARGES ARE AS FOLLOWS:

OWSLEY CANAL CO. NO.	LOCATION	DATE OF MEASUREMENT	DISCHARGE (CFS)
WELL 1	NW¼SE¼, SEC 13, T. 7N. R. 34E.	4/25/56	11.6 1/
2A	SW¼SE¼, SEC 13, T. 7N. R. 34E.	4/26/56	11.6 2/
3A	NW¼NE¼, SEC 24, T. 7N. R. 34E.	4/27/56	13.1 3/
1A	SW¼NE¼, SEC 13, T. 7N. R. 34E.	4/27/56	14.1 4/
4A	NE¼NE¼, SEC 24, T. 7N. R. 34E.	4/27/56	14.0 4/
		TOTAL DISCHARGE	64.4

1/ DIRECT MEASUREMENT OF PUMP.
2/ ESTIMATED BY SUBTRACTING DISCHARGE OF WELL 1 FROM DISCHARGE OF 1 AND 2A.
3/ ESTIMATED BY SUBTRACTING TOTAL DISCHARGE OF WELLS 1, 1A, 2A, AND 4A FROM TOTAL DISCHARGE OF WELLS 1, 1A, 2A, 3A, AND 4A.
4/ DIRECT MEASUREMENT OF ALL 5 PUMPS, MADE IN CANAL BELOW WELL 4A.

SEEPAGE MEASUREMENTS MADE ON A 2,000-FOOT SECTION OF CANAL DOWNSTREAM FROM WELL 4A SHOWS AN ESTIMATED LOSS OF ABOUT 3.4 CFS AFTER 8 DAYS OF PUMPING. THE LOSS WOULD AMOUNT TO ABOUT 9 CFS/MI OR 13.8 PERCENT PER MILE.

FOR THE DISTRICT GEOLOGIST:

VERY TRULY YOURS,

Arthur Van't Hul

ARTHUR VAN'T HUL
ENGINEER

Comment made in measurement.

19085-

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
GROUND WATER BRANCH
209 FIDELITY BUILDING
BOISE, IDAHO

JUNE 13, 1956

MR. ELMER HUMPHREY
DEPUTY STATE RECLAMATION ENGINEER
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DEAR MR. HUMPHREY:

SOMETIME AGO YOU REQUESTED RECORDS OF PUMP-DISCHARGE RATES FOR VARIOUS WELLS IN THE MUD LAKE AREA. IN APRIL WE OBTAINED A DIRECT MEASUREMENT ON ONE PUMP AND COMPOSITE DISCHARGES ON FOUR OTHERS IN THE OWSLEY CANAL COMPANY'S NORTH LAKE WELL FIELD. THE WELL NUMBERS AND LOCATIONS, AND THE ESTIMATED DISCHARGES, ARE AS FOLLOWS:

OWSLEY CANAL CO. NO.	LOCATION	DATE OF MEASUREMENT	DISCHARGE (CFS)
WELL 1	NW¼SE¼, SEC 13, T. 7N. R. 34E.	4/25/56	11.6 1/
2A	SW¼SE¼, SEC 13, T. 7N. R. 34E.	4/26/56	11.6 2/
3A	NW¼NE¼, SEC 24, T. 7N. R. 34E.	4/27/56	13.1 3/
1A	SW¼NE¼, SEC 13, T. 7N. R. 34E.	4/27/56	14.1 4/
4A	NE¼NE¼, SEC 24, T. 7N. R. 34E.	TOTAL DISCHARGE	64.9 4/

1/ DIRECT MEASUREMENT OF PUMP.
2/ ESTIMATED BY SUBTRACTING DISCHARGE OF WELL 1 FROM DISCHARGE OF 1 AND 2A.
3/ ESTIMATED BY SUBTRACTING TOTAL DISCHARGE OF WELLS 1, 1A, 2A, AND 4A FROM TOTAL DISCHARGE OF WELLS 1, 1A, 2A, 3A, AND 4A.
4/ DIRECT MEASUREMENT OF ALL 5 PUMPS, MADE IN CANAL BELOW WELL 4A.

SEEPAGE MEASUREMENTS MADE ON A 2,000-FOOT SECTION OF CANAL DOWNSTREAM FROM WELL 4A SHOWS AN ESTIMATED LOSS OF ABOUT 3.4 CFS AFTER 8 DAYS OF PUMPING. THE LOSS WOULD AMOUNT TO ABOUT 9 CFS/MI OR 13.8 PERCENT PER MILE.

FOR THE DISTRICT GEOLOGIST:

VERY TRULY YOURS,

ARTHUR VAN 'T HUL
ENGINEER

19085

November 16, 1955

Re: Permit No. 19085

Mr. John L. Bloem
C/o Albaugh, Bloem, Barnard & Smith
P. O. Box 428
Idaho Falls, Idaho

Dear Mr. Bloem:

We acknowledge receipt of your letter of November 14 enclosing depositions of Mr. Jack Gerard, President of the Owsley Canal Company, and two witnesses, also affidavit of publication in the Rigby Star all submitted in proof of beneficial use on Permit No. 19085.

Before final action is taken, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact Mr. Gerard or some other representative of the Owsley Canal Company at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Owsley Canal Company
Terreton, Idaho

19085-

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-5 ROGERS BUILDING
IDAHO FALLS, IDAHO

November 14, 1955

RECEIVED
NOV 15 1955
Department of Reclamation

Re: Permit No. 19085
Owsley Canal Company

MR. MARK R. KULP
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Enclosed you will find the following papers, in connection with the Proof of Application of Water to Beneficial Use, in connection with the above numbered permit:

1. Affidavit of Publication of The Rigby Star
2. Deposition of Holder
3. Deposition of Witness - Truman Jones
4. Deposition of Witness - Philip S. York

No one, except the Deponents appeared at the hearing.

Very truly yours,

John L. Bloem

John L. Bloem

JLB.s
Enc-4

19085

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, } ss.
County of Jefferson }

Hope B Jones

I, ~~B. Williams~~, 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

Four consecutive issues thereof; first publication having been made on the

20th day of October, 1955

and last publication on the

10th day of November, 1955

And affiant further says that at the times herein mentioned said newspaper 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 10th

day of November, 1955

(SEAL)

J. R. Thomas

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires _____, 19___

Publication Fee: $ Pd

My Commission Expires July 17, 1957

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

Notice is hereby given that at 10:00 a. m. on the 14th day of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho.

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

The amount applied to beneficial use is 87.2 cubic feet per second.

The place where said water is used: Lands within the boundary of the Owsley Canal Company located in the following Sections: Section 8, 17, 18, 19 ,20, 29, 30 Township 6 North, Range 35 East, B. M. Section 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 Township 6 North, Range 34 East, B. M.; Section 32 & 33 Township 7 North, Range 34 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal.

The right to take water from such works is based upon Permit No. 19085.

The source of supply from which such water is diverted is subterranean wells located in the NW¼SE¼, SW¼SE¼, SW¼NE¼, Section 13; NW¼NE¼, NE¼NE¼ Section 24, Township 7 North, Range 34 East, B.M.

The date of priority which said user is prepared to establish is May 22, 1940.

MARK R. KULP,
State Reclamation Engineer,

(Publish: Oct. 20-27, Nov. 3-10, 1955.)

19085

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19085

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Jack Gerard, Terreton, Idaho, occupation farmer, P.O. Address: Terreton, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Owsley Canal Company, Terreton, Idaho; I am its President acting under authority of its Board of Directors.

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

Ans. Permit No. 19085, dtd. Dec. 28, 1940; priority May 22, 1940

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

Ans. NW¼SE¼, SW¼SE¼, SW¼NE¼, Section 13, NW¼NE¼, NE¼NE¼, Section 24, Twp. 7 N.R. 34, EBM, points of diversion of waters of subterranean flow from wells.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. 5 wells with electric turbine pumps, delivering up to 87.2 cfs to place of use, through Owsley Canal; wells range from 50' to 125' in depth; 24" casing used in 4 wells, 2 4' to 30' deep; depth to water is from 10' to 27'; pumps discharge 87.2 cfs determined by actual measurement when Completion of Works were proved on December 28, 1951.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water used for irrigation purposes on lands within boundary of the Owsley Canal Company located in the following Sections: Sections 8, 17, 18, 19, 20, 29, 30, Twp. 6 N.R. 35, EBM, Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, Twp. 6 N.R. 34, E.B.M., Section 32 and 33, Twp. 7 N.R. 34, E.B.M.; 17,295 acres irrigated; land was formerly arid, desert land, now cultivated farming lands.

19085-

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

Ans. --

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

Ans. This water supplements existing rights, and all existing rights not adequate for complete irrigation.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. --

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Began pumping water in April or May, 1953, and water has been used in Canal System during irrigation season continuiously since; water is pumped into Mud Lake and diverted into Canal System as needed.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Canal Company was incorporated in 1914, and water has been used in Canal System since prior to that date; water rights and canal system, and water used in increasing quantities ever since.

(Sign) Jack Gerard

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls, County of Bonneville, State of Idaho, on this 14th day of November, A. D. 1955.

John L. Blaser

Residing at: Idaho Falls, Idaho

My commission expires Nov. 9, 1959.

Form 17-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19085

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Truman Jones, age 47, Idaho Falls, Idaho, occupation salesman, P.O. Address: 594 9th St., Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 19085? How long have you known him and where does he reside?

Ans. Yes, I have been acquainted with Company operations since 1942.

Ques. 3. Have you read or heard read said Permit No. 19085, and are you familiar with its provisions and conditions?

Ans. Yes, to both questions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean stream, diverted from NW¼SE¼, SW¼SE¼, SW¼NE¼, Section 13; NW¼NE¼, NE¼NE¼, Section 24, Twp. 7 N.R. 34, EBM; works consist of five wells with mixed flow pumps, discharging water into Mud Lake, and from Lake into Canal System.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate works will discharge about 100 cfs of water; I have seen approximately 86 cfs.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have measured 86 cfs discharged from pumps, meaused by orifice placed on discharge of pipe and head measured by ¼" tube; I believe pumps capable of discharging more water than that measured by me.

19085

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water has been used for irrigation of lands within boundary of the Owsley Canal Company, in following Sections: Sections 8, 17, 18, 19, 20, 29, 30, Twp. 6 N.R. 35, EBM, Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, Twp. 6 N.R. 34, E.B.M., Sections 32 and 33, Twp. 7 N.R. 34, E.B.M. totaling 17,295 acres of cultivated lands.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what etxent.

Ans. --

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land was formerly arid in character, and requires approximately 1 inch per acre for irrigation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I was present when pumps were installed and tested, and watched them in operation during the entire irrigation season of 1952; waters were pumped into Mud Lake, and from Lake into Canal System where it was distributed, with other waters, to lands served by company.

(Signed) Truman Jones

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 14th day of November, A. D. 1955.

John L. Blom
Notary Public.
Residing at: Idaho Falls, Idaho.

My commission expires Nov. 9, 1959.

Form 17-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19085

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Philip S. York, age 37, Pocatello, Idaho, occupation engineer, P.O. Address: 69 Rosewood, Pocatello, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 19085? How long have you known him and where does he reside?

Ans. Yes, since October, 1946; Canal Company is at Terreton, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19085, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean wells, located on: NW¼SE¼, SW¼SE¼, SW¼NE¼, Section 13; NW¼NE¼, NE¼NE¼, Section 24, All in Twp. 7 N.R. 34, E.B.M.; 5 wells with mixed flow turbine pumps, discharging water into Mud Lake, and from Lake into Owsley Canal Company System.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate works will conduct about 95 cfs; I have seen approximately 90 cfs so conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen pumps deliver about 90 cfs of water, estimated by comparison with flow from other pumps I have seen in operation; I am sales engineer for Fairbanks Morse Company, and my work requires an accurate knowledge of discharge of pumps.

19085

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation of lands within boundaries of Owsley Canal Company system, which irrigates lands in Sections 8, 17, 18, 19, 20, 29, 30, Twp. 6 N.R. 35, EBM, Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, Twp. 6 N.R. 34, EBM, and Sections 32 and 33, Twp. 7 NoR. 34, E.B.M. (about 17,295 acres of cultivated lands.)

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what etxent.

Ans. --

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is sandy loam, arid in character, and requires approximately 1 inch per acre to irrigate.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I was present when pumps were installed in April or May, 1952, and have made periodic inspections every year since; I have watched water pumped into Mud Lake, and from Mud Lake into Owsley Canal Company System, where it is distributed to lands to be irrigated.

(Signed) Philip L York

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 14th day of November, A. D. 1955.

John L. Blaser
Notary Public.
Residing at: Idaho Falls, Idaho

My commission expires Nov. 9, 1959.

November 3, 1955

RE: Permit No. 19085

Rigby Star
Rigby
Idaho

Gentlemen:

On October 14 we sent you notice for publication on the above numbered Permit in the name of Owsley Canal Co.

To date, we have not received an acknowledgment of this notice nor a copy of your paper containing same as requested.

Please advise if the notice is being published and if so, send us a copy.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

19085—

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, has been made by the owner thereof, Owsley Canal Company, of Terreton, Idaho, which application was duly advertised in the Rigby Star for two consecutive weeks, stating that on the 20th day of December, 1945, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said Permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13), of the Session Laws of 1945, hereby extend the time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, to December 28, 1948.

WITNESS MY HAND this 20th day of December, A. D. 1945.

MARK R. KULP
State Reclamation Engineer

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085 has been made by the owner thereof, Owsley Canal Company, of Terreton, Idaho, which application was duly advertised in the Rigby Star, for a period of two consecutive weeks, stating that on the 23rd day of November, 1948, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work;

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 28 of the 1947 Session Laws, hereby extend the time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, to December 28, 1951.

WITNESS MY HAND this 29th day of December, A. D. 1948.

MARK R. KULP
State Reclamation Engineer

19085

Permit No. 19085
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that OWSLEY CANAL COMPANY of Terreton, County of Jefferson, and State of Idaho, the holder of Permit No. 19085 issued upon Application No. 26400 bearing date of priority of May 22, 1940, authorizing the diversion of 120 second feet of the waters of Subterranean flow from wells, County of Jefferson, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 87.2 second feet of the waters of subterranean flow from wells; that the points of diversion of said waters or location of the wells is as follows: NW¼SE¼, SW¼SE¼, SW¼NE¼ Section 13; NW¼NE¼, NE¼NE¼ Section 24; All in Township 7 North, Range 34 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lands within the boundaries of the Owsley Canal Company, and located in the following sections: Sections 8, 17, 18, 19, 20, 29, 30, Twp. 6 North, Range 35 East, B. M., Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35, Twp. 6 North, Range 34 East, B. M., Sections 32, 33, Twp. 7 North, Range 34 East, B. M.

Witness my hand this 30th day of October, A. D. 1952.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made December 28, 1951.
Certificate of Completion of Works issued October 30, 1952.

19085

October 25, 1955

RE: Permit No. 19085

Messrs. Albaugh, Bloem, Barnard & Smith
P. O. Box 428
Idaho Falls, Idaho

ATTENTION: Mr. John L. Bloem

Dear Mr. Bloem:

In reply to your request of October 24, 1955, we enclose a certified copy of Permit No. 19085 together with a Certificate of Completion of Works thereon.

The fee for making this will be $3.00 for which you may send us a check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

R-27648

19085—

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-5 ROGERS BUILDING
IDAHO FALLS, IDAHO

October 24, 1955

Mark R. Kulp, State Reclamation Engineer
Department of Reclamation
Boise, Idaho

RECEIVED
OCT 25 1955
Department of Reclamation

Re: Permit No. 19085

Dear Mr.Kulp:

Please send us certified copy of Permit No. 19085 together with a certified copy of the Certificate of Completion of Work.

Upon receipt of your statement we will promptly mail you our check.

Very truly yours,

ALBAUGH,BLOEM,BARNARD & SMITH

John L. Bloem

JLB:bf

John L.Bloem

19085

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. 19085

Date: **October 14, 1955**

Rigby Star

Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **November 14, 1955** the date set for proof, the expense of the publication to be paid by the applicant, **Owsley Canal Co. C/o John L. Bloem** of **Idaho Falls Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

19085

Form 10

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 14th day of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho.

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 87.2 cubic feet per second

The place where said water is used (~~If for irrigation, give full and accurate description of the lands irrigated~~) Lands within the boundary of the Owsley Canal Company located in the following Sections: Sections 8, 17, 18, 19, 20, 29, 30 Township 6 North, Range 35 East, B.M. Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 Township 6 North, Range 34 East, B.M.; Sections 32 & 33 Township 7 North, Range 34 East, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal

The right to take water from such works is based upon Permit No. 19085

The source of supply from which such water is diverted is subterranean wells located in the $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Section 13; $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$ Section 24, Township 7 North, Range 34 East, B.M.

The date of priority which said user is prepared to establish is May 22, 1940.

MARK R. KULP
State Reclamation Engineer.

19085-

October 13, 1955

RE: Permit No. 19085

Messrs. Albaugh, Bloem, Barnard & Smith
P. O. Box 428
Idaho Falls, Idaho

ATTENTION: Mr. John L. Bloem

Dear Mr. Bloem:

We acknowledge receipt of your letter of October 12 enclosing notice for beneficial use proof on Permit No. 19085 of the Owsley Canal Company.

The notice does not give the name of the Notary Public before whom the proof is to be made but we assume that it will be made before you so we have completed the notice to show it to be made at 10:00 A.M., on November 14, 1955, before you as Notary Public.

We have also amended the land list as it is not necessary to show all the legal subdivisions but only the Sections, Township and Range, and we have included the location of the wells as shown in the Permit.

A copy of the notice, as so amended, is enclosed, herewith.

We are sending a copy to the Rigby Star with instructions to publish it once a week for four weeks commencing with their next issue, which would be October 20, 1955, and to send the affidavit of publication together with statement of costs to the Owsley Canal Company.

We enclose the forms of deposition to be executed by Permit Holder and two disinterested witnesses in making this proof.

Very truly yours,

19085-

MARK R. KULP
State Reclamation Engineer
By

A:hll

Chief Clerk

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-5 ROGERS BUILDING
IDAHO FALLS, IDAHO

October 12, 1955

RECEIVED
OCT 13 1955
Department of Reclamation

Re: Permit 19085

STATE RECLAMATION ENGINEER
State House
Boise, Idaho

Dear Sir:

The Owsley Canal Co. has asked us to handle the Proof of Application of Water to Beneficial Use in connection with the above permit.

We did not have the original application, and have prepared the enclosed Notice from information supplied us by the Board of Directors. If it is incorrect, please advise us.

Enclosed you will find Form No. 11, signed by the President, and Form 10, in duplicate, complete except for the date of the hearing and signature. The date of the hearing was left blank to be filled in when publication dates could be arranged. As I recall, The Rigby Star is published on Thursday, and probably publication could be made beginning October 20.

Very truly yours,

ALBAUGH, BLOEM, BARNARD & SMITH

JLB.s
Encls

By John L. Bloem
John L. Bloem

19085

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 6, 1955

(P. O.) Terreton, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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.

Owsley Canal Co.
by - ~~Mrs. Merrill Jennett~~
~~Secretary~~
Jack Gerard
President

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

19085

Form 10

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the ..... day of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before ....., proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho

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

The amount applied to beneficial use is 87.2 c.f.s.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) W½SW¼, Sec.8; NW¼, W½SW¼, SE¼SW¼, Sec.17; All of Sec.18; N½, SE¼, 150 acres in SW¼, Sec.19; NE¼, SW¼, E½NW¼, NW¼NW¼, Sec.20; W½NW¼, N½NW¼ of SW¼, Sec.29; N½, W½SW¼, Sec.30; Twp.6 N., Rg 35, E.B.M. All of Sec.8, 9, 10, 13, 16, 17, 20, 21, 22, 24, 25, 26, 28, 29 and 35; E½, SW¼ except for 5 acres in SE Corner, Sec.14; S½, NW¼, Sec.15; S½, Sec.11; S½, 105 acres in NW¼, Sec.3; 580 acres in Sec.4; W½, SE¼, NE¼NE¼, S½NE¼, S½NW¼ of NE¼, Sec.5; E½, Sec.7; W½, SE¼, W½NE¼; 60 acres in E½NE¼, Sec.23; E½, NW¼, N.65 acres of SW¼, Sec.27; N½NE¼, SW¼NE¼, E½NW¼, Sec.34; all in Twp. 6 N., Rg. 34, E.B.M. S½SE¼, Sec.32; S½SW¼, Sec.33; all in Twp.7 N., Rg.34, E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal

The right to take water from such works is based upon Permit No. 19085

The source of supply from which such water is diverted is subterranean wells

The date of priority which said user is prepared to establish is May 22, 1940.

.....
State Reclamation Engineer.

19085-

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho
October 1, 1955

Owsley Canal Co.
c/o Edwin Snow
Box 515
Boise, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19085. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than December 28, 1955, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

19085

November 5, 1952

RE: Permit No. 19085

Mr. Edwin Snow
Box 515
Boise, Idaho

Dear Mr. Snow:

We enclose Certificate of Completion of Works issued under Permit No. 19085 of the Owsley Canal Company, for the diversion of 87.2 second feet of subterranean water from wells in the NW¼ SE¼, SW¼ SE¼, SW¼ NE¼ Section 13, NW¼ NE¼, NE¼ NE¼ Section 24, Township 7 North, Range 34 East, B.M.

We also enclose departmental receipt No. 25009 for $28.40 fees paid in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.
cc: Owsley Canal Company

19085

OFFICERS
JACK GERARD
President
FARRELL BLACK
Vice-President
WM. JEMMETT
Manager
GARNET LEWIS
Secretary

The Owsley Canal Co.

Terreton, Idaho

DIRECTORS
ADRIAN L. ORME
WM. H. SHULDBERG
L. H. SHULDBERG
JACK GERARD
FARRELL BLACK

October 14, 1952

RECEIVED
OCT 16 1952
Department of Reclamation

Mark R. Kulp,
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Enclosed is our check of $28.40 for certificate of completion of works on permit no. 19085. Will you please send the certificate to our attorney Edwin Snow at Boise and he will forward it to us.

Sincerely

Garnet Lewis

Garnet Lewis, secretary

19085

July 21, 1952

RE: Permit No. 19085

Mr. Garnet Lewis, Secretary
Owsley Canal Company
Terreton, Idaho

Dear Mr. Lewis:

In reply to your letter of July 19, 1952, in regard to the time for making beneficial use proof on Permit No. 19085.

The application for permit requested an additional four years for making proof of beneficial use, after completion of works had been made which would be to December 28, 1955.

However, the statutes allow a maximum of six years within which to make beneficial use proof, and if you are not prepared to make this proof at the end of the four years period, an extension of two years can be allowed upon your application therefor.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19085

OFFICERS
JACK GERARD
President
FARRELL BLACK
Vice-President
WM. JEMMETT
Manager
GARNET LEWIS
Secretary

The Owsley Canal Co.
Terreton, Idaho

DIRECTORS
ADRIAN L. ORME
WM. H. SHULDBERG
L. H. SHULDBERG
JACK GERARD
FARRELL BLACK

July 19, 1952

RECEIVED
JUL 21 1952
Department of Reclamation

Mark R. Kulp,
State Reclamation Engineer
Boise, Idaho

Dear sir;

We would like to know when our allotted time for makeing beneficial use on water permit no. 19085 expires

Respectfully

Garnet Lewis
Secretary

c/w 12-28-51
12-28-53
can't c 12-28-57

19085

June 3, 1952

RE: Permit No. 19085

Mr. Jack Gerard, President
Owsley Canal Company
Terreton, Idaho

Dear Mr. Gerard:

We now have on file the report of our field engineer on examination for completion of works under your Permit No. 19085.

Therefore, upon receipt of the statutory fee of $28.40, a certificate of completion of works will be issued for 87.2 cubic feet per second of subterranean water from your wells in Sections 13 and 24, Township 7 North, Range 34 East, B.M.

This fee is at the statutory rate of $5.00 for the first ten second feet and 30 cents for each additional second foot or fraction thereof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: Mr. Edwin Snow

19085

ROGERS FARM STORE

DEPT. OF ROGERS BROS. SEED CO., INC.

YOUR HOME-OWNED AGRICULTURAL SHOPPING CENTER

PHONE 3170

P. O. BOX 30

NO. YELLOWSTONE HI-WAY

R. C. MOLEN, MGR.

IDAHO FALLS, IDAHO

18 Dec., 1951

— DISTRIBUTORS FOR —

AG. CHEMICALS—
WEED KILLERS
INSECTICIDES
FUNGICIDES
FUMIGANTS

FERTILIZERS—
NITROGEN
PHOSPHATE
STANDARD MIXES
LIQUIDS

EQUIPMENT—
DUSTING
SPRAYING

ROGERS FEEDS—
STOCK PELLETS
RABBIT PELLETS
POULTRY FEEDS
STOCK MINERALS

SEEDS—
GARDEN
ALFALFA
CLOVERS
GRASSES

TWINE—
BALING
BINDING

FARM HARDWARE—

PUMPS—
FAIRBANKS MORSE
POMONA
PRESSURE SYSTEMS
STEEL PIPE AND FITTINGS

IRRIGATION—
FARM SPRINKLING
SYSTEMS
SIPHON TUBES

Owsley Canal Company

SUBJECT: Well Test Data

Method of Test: This well was tested at varying speeds using a 220 horse power radial engine direct connected to a mixed flow propeller pump. Flow was measured through a 15 inch circular orfice and a 20 inch discharge pipe except for maximum flow condition which was measured with a flow meter. Draw down pipe was used throughout this test.

Well Location: No. 3A

Time	Draw Down	Pressure Head-Inches	Total Lift	Flow GPM	Condition
1:00					Started Pumping(5 foot static level)
2:15	7'	11"	10'	3160 (351 inches)	Muddy
2:45	16'		19'	4941	Muddy
3:05					Stopped pumping

Results:

Max. flow of 4941 gpm (549 inches) of water was pumped at a total lift of 19 feet. The water was clearing at the end of this pumping period. Very little cinder material was pumped in this well.

This well was tested and witnessed by the following:

Mr. T. Jones T. Jones

Thomas Slayton Thomas Slayton

Mr. E. W. Henninger E. Wm. Henninger

1908s—

ROGERS FARM STORE

DEPT. OF ROGERS BROS. SEED CO., INC.

YOUR HOME-OWNED AGRICULTURAL SHOPPING CENTER

PHONE 3170

P. O. BOX 30

NO. YELLOWSTONE HI-WAY

R. C. MOLEN, MGR.

IDAHO FALLS, IDAHO

L

10 Dec. 1951

— DISTRIBUTORS FOR — **Owsley Canal Company**

AG. CHEMICALS—
WEED KILLERS
INSECTICIDES
FUNGICIDES
FUMIGANTS

FERTILIZERS—
NITROGEN
PHOSPHATE
STANDARD MIXES
LIQUIDS

EQUIPMENT—
DUSTING
SPRAYING

ROGERS FEEDS—
STOCK PELLETS
RABBIT PELLETS
POULTRY FEEDS
STOCK MINERALS

SEEDS—
GARDEN
ALFALFA
CLOVERS
GRASSES

TWINE—
BALING
BINDING

FARM HARDWARE—

PUMPS—
FAIRBANKS MORSE
POMONA
PRESSURE SYSTEMS
STEEL PIPE AND FITTINGS

IRRIGATION—
FARM SPRINKLING
SYSTEMS
SIPHON TUBES

SUBJECT: Well Test Data

Method of Test: This well was tested at varying speeds using a 220 horse power radial engine direct connected to a mixed flow propeller pump. Flow was measured through a 18 inch circular orfice and a 20 inch discharge pipe except for maximum flow condition which was measured with a flow meter. Draw down pipe was used throughout this test.

Well Location: No. 4½

Time	Draw Down	Pressure Head-Inches	Total Lift	Flow GPM	Condition
2:00			3' Static Level		Started Pumping
2:10	9'	61"	12'	7460	muddy
2:20	10'	71"	13'	8050	"
2:45	11'	91"	17'	9110	"
3:00	9'	81"	12'	8600	Clearing
3:30	7'	64"	10'	7640	Clear
3:45	7'	80"	10'	8550	Cloudy
4:00	7'	98"	10'	9450	"

Results: max. flow of 9450 gpm (1050 inches) of water was pumped at a total static lift of 10 feet. Total pumping time - 2 hrs.

This well was tested and witnessed by the following

Thomas Lawton Thomas Lawton

Garnet Lewis Garnet Lewis

19085—

ROGERS FARM STORE

DEPT. OF ROGERS BROS. SEED CO., INC.

YOUR HOME-OWNED AGRICULTURAL SHOPPING CENTER

PHONE 3170

P. O. BOX 30

NO. YELLOWSTONE HI-WAY

R. C. MOLEN, MGR.

IDAHO FALLS, IDAHO

4 Dec. 1951

— DISTRIBUTORS FOR —

AG. CHEMICALS—
WEED KILLERS
INSECTICIDES
FUNGICIDES
FUMIGANTS

FERTILIZERS—
NITROGEN
PHOSPHATE
STANDARD MIXES
LIQUIDS

EQUIPMENT—
DUSTING
SPRAYING

ROGERS FEEDS—
STOCK PELLETS
RABBIT PELLETS
POULTRY FEEDS
STOCK MINERALS

SEEDS—
GARDEN
ALFALFA
CLOVERS
GRASSES

TWINE—
BALING
BINDING

FARM HARDWARE—

PUMPS—
FAIRBANKS MORSE
POMONA
PRESSURE SYSTEMS
STEEL PIPE AND FITTINGS

IRRIGATION—
FARM SPRINKLING SYSTEMS
SIPHON TUBES

Owsley Canal Company

SUBJECT: Well Test Data

Method of Test: This well was tested at varying speeds using a 220 horse power radial engine direct connected to a mixed flow propeller pump. Flow was measured through a 15 inch circular orfice and a 20 inch discharge pipe except for maximum flow condition which was measured with a flow meter. Draw down pipe was used throughout this test.

Well Location: No. 2-A

Time	Draw Down	Pressure Head-Inches	Total Lift	Flow GPM	Condition
2:05					Started Pumping-Static Water Level 5 feet.
2:15	12'	23½	17'	4630	Muddy
2:30	11'	41½	16'	6150	Muddy 1100 rpm
3:00	4'	27	9'	4960	Clearing 850 rpm
3:05	11'		16'	9747	Muddy 1500 rpm Flow measured by flow-meter
3:15	7'	71	12'	8050	Clearing 1250 rpm
3:20	5½'	68	10½'	7870	Clearing
4:00	8'		13'	9747	Muddy
4:05					Stopped Pumping

Results:
Max. flow of 9747 gpm (1083 inches) of water was pumped at a total static lift of 16 feet. This well continued to do better as pumping time increased. Total Pumping Time 2 hrs.

This well was tested and witnessed by the following:

Thomas Slayton Thomas Slayton

Mr. E. W. Henninger E. W. Henninger

19085—

May 23, 1952

RE: Permit No. 19085

Owsley Canal Company
Terreton
Idaho

Gentlemen:

Inspection for completion of works is required by law on filings as large as yours in Permit No. 19085.

I intend to make the inspection on Monday of next week if possible. I hope to arrive in the Mud Lake area by noon Monday.

Please have someone prepared to accompany me on this inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

19085

January 14, 1952

RE: Permit No. 19085

Mr. Edwin Snow
Box 515
Boise, Idaho

Dear Mr. Snow:

We acknowledge receipt of the depositions of Jack Gerard, President of the Owsley Canal Company, and two witnesses, also affidavit of publication in the Rigby Star, all submitted in proof of completion of works under Permit No. 19085.

Before final action is taken in the matter, the law requires that an examination be made by an engineer from this department.

We cannot say just when this examination will be made as this department has but one field engineer who makes examinations all over the State.

However, he will try to contact Mr. Gerard or someone on the premises at the time the examination is made so that arrangements may be made to show him over the project.

We return Permit No. 19085 which was enclosed with the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.
cc: Owsley Canal Company

19085

Form 15

PERMIT NO. 19085

RECEIVED
JAN 12 1952
Department of Reclamation

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Jack Gerard, Terraton, Idaho; livestock operator and farmer.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Acting for Owaley Canal Company, of which I am President; by authority of its Board of Directors.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit #19085, approved Dec.28,1940, for 120 c.f.s. of underground waters; for points of diversion see attached supplemental answer to Ques. 3.

Ques 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation; 15,340 acres; described in attached supplemental answer to Ques. 4.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes; to extent of 85.86 c.f.s. in test made during latter part of November, 1951 in five wells. Subsequent tests of other wells some days thereafter.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. No. See answers to Questions 7 and 8.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. No wells drilled in SE¼ NE¼, Sec.13, T. 7 N.R.34 E. Wells drilled on NW¼ NE¼ and on NE¼ NE¼, Sec. 24, T. 7 N. R. 34, E.B.M. but pumps only temporarily installed for testing).

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. See answer to this question attached hereto.

(Sign here.) Jack Gerard

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Idaho Falls, County of Bonneville, State of Idaho, on this 28th day of December A. D. 1951.

John L. Bloem
Notary Public.

My Commission expires Nov. 9, 1955 Residing at: Idaho Falls, Idaho.

19085

Supplemental Answer to Question 3.

Points of Diversion:

Second Feet	Subdivision	Section
20	SE¼ NE¼	13
20	SW¼ NE¼	13
20	NW¼ SE¼	13
20	SW¼ SE¼	13
20	NW¼ NE¼	24
20	NE¼ NE¼	24

All in Township 7 N. Range 34 E.

Supplemental Answer to Question 4.

List of Lands:

W½ SW¼, Section 8; All Sections 17, 18 and 19; W½ NE¼, NW¼, SW¼ Section 20; W½ NW¼, NW¼ SW¼, Section 29; W½ NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼ NE¼, S½ NE¼, S½ NW¼, SW¼, NE¼ SE¼ Section 4; S½ NE¼, NW¼, S½ Section 5; E½ NE¼, E½ SE¼, Section 7; All of Sections 8, 9 and 10; S½ Section 11; SW¼ SW¼, Section 12; All Section 13; NE¼, S½ SEction 14; W½ Section 15; All Section 16; N½, E½ SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½ NW¼, S½, Section 26; N½ NE¼, SW¼ NE¼, NW¼, N½ SW¼, SE¼ SW¼, S½ SE¼, Section 27; N½, N½ SW¼, SE¼ SW¼, N½ SE¼, SW¼ SE¼, Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B. M.

S½ SE¼ Section 32; S½ SW¼ Section 33, Township 7 North, Range 34 East, B. M.

Answer to Question 8.

Flowing artesian wells have been developed in the following subdivisions:

Well #1	NW¼ SE¼	Section 13
Well #1A	SW¼ NE¼	" 13
Well #2A	SW¼ SE¼	" 13
Well #3A	NW¼ NE¼	" 24
Well #4A	NE¼ NE¼	" 24

All in Township 7 North, Range 34 E.B.M.

Owsley Canal Company has constructed from a point in the NW¼ SE¼ of Section 13, Twp. 7 N., R. 34, E. B. M., a large gathering canal leading in a southwesterly direction through Sections 13, 24, 23, 26, 27 and 34, Twp. 7 N., R. 34, E. B. M. to Mud Lake.

The function of this canal is to conduct into Mud Lake underground waters developed by wells along its

19085

Permit No. 19085 (cont.)

Well 2-A is 128' deep. First 50' is 30" bore, balance is 20" bore, cased down 20' in each section. Pump is down 20'. Single stage, 20" bowls, 20" column. Static H is 2', draw down 5'. Discharge is to the West into an open pit. Temp. is 52° F. Motor is 440 V. G. E., 25 h.p., No. P H J 6918847. All other specifications on this pump and motor are identical with No. 4-A. Pump is Fairbanks Morse with Niagara propellor, No. P L 6691. This one pumped approximately 1083" on test. Meter is 480 V. G. E. No. 28830482. Meter for 2-A, also meter No. 1 is mounted on a pole approximately half-way between the two, close by the transformer bank.

Well No. 1 is 108' deep. First 50' 3" bore, balance 20" bore. This well is duplicate of the preceding wells in all respects. Pump is Fairbanks Morse No.P L 6687. Motor is G. E. 25 h.p. No. P H J 6918849. Temp. is 52? F. This pump tested approximately 830".

Well No. 1-A is 58' deep. This well is on slightly higher ground and the area immediately around the top of the well has been blasted out of lava rock and the whole outfit sets below the surface of the ground between 6 and 8 feet. The canal leading from it has also been blasted down into the rock. This pump and motor and all other conditions are identical, approximately, with the other wells. The intention is to install a 50 h.p. motor in this well. Under test it developed 950" of water.

Well No. 3-A was completed and tested at 549" of water. Since that time well No. 3-A has caved in and they have been unable to renew it so that they are at present drilling another well along side it and have same about one-half done at time of this inspection.

all pump houses are wooden frame work covered with Al. sheet roofing.

19085—

course under water permit #19085 and other water permits. Short ditches have been constructed from each well or group of wells so developed to this main gathering canal. Each of said connecting ditches has capacity more than adequate to convey to the main gathering canal water developed by the well or group of wells it is designed to serve.

After the water of the various wells, by means of these connecting ditches and the main gathering canal, is transported to Mud Lake, it is thence diverted into the Owsley Canal Company's distribution system at an electric pumping plant located near 42° 30' -- 3985 feet from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34, E. B. M. This distribution system has long been entirely completed and has been operated for more than 25 years. By means of this distribution system the water appropriated under permit #19085 can be conducted to within one mile of each quarter section of the land to be irrigated, as described in the answer to Question 4.

19085

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 19085

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Thomas Slayton, ~~Terreton, Idaho~~ Idaho Falls, Idaho, Irrigation Engineer; Rogers Farm Store, Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 19085, authorizing the diversion of 120 second-feet of the underground waters of ~~_____~~, ~~_____~~ for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, five years or more.

Ques. 3. Have you read or heard read said Permit No. 19085, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Desert land lava ash soil, requires one miners' inch per acre

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. 5 wells are drilled, see ans to Ques. 6 for capacity.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. 5 wells ranging from 51 to 128 feet deep, 26". I have assisted in measuring a total of 85.86 cfs discharge from these wells. About 5 miles of ditch sufficient for carrying that amount of water has been dug.

(Sign here.) Thomas Slayton

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls County of Bonneville, State of Idaho, on this 28th day of December, A. D. 19 51

John L. Bloem

NOTARY PUBLIC
Residing at: Idaho Falls, Idaho

19085—

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 19085

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Elvin W. Henninger, Dubois, Idaho, Watermaster, Dubois, Idaho

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No 19085, authorizing the diversion of 120 second-feet of the underground waters of ~~waters~~, at for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes. About 14 years, Terreton, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19085, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Desert land lava ash soil, requires 1 miners' inch per acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. 5 wells are drilled, I have seen up to 85.86 cfs discharged.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. 5 wells ranging from 51 to 128 feet in depth; 26 inch hole; my estimate of capacity is at least 85.86 cfs measured this fall. About 5 miles of ditch has been dug from wells to Mud Lake.

(Sign here.) Elvin W. Henninger

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls County of Bonneville, State of Idaho, on this 28th day of December, A. D. 19 51.

John L. Bloem
NOTARY PUBLIC

19085

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson: } ss.

I, R. I. 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, in 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 four consecutive issues thereof; first publication having been made on the

29th day of November, 1951

and last publication on the

20th day of December, 1951

And affiant further says that at the times herein mentioned said newspaper 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.

R. I. Jones

Subscribed in my presence and sworn to before me this 29th day of December, 1951.

(SEAL)

Lapel B. Jones

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires Jan 22, 1954

Publication Fee: $_____

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.
2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.
3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.
4. Said water is to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.
6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4; S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B.M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51)

19085

December 4, 1951

RE: Permit No. 19085

Rigby Star
Rigby
Idaho

Gentlemen:

We are in receipt of a clipping containing notice for publication in connection with Owsley Canal Company's Permit No. 19085.

No doubt, since mailing same, you have received our letter of November 30, 1951, calling attention to an error and requesting that it be corrected in the later issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19085

R. I. & W. J. JONES

The RIGBY STAR

Jefferson County's Home Paper Since 1903.

PRINTERS - PUBLISHERS

OFFICIAL COUNTY PAPER

RIGBY, IDAHO

RECEIVED
DEC 3 1951
Dept. of Reclamation

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4; S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 2; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼ SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, 1½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 29; N½ Section 35; Township 6 North, Range 34 East, B. M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51)

19085

see letter of 11/30 with correction

November 30, 1951

RE: Permit No. 19085

Rigby Star
Rigby
Idaho

Gentlemen:

We thank you for the copy of your issue of November 29, 1951, containing notice of completion of works proof under Permit No. 19085 of the Owsley Canal Company.

We find this to be correct with one exception. In the next to last line of the next to last paragraph which contains the land description, the N½ Section 29 should be eliminated as there is no description between "All Section 29" and "N½ Section 35."

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19085

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: November 26, 1951

Re: Permit No. 19085

Rigby Star

Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to December 28, 1951 the date set for proof, the expense of the publication to be paid by the applicant, Owsley Canal Co. of Terreton, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk

19085

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p.m., on the 28th day of December, 1951, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼ Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B.M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, W½SW¼, SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B.M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B.M.

MARK R. KULP
State Reclamation Engineer

OK
Owsley

19085

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p.m., on the 28th day of December, 1951, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼ Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B.M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SI SW¼ SE¼ Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B.M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B.M.

MARK R. KULP
State Reclamation Enginee

19085-

November 28, 1951

RE: Permit No. 19085

Mr. John L. Bloem
Box 428
Idaho Falls, Idaho

Dear Mr. Bloem:

At the request of Mr. Edwin Snow, we have sent to the Rigby Star, notice of completion of works proof on Permit No. 19085 of the Owsley Canal Company, to be made before you as Notary Public, at 3:00 p.m. December 28, 1951.

We have instructed the newspaper to publish this notice once a week for four consecutive weeks prior to that date and to send the Owsley Canal Company the affidavit of publication.

We enclose herewith the necessary forms of depositions to be used in making this proof, consisting of one for the permit holder and one for each of two disinterested witnesses.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.
cc: Mr. Edwin Snow

19085

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 24th 1951

(P. O.) Boise Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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.

Ousley Canal Co by
Edwin Mann
atty & agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

19085 —

November 23, 1951

RE: Permit No. 19085

Mr. Edwin Snow
P. O. Box 515
Boise, Idaho

Dear Mr. Snow:

Enclosed is copy of notice for publication on the Owsley Canal Company permit No. 19085.

If this meets with your approval, please advise by telephone and we will send a copy at once to the Rigby Star, with instructions in regard to publishing.

Also, please sign Form 11, authorizing publication in the Rigby Star.

As mentioned when you were in the office, the affidavit of the engineer can be waived at this time.

We return your letter from the Owsley Canal Company.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

19085

Form No. 7

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Owsley Canal Co.
C/o Mr. Edwin Snow
Box 515, Boise, Idaho

Boise, Idaho, October 1, 1951

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 19085.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before ~~December 28, 1951~~. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

6 wells
20 c/s each -

Very truly yours,

MARK R. KULP
State Reclamation Engineer

19085 -

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085 has been made by the owner thereof, Owsley Canal Company, of Terreton, Idaho, which application was duly advertised in the Rigby Star for a period of two consecutive weeks, stating that on the 23rd day of November, 1948, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work;

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 28 of the 1947 Session Laws, hereby extend the time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, to December 28, 1951.

WITNESS MY HAND this 29th day of December, A.D. 1948.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

19085

December 29, 1948

Re: Permit No. 19085

Mr. Edwin Snow
Box 515
Boise, Idaho

Dear Mr. Snow:

We have received from the Rigby Star the affidavit of publication in connection with the Owsley Canal Company's application for extention of time for completion of works under Permit No. 19085.

We, therefore, enclose approval of the State Reclamation Engineer of such extension to December 28, 1951.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Enc.

19085

C. A. ROBINS
GOVERNOR

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

December 20, 1948

Re: Permit No. 19085

Rigby Star
Rigby, Idaho

Gentlemen:

Will you please send us an affidavit of publication of notice of application for extension of time for completion of works by the Owsley Canal Company, which was sent you on November 1 for two weeks publication.

Mr. Edwin Snow, who is handling this matter for the Owsley Canal Company, is spending the holidays in California and for that reason we are writing you directly for this affidavit.

Thank you for your cooperation, we are,

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By Jeanne L. Anderson
Chief Clerk

A/gt

19085

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson: } ss.

I, R. I. 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, in 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 2 consecutive issues thereof; first publication having been made on the

4 day of Nov., 1948

and last publication on the

11 day of Nov., 1948

And affiant further says that at the times herein mentioned said newspaper 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.

R. I. Jones

Subscribed in my presence and sworn to before me this 21st day of December, 1948.

(SEAL)

O. R. Burch

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires Dec 8, 1957

Publication Fee: $_____

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER CHAPTER 28, SESSION LAWS OF 1947

Notice is hereby given that on the 23rd day of November, 1948, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19085.
2. The name and postoffice address of the person or persons or corporation holding this permit are Owsley Canal Company, Terreton, Idaho.
3. The amount of water claimed by the said permit or permits is 120 cubic feet per second from underground flow.

MARK R. KULP,
(45-48) State Reclamation Engineer.

RECEIVED

19085

Department of Reclamation

December 20, 1948

Re: Permit No. 19085

Rigby Star
Rigby, Idaho

Gentlemen:

Will you please send us an affidavit of publication of notice of application for extension of time for completion of works by the Owsley Canal Company, which was sent you on November 1 for two weeks publication.

Mr. Edwin Snow, who is handling this matter for the Owsley Canal Company, is spending the holidays in California and for that reason we are writing you directly for this affidavit.

Thank you for your cooperation, we are,

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

√

December 16, 1948

Re: Permit No. 19085

Mr. Edwin Snow
Box 515
Boise, Idaho

Dear Mr. Snow:

We have not yet received the affidavit of publication in connection with the application of the Owsley Canal Company for extension of time for completion of works under Permit No. 19085.

We remind you of this because the affidavit is necessary before extension can be approved.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

19085

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date November 1, 1948

The Rigby Star

Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to November 23, 1948 the date set for the hearing, the expense of the publication to be paid by the applicant, Owsley Canal Company, C/o Edwin Snow, Box 515, Boise, Idaho to whom you should furnish proof of publication on or prior to the date set for the hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk

19085—

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER CHAPTER 28, SESSION LAWS OF 1947

Notice is hereby given that on the 23rd day of November 1948, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19085

2. The name and postoffice address of the person or persons or corporation holding this permit are Owsley Canal Company, Terreton, Idaho

3. The amount of water claimed by the said permit or permits is 120 cubic feet per second from underground flow which is tributary to

MARK R. KULP

State Reclamation Engineer

19085

November 1, 1948

Re: Permit No. 19085

Mr. Edwin Snow
Box 515
Boise, Idaho

Dear Mr. Snow:

We acknowledge receipt of the application of the Owsley Canal Company for extension of time for completion of works on Permit No. 19085.

11:00 o'clock A.M., November 23, 1948, has been set for the hearing on this application, and a copy of the notice has been sent to the Rigby Star with instructions to publish it once a week for two consecutive weeks prior to that date, and to send the affidavit of publication together with statement of costs of the Owsley Canal Company in your care.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

19085

PERMIT NO. 19085

APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER CHAPTER 28, SESSION LAWS OF 1947.

JOHN L. HUTTON, of Terreton, State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is secretary and manager of Owsley Canal Company, an Idaho corporation, which corporation is the owner and holder of permit No. 19085 to appropriate the public waters of the State of Idaho.

That under the terms and conditions of said permit, completion of works thereunder is required by December 28, 1948; that said permit holder has heretofore in good faith performed the following work and taken the following steps to bring about the completion of the said works described under said permit, to-wit:

That surveys, examinations and tests have been made and continued to determine the feasibility of developing underground water in the area involved; that suit has been brought and is pending against Western American Company, a New Mexico corporation, and Albina Smith, both residing outside the State of Idaho, to condemn the required right of way; that said suit is pending in the District Court of Jefferson County, Idaho; that recently Owsley Canal Company has contracted to purchase the land required for the right of way which is owned by Western American Company and thereby acquire without protracted litigation the necessary right of way; that affiant believes that within not longer than three months from this date the said transaction can be concluded through

19085

the submission by Western American Company of abstract of title showing it to be the owner of good title to the land involved.

That the company has been unable to complete the remainder of said works of construction and submit proof of completion of works within the required time, for the reason that it has been unable to proceed until the required right of way was condemned or purchased.

Wherefore, he makes application to the State Reclamation Engineer to extend the time for Completion of Works under the said permit to December 28, 1951, pursuant to the provisions of Chapter 28, Session Laws of 1947.

John L Hunter

Subscribed and sworn to before me this 23 day of October, 1948.

Robert P. James
Notary Public for Idaho
Residing at 10-23-48
My commission expires:

Date of receipt at office of Department of Reclamation:
Oct. 30, 1948

19085

Edwin Snow
Lawyer
Boise, Idaho

October 29, 1948.

Hon. Mark Kulp,
State Reclamation Engineer,
Boise, Idaho.

Dear Mr. Kulp:

Water Permit No. 19085--
Owsley Canal Company--
Extension of Time for Completion of Works.

Enclosed herewith is verified application of Owsley Canal Company for extension of time; also enclosed is authorization for publication of notice of the application at applicant's expense, which I have signed in blank.

Very truly yours,

Edwin Snow

S-W

RECEIVED
OCT [illegible]
Department of Reclamation

19085

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) .....

(P. O.) .....

STATE RECLAMATION ENGINEER :

TO THE ~~COMMISSIONER OF RECLAMATION~~:

Boise, Idaho.

Dear Sir:

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

Owsley Canal Co. by
Edwin Snow atty. agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

19085-

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) .....

(P. O.) .....

State Reclamation Engineer:

TO THE ~~COMMISSIONER OF RECLAMATION:~~

Boise, Idaho.

Dear Sir:

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

owned by Canal Co by

Edwin Mowday - agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

.....

Engineer.

19085—

Form No. 7

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Owsley Canal Co.
C/o Edwin Snow
Boise, Idaho

Boise, Idaho, October 1, 1948

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 19085.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before December 28, 1948. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KULP

[illegible] of Reclamation

State Reclamation Engineer

19085-

19085 √

November 21, 1947

Mr. Ralph L. Albaugh
201-205 Rogers Bldg.
Idaho Falls, Idaho

Dear Mr. Albaugh:

We enclose certified copies of Permits Nos. 19085, 19107 and 19108, in the name of the Owsley Canal Company, as requested in your letter of November 19th.

The cost of these certified copies is $6.00, for which amount we have filled in your check, as per Departmental Receipt No. 20230 enclosed.

There is no record in our files of permission from the owners of the land on which the wells are located, nor is such permission required by this Department.

Very truly yours,

MARK R. KULP

K:A
Encls.

State Reclamation Engineer

19085-

P. O. BOX 428 PHONE 326

RALPH L. ALBAUGH
LAWYER
201-205 ROGERS BLDG.
IDAHO FALLS, IDAHO

November 19, 1947.

RECEIVED
NOV 21 1947
Department of Reclamation

Commissioner of Reclamation,
State House,
Boise,
Idaho.

Dear Sir:

Will you kindly forward to me a certified copy of your permit No. 19085 issued to the Owsley Canal Company on or about December 28, 1940, and certified copies of permits No. 19107 and No. 19108 issued to the Owsley Canal Company on or about March 13, 1941.

It is my understanding that these permits are filings on underground water to be developed by drilling wells.

Will you kindly advise me if you have on file written permission of the owners of the land allowing the Owsley Canal Company to drill on this land and develop said water.

You will find enclosed my check to your order in blank amount which you are authorized to fill in for your charges for making these certified copies.

Thanking you for your prompt attention to this matter, I am,

Very truly yours,

Ralph L. Albaugh.

Encl.
RLA:HR.

19085—

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, has been made by the owner thereof, Owsley Canal Company, of Terreton, Idaho, which application was duly advertised in the Rigby Star for two consecutive weeks, stating that on the 20th day of December, 1945, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13) of the Session Laws of 1945, hereby extend the time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085, to December 28, 1948.

WITNESS MY HAND this 20th day of December, A. D. 1945.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

19085

Arnold Williams

December 20, 1945

Re: Permit No. 19085
Owsley Canal Co.

Mr. Edwin Snow
P. O. Box 515
Boise, Idaho

Dear Mr. Snow:

We enclose herewith the approval of the State Reclamation Engineer of the application of the Owsley Canal Company for extension of time for making proof of completion of works until December 28, 1948.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

19085—

Affidavit Of Publication

The Rigby Star

STATE OF IDAHO, }
County of Jefferson. } ss.

I, R. I. 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, in 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 two consecutive issues thereof; first publication having been made on the

29 day of Nov., 1945

and last publication on the

6 day of Dec, 1945

And affiant further says that at the times herein mentioned said newspaper 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.

R. I. Jones

Subscribed in my presence and sworn to before me this 6th day of December, 1945

(SEAL)

Hope B Jones

Notary Public for the State of Idaho, residence and post office address: Rigby, Idaho.
My Commission expires January 30th., 1946

Publication Fee $4.50

NOTICE FOR PUBLICATION
NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE BILL No. 13, SESSION LAWS OF 1945.

Notice is hereby given, that on the 20th day of December, 1945, at 10:00 o'clock a. m., a hearing will be held by the State Reclamation Engineer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19085.
2. The name and post-office address of permit or permits are:

Owsley Canal Company, Terreton, Idaho.

said permit or permits is 120 cubic feet per second from underground waters (wells) which is tributary to no known source.

MARK R. KULP,
State Reclamation Engineer

(3-4)

19085

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . November 26, 1945 .

Re: Permit No. 19085

The Rigby Star

Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **December 20, 1945** the date set for hearing, the expense of the publication to be paid by the applicant, **Owaley Canal Company, C/o Edwin Snow, Attorney at Law, Box 515, Boise, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

19085—

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE BILL NO. 93, SESSION LAWS OF 1945

Notice is hereby given, that on the 20th day of December 19 45, at 10:00 o'clock, A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19085

2. The name and post-office address of the person or persons or corporation holding said permit or permits are:

Owsley Canal Company, Terreton, Idaho

3. The amount of water claimed by the said permit or permits is 120 cubic feet per second from underground waters (wells) which is tributary to no known source

MARK R. KULP

State Reclamation Engineer

19085

Arnold Williams
xxxxxxxxxxxxx

November 26, 1945

Re: Permit No. 19085
Owsley Canal Co.

Mr. Edwin Snow,
P. O. Box 515,
Boise, Idaho

Dear Mr. Snow:

We acknowledge receipt of the Owsley Canal Company for extension of time for completion of works under the above numbered permit, as provided for by Senate Bill No. 13, of the 1945 Session Laws.

The hearing in connection with this application will be held at the State Department of Reclamation, on December 20, 1945, at 10:00 o'clock A. M.; and a copy of the notice has been sent to the Rigby Star, with instructions to publish it once a week for two consecutive weeks prior to that date.

We have also instructed them to send you the affidavit of publication, together with statement of cost of same.

Inasmuch as the applicant's statement is contained in the application itself, it will not be necessary for them to be represented at the hearing; and if there are no protests, the extension will be approved upon receipt of the affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A Chief Clerk

19085

Edwin Snow
Lawyer
Boise, Idaho

November 19, 1945

Mark R. Kulp,
State Reclamation Engineer,
State Capitol Bldg.,
Boise, Idaho.

Dear Mr. Kulp: Re: Permit No. 19085.

Enclosed in duplicate find application of Owsley Canal Company for extension of time for completion of works under the above-numbered permit. Also enclosed is authorization to publish. The name of the newspaper is left blank. As I recall it, Mrs. Anderson stated that the paper at Roberts is no longer published. You are authorized to fill in the name of the newspaper in the blank. It will probably be the Rigby Star.

Very truly yours,

Edwin Snow

ES:FBJ

Enc.

RECEIVED
NOV 2[illegible]
Department of Reclamation

19085—

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Nov 10 1945

(P. O.) Boise Idaho

TO THE ~~COMMISSIONER OF RECLAMATION~~ STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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

Owsley Canal Co Ltd

Edwin Snow, Atty

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

.....

Engineer.

19085

PERMIT NO. 19085

APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS
UNDER SENATE BILL NO. 13, SESSION LAWS OF 1945.

STATE OF IDAHO)
(
County of Jefferson)

John L. Hutton of Terreton, State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 19085

That under the terms and conditions of said Permit, completion of works thereunder is required by December 28, 1945.

That he has heretofore in good faith performed the following work and taken the following steps to bring about the completion of the said works described under the said permit, to-wit:

Secretary of Owsley Canal Company.

Made careful surveys and examinations; brought suit for condemnation of right of way.

That he is unable to complete the remainder of said works and submit proof of completion of works within the required time, for the following reasons, to-wit:

Practical impossibility during wartime to get pumping equipment for wells; also labor supply difficult and almost prohibitive in price.

Wherefore, he makes application to the State Reclamation Engineer to extend the time for Completion of Works under the said permit to December 28, 1948, pursuant to the provisions of Senate Bill No. 13, Session Laws of 1945, page 15

John L Hutton

Subscribed and sworn to before me this 16th day of Nov., 1945

Notary Public for Idaho
Residing at Roberts, Idaho

My commission expires
10-21-48

Date of receipt at office of Department of Reclamation Nov. 20 1945

19085—

Form No. 7

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Owsley Canal Co.
C/o Mr. Edwin Snow
Boise, Idaho

Boise, Idaho, October 1, 1945

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 19085.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before December 28, 1945. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK B. KULP
Commissioner of Reclamation.
State Reclamation Engineer

19085—

Re 19085

January 22, 1941.

Mr. Edwin Snow
Box 515
Boise, Idaho

Dear Mr. Snow: Re: 19085.

The bond for the Owsley Canal Company has been approved and signed by the Governor and is on file in our office.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

By

Chief Clerk.

ml.

19085

CHASE A. CLARK
GOVERNOR

STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

January 21, 1941

RECEIVED
JAN 21 1941
Department of Reclamation

Department of Reclamation
B U I L D I N G

Gentlemen:

Transmitted herewith is Bond # 426620, for the Owsley Canal Company, which has been approved.

Yours very truly,

Chase A. Clark
Governor

CAC:j

19085

January 18, 1941

Hon. Chase A. Clark
Governor of the State of Idaho
State House
Boise, Idaho

Dear Governor:

We are inclosing a bond of the National Surety Corporation of New York City tendered to the Owsley Canal Company of Boise, Idaho, for your approval

This bond covers water permit number 19085 which covers 120 second feet of subterranean waters to be used for irrigation purposes.

Very truly yours,

E. V. BERG
Commissioner of Reclamation.

By
Chief Clerk.

ml.
encl.

19085

Edwin Snow
Lawyer
Boise, Idaho

January 17, 1941

RECEIVED
JAN 18 1941
Department of Reclamation

Department of Reclamation,
State Capitol,
Boise, Idaho.

Gentlemen: Re: Owsley Canal Company Permit
No. 19085 - Bond.

Enclosed find bond No. 426620 of National Surety Corporation, dated January 17, 1941, in the amount of $1,000.00. Please file this in connection with the above numbered permit.

Very truly yours,

Edwin Snow

ES:FBJ

Enc.

19085

Bond.

Bond #426620

KNOW ALL MEN BY THESE PRESENTS, That Owsley Canal Company of Boise, Idaho, as principal, and National Surety Corporation, a New York corporation, as surety, are held and firmly bound unto the State of Idaho in the full and just sum of One Thousand and No/100 - - - - - - - - - - - - - - ($1000.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 22nd day of May, 19 40, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 26400, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. 19085, a full, true and complete copy of which application No. 26400 and permit No. 19085, is of record in the office of the Commissioner of Reclamation in Book 69 of Permits, at Page 19085.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 26400 and permit No. 19085, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals, this 17th day of January, 19 41

WITNESSES:

OWSLEY CANAL COMPANY
BY Edwin Snow (SEAL)
attorney in fact

NATIONAL SURETY CORPORATION (SEAL)

By Geo. C. Walker (SEAL)
Geo. C. Walker, Attorney-in-Fact

Countersigned
By Geo. C. Walker
Resident Agent

STATE OF IDAHO, } ss:
County of

.....of ..... and .....of ..... whose names are subscribed to the within and foregoing obligation as sureties thereto, each being duly sworn, upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named in said obligation, to wit, $....., over and above all his debts and liabilities, exclusive of property exempt from execution.

Approved:
C. A. Clark
Governor

Subscribed and sworn to before me this ..... day of ....., 19.....

19085—

January 4, 1941

Re: Permit No. 19085

Mr. Edwin Snow,
Box 515,
Boise, Idaho.

Dear Mr. Snow:

We are enclosing herewith Permit No. 19085, issued to the Owsley Canal Company, subject to the limitations and conditions shown on the fourth page thereof.

You will note that one of these conditions is the filing of a $1,000 bond on or before February 27, 1941. and for your convenience we are enclosing a form of bond which has been approved in similar cases.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

JLA
Encls.

19085

RECEIVED
JAN 2 1941
Department of Reclamation

Edwin Snow
Lawyer
Boise, Idaho

December 31, 1940

Hon. James Spofford,
Commissioner of Reclamation,
State Capitol,
Boise, Idaho.

Dear Mr. Spofford: Re: Application No. 26400 -
Owsley Canal Company.

Thank you for your letter of December 30th, enclosing copy of order issued in the matter of the protest of the above application.

I have been keeping in my files all papers connected with Owsley Canal Company's water rights, and accordingly would suggest that the permit on the above application when issued be mailed to me.

With cordial good wishes for the New Year, I am

Very truly yours,

Edwin Snow

ES:FBJ

19085

December 30, 1940

Re: Application No. 26400

Mr. Otto K. McCutcheon,
Suite 207-209 Salisbury Building,
Idaho Falls, Idaho.

Dear Mr. McCutcheon:

We are enclosing herewith copy of Order entered under date of December 28, 1940, in the matter of the protest against the issuance of a permit under the above numbered application, in the name of the Owsley Canal Company.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Encl.

19085—

December 30, 1940

Re: Application No. 26400

Mr. Edwin Snow,
Box 515,
Boise, Idaho.

Dear Mr. Snow:

We are enclosing herewith copy of Order entered under date of December 28, 1940, in the matter of the protest against the issuance of a Permit under the above numbered application, in the name of the Owsley Canal Company.

Permit will be issued at once, and we shall appreciate having you advise us if you wish the permit sent to you, or to Mr. Huston, as Secretary of the company.

We are also returning the Notice of Hearing, which we borrowed from you, and for which we thank you.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation.

JLA
Encls.

19085

December 30, 1940

Re: Application No. 26400

Mr. John L. Hutton,
Manager-Secretary,
Owsley Canal Company,
Terreton, Idaho.

Dear Mr. Hutton:

We are enclosing herewith copy of Order entered under date of December 28, 1940, in the matter of the protest against the issuance of a Permit under the above numbered application.

Permit will be issued within the next few days.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Encl.

19085—

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest against issuing permit to appropriate the public waters of the State of Idaho.) ORDER

Under date of May 22, 1940, the Owsley Canal Company of Terreton, Jefferson County, Idaho, by John L. Hutton, Agent, made Application No. 26400 to appropriate One Hundred Twenty (120) cubic feet per second of underground water to be developed on the following forty acre sub-divisions; the several sub-divisions each being the point of diversion for the various amounts of water, that is, an amount equivalent to a continuous flow of Twenty (20) cubic feet per second in the Southeast Quarter Northeast Quarter Section 13; Twenty (20) cubic feet per second in the Southwest Quarter Northeast Quarter Section 13; Twenty (20) cubic feet per second in the Northwest Quarter Southwest Quarter Section 13; Twenty (20) cubic feet per second in the Southeast quarter Southeast Quarter Section 13; Twenty (20) cubic feet per second in the Northwest Quarter Northeast Quarter of Section 24 and Twenty (20) cubic feet per second in the Northeast Quarter Northeast Quarter Section 24; all in Township 7 North, Range 34 East, Boise Meridian. The water to be developed at the several wells located as above described, to be conveyed by ditches to Mud Lake and diverted at a point North 40°30' East 3,985 feet distant from the quarter corner, common to Sections Eleven and Fourteen, Township 6 North, Range 34 East, Boise Meridian, and distribution by systems of canals and laterals already constructed to serve 15,340 acres of land as described in Application No. 26400 and now on file with the records of this department.

Notice of pending application was published as required by law, whereupon the Western American Company (NSL) a corporation, by its attorneys C. A. Bandel and Otto McCutcheon under date of September 27, 1940, filed in the office of the Commissioner of Reclamation, Boise, Idaho, the following protest against the approval of Application No. 26400 for permit.

1. That the protestant is the owner and holder of permit No. 18885 issued by the Honorable James Spofford, Commissioner of Reclamation, on the 14th day of October, 1939, and said permit appears of record in Book 68, Page 18885, records of the Department of Reclamation of the State of Idaho.

2. That said permit was issued to Bertha L. Watkins of Hamer, Idaho and by her duly assigned for a valuable consideration to the protestant on or about the 20th day of October, 1939, and said assignment was received and filed for record in the Department of Reclamation at Boise, Idaho at 9 A.M. July 16th, 1940, and the said protestant is now the owner and holder of the said permit.

3. That under the said permit points of diversion of the subterranean waters appropriated were stated to be on certain specifically described lands in Section 26, 35, 25, and 36 all in Township 7 North, Range 34 East B.M., and the sources of said subterranean waters were described as, among other, Sections 13 and 24 in Township 7 North, Range 34 East Boise Meridian.

4. That at the time hereinafter mentioned Glen Yearsley and Alice R. Yearsley were and now are husband and wife, and occupied and still occupy the Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., in Jefferson County, State of Idaho, as the vendees under a certain contract of sale from Raymond R. Johnston and Lulu Johnston, husband and wife, dated November 18th, 1939, recorded December 22nd, 1939, in Book 78 of Contracts at Page 515, records of Jefferson County, State of Idaho, and the total purchase price of 360 acres of land described in said contract was $1,000.00 to be paid in installments out of crops raised on the premises.

19085-

5. That after said permit No. 18885 was granted and assigned to the protestant, the protestant through its officers and agents made examinations of the points of diversion mentioned in the said permit by protestant's said assignor and determined that the points of diversion should be changed and the permit in question amended so as to show the proposed points of diversion to be in the Northwest Quarter of the Southeast Quarter of Section 13, and in the Northeast Quarter of the Northeast Quarter of Section 24, all in said Township 7 North, Range 34 E. B. M., and the ownership of the said land was ascertained to be in the said Yearsleys as aforesaid. That thereupon and on or about the 18th day of November, 1939, agents of the protestant sought to secure permission from the said Glen Yearsley and Alice R. Yearsley to enter upon said forty acre sub-divisions for the purpose of exploring the possibilities of drilling wells and tapping a subterranean supply of water underneath said lands, and thereupon the said Glen Yearsley and Alice R. Yearsley agreed to and with the protestant, acting through its said officers and agents as aforesaid, that the protestant might enter upon the said Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., for the purpose of exploration and the drilling of wells on the said sub-divisions, with the further understanding that if a supply of water should be discovered and brought to the surface, that for a reasonable and adequate consideration to be paid by the protestant to the said Yearsleys, a permanent right and easement would be granted by the said Yearsleys to the protestant for the drilling of other wells on said sub-divisions and for the erection and maintenance of pump houses and power lines, ditches, and other instrumentalities for the pumping, diversion, and conveyance of water to the lands proposed to be irrigated by the protestant as set forth in its said permit No. 18885, and other lands.

6. That thereupon protestant and its servants and agents entered upon the said two forty acre sub-divisions of Section 13 and 24 and drilled wells thereon, and discovered and developed an abundant supply of water for each of the said wells, and thereupon protestant began negotiations with the said Yearsleys for the purpose of having them, the said Yearsleys, comply with their contracts and agreements with the protestant as agreed should be done after the protestant should have discovered water and drilled wells on the said Yearsley land, but that the said Yearsleys while recognizing the rights of the protestant to enter upon the lands aforesaid and the right of the protestant to drill the wells on the said lands, they the said Yearsleys, repudiated their contract in respect to granting to the protestant easements as contemplated and agreed. That all of the work performed upon the said sub-divisions by the said protestant including the location and development of subterranean water supplies and the drilling of the said wells, was in consideration of the promise of the said Yearsleys to complete the contract as aforesaid on payment of a fair and reasonable compensation for such easements for the location of wells and ditches, and said contract has been fully performed by the protestant, but that now the said Yearsleys refuse and continue to refuse to complete the contract so fully performed by the protestant, and under date of June 18th, 1940, said Glen Yearsley ordered protestant and its servants and agents off the premises, and made unconscionable demands upon the protestant for the granting of an easement, to wit, the said Yearsleys demanded that protestant pay $5,000.00 in cash within thirty days and in case of the development of 2500 inches of water and on all water over and above 2500 inches developed said Yearsley demanded of the protestant $150.00 additional for each additional second foot developed.

7. That in view of the fact that the protestant entered upon the said Yearsley land with the permission of the said owner, and was in no sense a trespasser on said land at the time its work in the development of water and the drilling of wells was performed, and in view of the fact that the protestant has fully performed its part of the contract made with the said Yearsleys, and in view of the fact that said protestant has applied to this Honorable Department for an amendment of its permit changing the point of diversion of water, the protestant respectfully represents that it would be inequitable and unlawful for the Commissioner to grant the application of the said Owsley Canal Company to locate

19085-

its point of diversion on the said Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., where protestant's wells have been drilled under its said agreement with said Yearsleys who are the owners of the said lands. That the reasons for denying the said application in respect to the said forty acre tracts upon which protestant's wells have been drilled, are that the drilling of other wells on said forty acre tracts will impair protestant's rights and diminish the flow of subterranean waters which protestant has already appropriated and interfere with such appropriations of the protestant.

8. Further protestant respectfully represents that the granting of the said permit to said Owsley Canal Company will enable the said Yearsleys to violate their contract with protestant with impunity and deprive the protestant of the fruits of its work and labor on the premises under the agreement with the said Yearsleys aforesaid.

9. That the officers and agents of the applicant, Owsley Canal Company, well knew of the arrangements between the protestant and the said Yearsleys, and well knew of the work which had been performed by the protestant under the terms of its said contract with the said Yearsleys prior to the filing of its said application here under protest.

Wherefore, protestant prays that the application of the Said Owsley Canal Company for permission or authority to locate points of diversion on the Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E.B.M., to be denied as injurious to the rights of the protestant therein and thereon.

Hearing on said protest was called and held at the court house at Idaho Falls on November 12, 1940, where C. A. Bandel of Rigby, Idaho and Otto McCutcheon of Idaho Falls, Idaho, appeared as attorneys for the protestant and Edwin Snow of Boise, Idaho, appeared as attorney for the applicant.

At the beginning of the hearing the Commissioner stated that the statutory grounds for protest against the issuance of a permit as contained in Section 41-203, Idaho Code Annotated, as amended by the 1935 Session Laws are as follows:

1. Where such use is such that it will reduce the quantity of water under existing water rights;

2. Where the water supply itself is insufficient for the purpose for which it is sought to be appropriated;

3. Where it appears to the satisfaction of the department that such application is not made in good faith; it is made for delay or speculative purposes, that the applicant has not sufficient financial resources with which to complete the work involved therein.

The protest brief submitted by the attorneys for the protestant, testimony at the hearing and the reply brief submitted by the protestants attorneys after the hearing, dealt in some length with a dispute with Mr. Yearsley concerning the authority or right to enter said Yearsley's lands for developing water to be used under permit No. 18885; this dispute certainly has no bearing on the matter in question.

If application for which permit No. 18885 was issued, now owned by the protestant, had the points of diversion as being in the Northwest Quarter Southeast Quarter of Section 13 and in the Northeast Quarter Northeast Quarter Section 24 Township 7 North, Range 34 E. B. ., the same would have a priority of October 20, 1939, but the official records in the Department of Reclamation show that the change of the point of diversion was recorded on September 25, 1940, which was several months after the filing of Application No. 26400.

The protestant made application and permit No. 18885 was granted under the permit law and this procedure should, therefore, be followed in

19085-

making the development under said permit, which as amended, is of later priority than that shown under application No. 26400.

After considering the testimony at the hearing and the briefs and reply briefs offered by the protestant and protestee it seems conclusive, within the statutory authority of the Commissioner, that application No. 26400 under consideration must be allowed and permit issued and it is so ordered.

In witness whereof I have hereunto set my hand and affixed the seal of this office this 28th day of December, 1940.

James Sheppard
Commissioner of Reclamation

19085-

PROTESTS

BRIEF OF PROTESTS

ANSWER TO PROTESTS

IN T STATE OF IDAHO

In the Matter of the Protests Against the Approval of Application No. 26400 to Appropriate the Public Waters of the State of Idaho

WESTERN AMERICAN COMPANY (NSL)
a corporation, By its Attorneys
C. A. Bandel and Otto McCutcheon,

Protestant,

vs

APPLICATION NO. 26400

OWSLEY CANAL COMPANY,
By its Attorney Edwi Snow,

Protestee.

REPO TER'S TRANS RIPT

Hearing at Idaho Falls, Bonneville County, State of Idaho, November 12, 1940

Before HONORABLE JAMES SPOFFORD, Commissioner of Reclamation.

Mr. C. A. Bandel,
Rigby, Idaho,

Mr. Otto McCutcheon,
Idaho Falls, Idaho,

Attorneys for Protestant.

Mr. Edwin Snow,
Boise, Idaho,

Attorney for Protestee.

L. E. POOLE
SHORTHAND REPORTER
IDAHO FALLS, IDAHO

IN THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO

In the Matter of the Protests Against the Approcal of Application No. 26400 to Appropriate the Public Waters of the State of Idaho in Accordance with the Provisions of Section 41-203, Idaho Code Annotated, as Amended by the 1935 Session Laws

WESTERN AMERICAN COMPANY (NSL)
a corporation, by its Attorneys
C. A. Bandel and Otto McCutcheon,

Protestant,

vs

APPLICATION NO. 26400

OWSLEY CANAL COMPANY,
By its Attorney Edwin Snow,

Protestee.

REPORTER'S TRANSCRIPT

Hearing at Idaho Falls, Bonneville County, State of Idaho, on the 12th day of November, A. D. 1940

Before HON. JAMES SPOFFORD, Commissioner of Reclamation.

Mr. C. A. Bandel,
Rigby, Idaho,

Mr. Otto McCutcheon,
Idaho Falls, Idaho,

Attorneys for Protestant.

Mr. Edwin Snow,
Boise, Idaho,

Attorney for Protestee.

INDEX TO TRANSCRIPT

	Page
Affidavit - Reporter's	31 - 31
Briefs to be Submitted, Discussion In Re	29 - 30
Statement by The Commissioner	2 - 7
Statement by Mr. McCutcheon	7 - 8
Stipulation as to Reporter	2 - 3
Stipulation to Use Records of Commissioner'f Office.	3 - 3
Witnesses Sworn	8 - 8
Evidence:	
Exhibits - Protestant's	
'A' Letter, Yearsley to Bandel and others	
Marked for identification	9 - 9
Received in evidence	10 - 10
Copy Substituted	10 - 10
Reference	9 - 10
Reference	17 - 19
Witnesses	
Bandel, C. A.	
Direct examination by Mr. McCutcheon	9 - 11
Matkins, Ben H.	
Direct examination by Mr. Bandel	11 - 19
Examination by The Commissioner	19 - 20
Direct examination by Mr. McCutcheon	20 - 22
Cross examination by Mr. Snow	22 - 27
Redirect examination by Mr. McCutcheon	28 - 29

BE IT REMEMBERED that on this twelfth day of November, A. D. Nineteen hundred and forty, this matter came on for hearing before the Honorable James Spofford, Commissioner of Reclamation of the State of Idaho, in the Chambers of the District Court, at the Court House, in Idaho Falls, Bonneville County, State of Idaho.

APPEARANCES: Mr. C. A. Bandel, of Rigby, Idaho, and Mr. Otto McCutcheon, of Idaho Falls, Idaho, appearing for the protestant;
Mr. Edwin Snow, of Boise, Idaho, appearing for the protestee.

The hearing convened at two o'clock, P. M., and the following proceedings were had and made a matter of record:

MR. McCUTCHEON: Mr. Commissioner, shall I proceed, then?

THE COMMISSIONER: Do you want to wait for Mr. Matkins?

MR. McCUTCHEON: I can put this Exhibit in while we are waiting.

THE COMMISSIONER: I could outline this case, for the record, if it's agreeable.

MR. McCUTCHEON: Yes, if you will.

THE COMMISSIONER: This is a hearing before the Department of Reclamation of the State of Idaho, Boise, Idaho, in the matter of the protests against the approval of Application number two, six, four, 0, 0, to appropriate the public waters of the state, in accordance with the provisions of Section forty-one, dash, two, 0, three, Idaho Code, Annotated, as amended by the Nineteen, thirty-five Session Laws; Western American Company (NSL), a corporation, by its attorneys, C. A. Bandel and Otto McCutcheon, protestant, against the Owsley Canal Company, by its attorney, Edwin Snow, protestee.

These hearings are informal. It is the object of my office to bring out all facts of interest connected with the case.

This hearing was set to be held at the court house in Idaho Falls, on October seventeenth, Nineteen hundred, forty, at ten o'clock, A. M.; but later the time of the hearing was postponed until November twelfth, Nineteen hundred, forty, at two o'clock, at this place, at the request of the attorneys for the protestant and protestee.

The first matter at this time to be considered will be a stipulation relative to the payment of Mr. Poole, the reporter, who has agreed to transcribe the minutes of this hearing. Do you gentlemen - or, have you agreed on the expense of this, the reporter's expense?

MR. McCUTCHEON: Well, no, but we will, of course,

Statement by Commissioner.

take care of that if it's necessary, or make a division; whatever is usual.

MR. SNOW: Yes, whatever the practice, or the law provides.

THE COMMISSIONER: Well, in a case like this I think it would be fair to divide the expense.

MR. McCUTCHEON: That is agreeable to us.

MR. SNOW: If the law doesn't otherwise provide, that is agreeable to us.

THE COMMISSIONER: Another matter that might be stipulated will be the use of all records anddocuments in the office of the Commissioner of Reclamation, to be considered as evidence in this case, the idea being to cut down the size and cost of the transcript.

MR. McCUTCHEON: That's agreeable.

MR. SNOW: That's agreeable. I had in mind especially the agreement that the permit now belonging to the Western American Company, upon which the protest is based, and the assignment thereof, and the affidavit for changing the point of diversion, or any other matters connected with that permit, should be deemed admitted in evidence. And also that the application of the Owsley Canal Company, upon which - or, to which the protest is made, and any matters connected with that be deemed admitted in evidence and subject to consideration by the Commissioner. Is there anything else?

Stipulations.

MR. McCUTCHEON: No, except we want to offer a letter which we have, from Yearsley, which indicates the reason for our having stopped work over there. But, we can offer that in evidence.

MR. SNOW: Yes, that wouldn't be a record of the Department. What you had in mind, and what I had in mind, was the records and files of the Department of Reclamation?

THE COMMISSIONER: Yes.

MR. McCUTCHEON: Yes.

THE COMMISSIONER: This is a hearing in the matter of the protest against an application to appropriate the public waters of the state, in accordance with the provisions of Section forty-one, dash, two, O, three, Idaho Code, Annotated, as amended by Chapter one hundred, forty-five of the Nineteen, thirty-five Session Laws; said application being dated June twenty-first, Nineteen hundred, forty. The Owsley Canal Company, of Terreton, Jefferson County, Idaho, by John L. Hutton, Agent, made application number two, six, four, O, O, to appropriate one hundred and twenty cubic feet per second of underground water, to be developed on the following forty-acre subdivisions, the several subdivisions each being the point of diversion for the amount of water set opposite, that is, an amount equivalent to a continuous flow of twenty second feet in the southeast quarter of the northeast quarter, Section thirteen; twenty second feet in the southwest quarter of the

Statement by Commissioner.

northeast quarter, Section thirteen; twenty second feet in the northwest quarter of the southeast quarter, Section thirteen; twenty second feet in the southwest quarter of the southeast quarter, Section thirteen; twenty second feet in the northwest quarter of the northeast quarter, Section twenty-four; and twenty second feet in the northeast quarter of the northeast quarter, Section twenty-four; all in Township seven North, Range thirty-four, East of the Boise Meridian. The water to be developed at the several wells located as above described is to be conveyed by ditches to Mud Lake; thence diverted at a point north forty-two degrees, thirty minutes east, thirty-nine hundred and eighty-five feet from the quarter corner common to Sections eleven and fourteen, Township six North, Range thirty-four East of the Boise Meridian, and distributed by a system of canals and laterals already constructed upon the lands shown in the accompanying list.

Now, instead of repeating these descriptions, gentlemen, would it be okay to give this to the reporter?

MR. McCUTCHEON: Yes, certainly.

MR. SNOW: Mr. Commissioner, is that necessary? If the application itself is to be deemed admitted in evidence wouldn't that show on its face?

THE COMMISSIONER: Yes, it would show.

MR. BEN H. MATKINS: Jack, that just includes the present Owsley Project, doesn't it?

Statement by Commissioner.

MR. JOHN L. HUTTON: Yes.

THE COMMISSIONER: Notice of the filing of the application was published as required by law; and on September twenty-seventh, Nineteen hundred and forty, there was received at the office of the Commissioner of Reclamation the following protest of the Western American Company (NSL), a corporation, by its attorneys, C. A. Bandel and Otto McCutcheon, which reads -- Gentlemen, shall I read it into the record?

MR. McCUTCHEON: We can consider that as a part of the records of your office.

THE COMMISSIONER: I can read this, or a part of the protest, if you want to revive your memories.

MR. McCUTCHEON: I have read it this morning.

MR. SNOW: It has occurred to me that that is in the nature of a pleading in the case, and any file or anything of that sort that those matters could be copied from your files. It may be that your practice is to have those copies in the reporter's notes, but I really dont see the necessity of it.

THE COMMISSIONER: I usually just set up the case in the record.

MR. McCUTCHEON: Well, we might make some sort of reference to the protest and the answer, and refer to your file for the complete documents.

THE COMMISSIONER: Well, it can be worked that way. There is no objection.

Statement by Commissioner.

The Idaho statute, under Section forty-one, dash, two, O, three, Idaho Code, Annotated, as amended by the Nineteen, thirty-five Session Laws, directs that the Commissioner shall find and determine from the evidence presented to what use or uses the waters sought to be appropriated can be and are intended to be applied; and said Section also sets out the grounds of protest against the issuing of a permit to appropriate the public waters of the state, which are as follows: First, "Where such proposed use is such that it will reduce the quantity of water under existing water rights." Second, "That the water supply itself is insufficient for the purpose for which it is sought to be appropriated." Third, "Where it appears to the satisfaction of the Department that such application is not made in good faith, is made for delay or speculative purposes, that the applicant has not sufficient financial resources with which to complete the work involved."

Gentlemen, are you ready to make your appearances?

MR. McCUTCHEON: Yes, your Honor.

MR. SNOW: Yes.

THE COMMISSIONER: The burden of proof rests upon the protestant.

MR. McCUTCHEON: We first desire to refer to the application for permit of Mrs. Bertha L. Matkins, application number two, six, two, seven, seven, permit number one, eight, eight, eight, five, appearing of record in Book sixty-eight,

Statement by Commissioner.

page one, eight, eight, eight, five, of the Department of Reclamation, and approved October fourteenth, Nineteen, thirty-nine.

Second, we refer to the assignment of the said application and permit above referred to, dated October twentieth, Nineteen, thirty-nine, as it appears of record in the Department of Reclamation, Boise, Idaho, recorded at nine o'clock, A. M., July sixteenth, Nineteen, forty, and which is an assignment from Bertha L. Matkins, duly acknowledged, of the permit number one, eight, eight, eight, five to the Western American Company (NSL), a corporation.

Third, we desire to have considered the affidavit for change of point of diversion of water right under permit number one, eight, eight, eight, five, received and filed in the Department of Reclamation at ten-thirty, A. M., September twenty-fifth, Nineteen, forty, and recorded therein; which is the affidavit of Mr. Prager Miller, president of the Western American Company, the then owner of permit number one, eight, eight, eight, five.

We will have - I guess we might as well swear Mr. Bandel and Mr. Matkins at the same time.

(C. A. Bandel and Ben H. Matkins were then sworn by the Commissioner as witnesses at this hearing.)

Statement by Mr. McCutcheon

C. A. BANDEL, called as a witness on behalf of the protestant, being heretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. McCUTCHEON:

Q. Mr. Bandel, what was your business and profession on June eighteenth, Nineteen, forty?

A. Attorney at Law.

Q. And where did you reside?

A. Rigby, Idaho.

Q. Did you have any employment from the Western American Company, the protestant here?

A. Yes, I did; I represented them in the State of Idaho at that time.

Q. At that time, or about that time, did you receive a registered letter from Glen Yearsley, of Terreton, Idaho?

A. I did.

MR. McCUTCHEON: If you will mark that as Protestant's Exhibit 'A', for identification.

(Protestant's Exhibit 'A', a typewritten letter, Glen Yearsley to Western American Co., and others, dated June 18, 1940, marked for identification by reporter.)

BY MR. McCUTCHEON:

Q. Please examine this Protestant's Exhibit 'A', for

C. A. Bandel, Pro Di
Exhibit 'A' Marked

identification, and state what it is.

A. (Examining Exhibit 'A') It is a letter from Glen Yearsley to Western american company, in care of myself, as attorney, Rigby, Idaho, also addressed to Ben H. Matkins, Terreton, Idaho, Bob Matkins, in care of Ben H. Matkins, Terreton, Idaho, and Ralph Cope, Junior, Terreton, Idaho.

Q. How did that come into your possession?

A. By mail, registered mail.

Q. You receipted for it?

A. I received it on or about the nineteenth or twentieth day of June, Nineteen, forty; I dont remember the exact date. The letter is dated June eighteenth.

Q. (Handing a document to the witness) And here is what apparently appears to be a carbon copy of that letter. Is that a carbon copy?

A. (Examining document) No, that is not a carbon copy of the original. This is a copy of the original letter, which was made in my office from the original.

Q. They are both the same?

A. Both the same.

MR. McCUTCHEON: We offer this Exhibit 'A' in evidence, with the request that we may supply the carbon copy in place of it.

MR. SNOW: There is no objection to that procedure.

MR. McCUTCHEON: Very well. You have read this?

C. A. Bandel Pro Di

MR. SNOW: Yes.

MR. McCUTCHEON: Then we will - This will be admitted in evidence, Mr. Reporter, and we will substitute for it the carbon copy which I now hand to you.

(Protestant's Exhibit 'A' received in evidence, and a copy substituted for the original exhibit.)

MR. McCUTCHEON: Are there any questions?

MR. SNOW: No.

(Discussion between counsel for protestant.)

BEN H. MATKINS, called as a witness on behalf of the protestant, being heretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BANDEL:

Q. Will you state your name, Mr. Matkins?

A. Ben H. Matkins.

Q. And where do you live?

A. One mile east of the Terreton post office.

Q. And are you acquainted with Mr. Prager Miller, the president of the Western American Company?

A. Yes, I am.

Q. Refering to the application for permit in this mat-

C. A. Bandel Pro Di
Exhibit 'A' Admitted and copy substituted.
Ben H. Matkins Pro Di

ter, number one, eight, eight, eight, five, in connection with the drilling of wells thereunder did the Western American Company ever drill any wells under this permit?

A. Yes.

Q. In Jefferson County?

A. Yes.

Q. And when did the company commence drilling wells under this permit?

A. Well, I cant remember the exact date, but it is somewhere along about November fifteenth, Nineteen, thirty-nine. Possibly a little sooner than that.

Q. How many wells did they drill?

A. Well, they have drilled five large wells - five twenty-inch wells; and - oh, I cant remember exactly the number of small wells, but I would say seven or eight.

Q. Did you oversee the work for the company in connection with the drilling of the wells?

A. Yes.

Q. And did you do this at the direction of the Western American Company?

A. I did.

Q. Can you tell me in what Sections, Township and Ranges those wells are drilled, Mr. Matkins?

A. I couldn't, I dont believe, without a plat showing it.

Q. Perhaps --

(Mr. Bandel then produced a blue print and handed it to the witness.)

Q. Perhaps this would help you.

A. Oh, yes, from the map. (Examining blue print) Well, the first test well was drilled in Section twenty-five.

Q. What Township and Range?

A. Six, thirty-four. Then we drilled - Let's see - four small wells and three large wells, and I believe all of those were in Section - Well, I am not sure about that, either. - Section thirteen, in six, thirty-four, and Section eighteen, in - Pardon me. That's not in six, thirty-four; it's seven, thirty-four, all of those; seven, thirty-four.

BY MR. McCUTCHEON:

Q. That's as to twenty-five, too?

A. Yes, the twenty-five was in that. I was thinking about the south side of the lake. And Section eighteen, seven, thirty-five. Not having a plat here of the land itself, as it is outlined, I cant say exactly just what subdivision those wells are on.

BY MR. BANDEL:

Q. When did you --

A. And then, there's another well in - Well, I think that covers them all.

Q. (Handing Small plat to witness) I hand you a piece of paper here. Will this assist you any in giving the subdivis-

ions where those wells have been drilled?

A. (Examining plat) Yes, that's - I see now I made a mistake. There aren't any wells in - Yes, there is, too. That's right; the evidence I gave there was correct. But, that should be - There's one additional well in Section twenty-four.

Q. Of what Township and Range?

A. Seven, thirty-four.

Q. And when you say 'seven, thirty-four', you mean Township seven North, Range thirty-four East?

A. Yes, seven North, thirty-four East.

Q. Who was employed to do this work for the Western American Company?

A. Ralph Cope actually did the drilling; Ralph Cope, Junior.

Q. And do you - You say that this work began along about in November, Nineteen, thirty-nine. And up until what time has this work continued; can you tell us that, approximately?

A. Well, up to about a month ago; maybe six weeks.

Q. Do you know the amount of money that the Western American has expended in the drilling of these wells?

A. Well, not exactly, but I think around - I think they have sent me around four thousand dollars, which I have paid out, and I know they have spent some in addition, sent some direct, themselves. I would say close to five thousand dollars.

Ben H. Matkins Pro Di

Q. That has been spent in the drilling of those wells?

A. And buying casing and --

Q. Yes. And has there been any water discovered in the drilling of those wells?

A. Yes, there has.

Q. How deep are those wells?

A. Oh, all the way from fifty- to two hundred feet.

Q. Will you give us the subdivisions upon which the wells may be found in Sections thirteen and twenty-four, seven North, thirty-four East?

A. (Examining plat) Well, there's one well on the northwest quarter of the southeast quarter of thirteen, seven North, thirty-four East; and there's a well on the northeast quarter of the northeast quarter of Section twenty-four, seven North, thirty-four East.

Q. Is that all of them in those two Sections, Mr. Matkins?

A. Yes. There's another well - I see that I made an error there in - There would also be one in the northwest quarter of the northwest quarter of Section nineteen, seven North, thirty-five East. I didn't give that in my original testimony.

Q. Did you state altogether how many wells Mr. Miller drilled?

A. There's five wells. These I am describing now are

three of the large - three of the five wells. And in addition to the large wells, there's a small well right to the side of these three that I have described. Do you want me to describe the other wells?

Q. If you have it.

A. Well, I will have to - These are not marked out, so I will have to kind of do a little - (Examining blue print and plat) Have you got the plat showing the two Johnson places?

MR. MC CUTCHEON: That's in the abstract. Have you got that abstract?

MR. BANDEL: I believe you have it in there.

(Discussion between counsel for protestant, and examination of files and documents.)

A. Well, I think I can figure it out here, anyhow. (Examining plat and blue print) It would be in the southeast forty of the southwest forty of Section eighteen, seven North, Thirty-five East.

BY MR. McCUTCHEON:

Q. Give me that description again, please?

A. The southeast quarter of the southwest quarter of Section eighteen, seven North, thirty-five East.

BY MR. SNOW:

Q. Is that a place where a large well is?

A. Yes; there's no small well next to that one now.

Now, we haven't the exact location of the other well, but I think that it's in about the northeast quarter of the southeast quarter of Section eighteen.

BY MR. BANDEL:

Q. Township and Range, please?

A. Township seven North, Range thirty-five East. That's just a large well; there's no small well there. Now, I might say that we drilled two or three other test wells at various locations, which we have not considered successful. One of those is down right on the shore line of the lake, of Mud Lake proper. That's a two hundred foot well.

Q. Refering to Protestant's Exhibit 'A', Mr. Matkins, do you know whether or not drilling operations ceased after the receipt of that letter?

A. Yes, we stopped for a time.

Q. That is, upon the properties upon which you were requested to cease operations?

A. Yes.

Q. You did, however, drill in other places --

A. Yes.

Q. -- after you received this letter?

A. The two last wells that I described were drilled after the receipt of this letter.

Q. You received a letter similar to this, too, did you?

A. Yes sir.

Q. And I will ask you to note the date of the letter (Indicating Exhibit 'A'). Did you receive it on or about the date of that letter?

A. I received mine on the twenty-second day of June.

Q. Nineteen, forty? A. Yes.

Q. What were the results of your operations upon the Glen Yearsley land, up to the time that you were ordered to stop working?

A. You mean as far as --

Q. -- as your results were concerned.

A. Getting watter?

Q. Yes.

A. Very good, I would say.

Q. How many wells did you state that you drilled upon this particular land on which you were requested to not drill any longer?

A. Six wells; three large, and three small.

Q. And did you strike water in each of them?

A. Yes.

Q. Were you ever able to test those wells?

A. We tested one of them, one of the small wells.

Q. And what was the result of that test?

A. Well, we didn't make any measurements, but I would say that it was a very satisfactory test. We had a six-inch

pump on a six-inch well, and I think we pumped it for possibly an hour, without any apparent effect on the supply from below.

Q. Is that the only well that you tested?

A. Yes, that's the only well.

Q. And because of this letter you ceased operations?

A. Well, we were just making plans to test the large well when we received this letter.

Q. And then you ceased operations entirely upon this Glen Yearsley land, in pursuance of this letter?

A. Yes.

Q. You drilled other wells, but you haven't gotten to the point of making tests on the other wells?

A. No.

MR. BANDEL: I believe that is all, Mr. Snow, if you care to examine him.

EXAMINATION

BY THE COMMISSIONER:

Q. Mr. Matkins, you made a statement to the effect - about drilling being done on Mud Lake proper. According to the map accompanying the application --

A. Well, they are all just the same, Mr. Spofford.

Q. It's shown - Application number two, six, four, 0, 0, is shown as North Lake.

A. Well, I can explain that --

MR. SNOW: He is talking about another permit.

THE COMMISSIONER: Oh, I see. My mistake. Eighteen thousand, eight hundred and eighty-five.

A. You see, to clarify you, our point of diversion - that is, when we made application for the change of point of diversion - The first well we drilled was the deep test well right on the shore of Mud Lake, and we didn't consider that satisfactory, so we moved backinto the north of North Lake.

BY THE COMMISSIONER:

Q. Well, that - the reason for drilling these small wells was test wells?

A. Test wells, to find what we considered a satisfactory body of water from which to pump. We drilled several test wells in other locations, but where we drilled the large wells we considered the best possibility for pumping any large amount of water.

Q. And in all those locations you followed up later with a bigger well?

A. Yes.

DIRECT EXAMINATION

BY MR. McCUTCHEON:

Q. Mr. Matkins, in reference to those wells which were drilled on the Yearsley land, were the irrigating ditches actually constructed and in existence at the time the water was discovered in the wells, leading from the wells to the lands to be irrigated?

A. The ditches which the Western American Company proposes to use for running the water from Mud Lake are actually constructed.

Q. Are actually constructed?

A. Yes.

Q. So that in reference to conveying the water from the points of discovery all that was necessary to do was to turn the water into those ditches?

A. No, it would be necessary first to construct a ditch from the wells themselves, first, into North Lake, and thence to Mud Lake.

Q. How long, how far would that be?

A. Well, I guess it would depend on - Wouldn't be very far if you wanted to go right straight to the lake in both instances, probably not over half a mile. But it would probably require a ditch of a mile or so, to be economical.

Q. A part of those ditches would have to be on the Yearsley land, so far as the wells on his land are concerned?

A. Yes.

Q. How much land does the Western American Company own in that locality?

A. Around ten thousand acres.

Q. And this development work which they have been doing was intended to furnish a supply of water for that land?

A. Yes sir.

Q. And the ditches for actually distributing the water over those lands have already been constructed?

A. Yes sir.

MR. McCUTCHEON: I think that is all.

CROSS EXAMINATION

BY MR. SNOW:

Q. Mr. Matkins, those distribution ditches that you speak of, leading from Mud Lake to the lands to be irrigated, were constructed about when?

A. Well, all the way from Nineteen, twelve, somewhere along in there, until about -Twenty; -Twenty-one, maybe, there might have been some work done.

Q. And the main canal is approximately what size?

A. Well, I couldn't say, but that's a very large canal. I dont know just the exact --

Q. It was originally designed --

A. I believe it's on that map that accompanies the --

Q. The dimensions aren't shown, are they?

A. I believe they are, I am not sure, on the blue print there, I think.

BY MR. BANDEL:

Q. (Handing blue print to witness) You might refer to it.

A. I dont know whether I can - (Examining blue print) No, it just gives the cross section. Yes, it does give the

scale, too.

BY MR. SNOW:

Q. Is that one of the maps that accompanies your permit number one, eight, eight, eight, five?

A. Yes. This is the main canal (Indicating), and this is the intake canal (Indicating).

MR. SNOW: Is that the map you have, Mr. Commissioner?

THE COMMISSIONER: No, this is twenty-six thousand, four hundred.

A. There's another one of these, I think, Ed.

BY MR. SNOW:

Q. All I wanted to know is if the map that you are refering to is a copy of the map that accompanied the application for permit number one, eight, eight, eight, five; is that correct?

A. I guess this is.

MR. McCUTCHEON: Yes, they were.

A. Yes.

BY THE COMMISSIONER:

Q. The size of the ditch may be shown in the application?

A. It's shown here, but it just gives the scale.

MR. McCUTCHEON: (Examining application) It says, "The dimensions of ditches actually existing are shown on accompanying map".

A. (Examining blue print) It says one inch equals twenty feet here. But that - I would imagine the bottom of that canal is around sixty feet, somewhere around in there.

BY MR. SNOW:

Q. Mr. Matkins, the history of that irrigation system was substantially this, was it not: That it was built by the Owsley Carey Land and Irrigation Company, and by it - or either directly or through various conveyances it became the property of the Central Idaho Irrigation District?

A. That's right. Pardon me. And the Mud Lake Irrigation District.

Q. Yes, some interest belonged to the Mud Lake Irrigation District?

A. Yes.

Q. And then through a receiver's sale you personally acquired it?

A. Yes.

Q. And sold it to the Western American Company?

A. That's right.

Q. And it was originally designed to irrigate some twenty-five thousand acres of land, was it not?

A. Well, twenty-five- to thirty thousand, I think, yes.

Q. And no construction work has been done on that ditch since the time of the application for permit one, eight, eight, eight, five? A. No.

Q. Now, the plan of utilization of the water in permit number one, eight, eight, eight, five was that water was to be developed at various wells, as shown in the application for the permit, and then it was to be conveyed into Mud Lake, and thence pumped out of Mud Lake into this large distribution system we speak of?

A. That's correct.

Q. As I understand, after this permit one, eight, eight, eight, five was granted, the Western American company first drilled a well on the shore of Mud Lake, a test well, and that one was the well that you decided was not successful?

A. Yes.

Q. You went down two hundred feet?

A. Yes. Well, now, I wouldn't say it wasn't successful; it seems to have plenty of water in it. But, what we had on our minds right there was the possibility of going deep enough that we might strike a real flowing well, which we were unsuccessful in that. And then we didn't feel that the - that this water, or body of water that we struck would stand excessive pumping. But, there's water in the well, of course, plenty of it.

Q. Well, when you say 'plenty of it', you mean that it rises in the well to an extent of now flowing or coming to the surface, doesn't it?

A. No, it doesn't flow. Well, it comes fairly close to

the surface.

Q. But you thought it wouldn't yield much in the way of irrigation water?

A. Yes.

Q. Well, then, about when did you finish that well; do you know?

A. Well, I think along about the first of December, Nineteen --

Q. That would be somewhere in thirty-five or thirty-six?

A. Twenty-five; it was in Section twenty-five, seven, thirty-four; seven North, thirty-four East.

BY THE COMMISSIONER:

Q. What year, Mr. Matkins?

A. We finished that in Nineteen, thirty-nine.

BY MR. SNOW:

Q. And then where did you go then? Where was the next well?

A. Well, we moved - (Examining blue print) The next one was in the northwest quarter of the southeast quarter of Section thirteen, seven North, thirty-four East.

Q. When did you drill the wells in Section nineteen?

A. Well, I think that all of those wells - I cant say exactly - all of those wells were completed, with the exception of the last two that I mentioned, after the receipt of that Yearsley letter - I think that practically all of those

wells were completed around the first of March, or April; somewhere along in there in that time.

BY MR. BANDEL:

Q. Of what year?

A. Of Nineteen, forty. Some of them were completed in Nineteen, thirty-nine. But, all of these three large wells, and the small wells, and the test well, and later another test well which we drilled in the southwest quarter of Section thirteen, were all completed, I would say, before the first of April. I know they were completed before the first of April, this year.

BY MR. SNOW:

Q. Mr. Matkins, that general area, or at least several miles to the east of that has been ratherproductive of good flowing wells, hasn't it?

A. Well, three or four miles to the east of this particular section.

Q. Yes. There have been some forty-acre subdivisions there where wells have been drilled where forty-acre subdivisions have yielded, without pumping, as much as sixty-five or seventy feet of flow?

A. That's right.

Q. And with pumping have yielded up to a hundred and thirty-five?

A. I believe approximately that amount.

MR. SNOW: Yes. I believe that is all.

RE DIRECT EXAMINATION

BY MR. McCUTCHEON:

Q. Mr. Matkins, did you - did you put a pump on either of the wells drilled in Sections thirteen or twenty-four, or both of them, seven North, thirty-four East?

A. We did on the small well in the northwest of the --

Q. Of the southeast?

A. -- of the southeast; yes, the northwest of the southeast quarter of Section thirteen; the small well.

Q. How long did you keep that pump running?

A. Well, while I was there, I think that it ran approximately thirty minutes, and the driller told me that it had been running before, and I know that it ran after we left. Approximately an hour, altogether.

Q. And what became of the water that was pumped there?

A. Well, it just flowed off in a - to the lower ground.

Q. Did it actually reach the lake?

A. No, I doubt that it would reach the lake.

Q. Was there any test on the well in the northeast of the northeast of Section twenty-four, seven North?

A. No, we didn't make any other tests, at all.

Q. I see.

A. The well, though, on the lake, the small well on the lake flowed into the lake.

Q. It did?

A. Yes; of it's ownself.

MR. McCUTCHEON: That's all.

MR. SNOW: I think that is all.

MR. McCUTCHEON: I think that is all we had, Mr. Commissioner.

MR. SNOW: I dont think we have any evidence.

THE COMMISSIONER: The protestee has no evidence?

MR. SNOW: No.

THE COMMISSIONER: Is there any other evidence to be presented at this time?

MR. McCUTCHEON: I think not, so far as we are concerned, your Honor.

THE COMMISSIONER: Do the attorneys desire to present any other briefs after this hearing?

MR. McCUTCHEON: Well, we would, just a short brief, your Honor; yes.

MR. SNOW: We would like to submit a reply brief.

THE COMMISSIONER: Can that be done within twenty days?

MR. McCUTCHEON: Oh, yes.

MR. SNOW: Yes.

THE COMMISSIONER: And you desire an additional ten days, Mr. Snow, to reply?

MR. SNOW: Well, ten days will be ample after their

Ben H. Matkins Pro ReDi
Discussion relative to filing briefs.

brief is served.

MR. McCUTCHEON: Yes, that will be very satisfactory, as far as we are concerned.

THE COMMISSIONER: If there is no other evidence, the hearing is closed.

(The hearing then adjourned.)

December 30, 1940

Re: Application No. 25400

Mr. C. A. Bandel,
Attorney at Law,
Rigby, Idaho.

Dear Mr. Bandel:

We are enclosing herewith copy of Order entered under date of December 28, 1940, in the matter of the protest against the issuance of a Permit under the above numbered application, in the name of the Ownley Canal Company.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Encl.

19085

December 2, 1940

26400

Mr. Otto McCutcheon
Attorney at Law
Idaho Falls, Idaho

Dear Mr. McCutcheon:

This will acknowledge receipt of your recent letter enclosing Brief from you and Mr. Bandel, as attorneys for the Western American Company (N.S.L.), protestant, against the Owsley Canal Company, Application No. 26400 to appropriate the public waters of the State of Idaho.

This Brief will be considered before final order is made relative to said protest.

Very truly yours,

JAMES SPOFFORD,
Commissioner of Reclamation

JS/mm

19085-

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

In the Matter of the Application of the Owsley Canal Company to Appropriate Water Under Application No. 26400. : Protest of Western American Company, (NSL), a corporation:

To the Honorable James Spofford, Commissioner of Reclamation, State of Idaho:

With respect to the application of the Owsley Canal Company, a corporation, of Terreton, Jefferson County, State of Idaho, under application No. 26400 to appropriate One Hundred and Twenty, (120) cubic feetper second of underground water for irrigation purposes,with points of diversion located on the Southeast Quarter of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 13, and the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 24, all in Township 7 North, Range 34 East B. M., Jefferson County, State of Idaho, the protestant, Western American Company, (NSL), a corporation, makes its protest to the granting of the said application and permit and in that behalf protestant alleges:

1

That the name and address of the protestant is Western American Company, (NSL), a corporation, and it is a corporation located under the laws of New Mexico and qualified to transact business in the State of Idaho.

2

That its address is Albuquerque, New Mexico, and that its local address is care of Clarence A. Bandel, Attorney at Law, Rigby, Idaho.

3

That the protestant is the owner and holder of permit No. 18885 issued by the Honorable James Spofford, Commissioner of Reclamation, on the 14th day of October, 1939, and said permit appears of record in Book 68, Page 18885, records of the Department of Reclamation of the State of Idaho.

4

That said permit was issued to Bertha L. Matkins of Hamer, Idaho, and by her duly assigned for a valuable consideration to the protestant on or about the 20th day of October, 1939, and said assignment was received and filed for record in the Department of Reclamation at Boise, Idaho, at 9 A.M. July 16th, 1940, and the said protestant is now the owner and holder of the said permit.

5 3

That under the said permit points of diversion of the subterranean waters appropriated were stated to be on certain specifically described lands in Sections 26, 35, 25, and 36, all in Township 7 North, Range 34 East B. M., and the sources of said subterranean waters were described as, among others, Sections 13 and 24 in Township 7 North, Range 34 East Boise Meridian.

6 4

That at the time hereinafter mentioned Glen Yearsley and Alice R. Yearsley were and now are husband and wife, and occupied and still occupy the Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., in Jefferson County, State of Idaho, as the vendees under a certain contract of sale from Raymond R. Johnston and Lulu Johnston, husband and wife, dated November 18th, 1939, recorded December 22nd, 1939, in Book 78 of Contracts at Page 515, records of Jefferson County, State of Idaho, and the total purchase price of 360 acres of land described in said contract was $1,000.00, to be paid in installments out of crops raised on the premises.

7 5

That after said permit No. 18885 was granted and assigned to the protestant, the protestant through its officers and agents made examinations of the points of diversion mentioned in the said permit by protestant's said assignor and determined that the points of diversion should be changed and the permit in question amended so as to show the proposed points of diversion to be in the Northwest Quarter of the Southeast Quarter of Section 13, and in the Northeast Quarter of the

Northeast Quarter of Section 24, all in said Township 7 North, Range 34 E. B. M., and the ownership of the said land was ascertained to be in the said Yearsleys as aforesaid. That thereupon and on or about the 18th day of November, 1939, agents of the protestant sought to secure permission from the said Glen Yearsley and Alice R. Yearsley to enter upon said forty acre sub-divisions for the purpose of exploring the possibilities of drilling wells and tapping a subterranean supply of water underneath said lands, and thereupon the said Glen Yearsley and Alice R. Yearsley agreed to and with the protestant, acting through its said officers and agents as aforesaid, that the protestant might enter upon the said Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., for the purpose of exploration and the drilling of wells on the said subdivisions, with the further understanding that if a supply of water should be discovered and brought to the surface,that for a reasonable and adequate consideration to be paid by the protestant to the said Yearsleys,a permanent right and easement would be granted by the said Yearsleys to the protestant for the drilling of other wells on said sub-divisions and for the erection and maintenance of pump houses and power lines, ditches, and other instrumentalities for the pumping, diversion, and conveyance of water to the lands proposed to be irrigated by the protestant as set forth in its said permit No. 18885, and other lands.

8

That thereupon protestant and its servants and agents entered upon the said two forty acre sub-divisions of Sections 13 and 24 and drilled wells thereon, and discovered and developed an abundant supply of water for each of the said wells, and thereupon protestant began negotiations with the said Yearsleys for the purpose of having them, the said Yearsleys, comply with their contracts and agreements with the protestant as agreed should be done after the protestant should have discovered water and drilled wells on the said Yearsley land,

but that the said Yearsleys while recognizing the rights of the protestant to enter upon the lands aforesaid and the right of the protestant to drill the wells on the said lands,they,the said Yearsleys, repudiated their contract in respect to granting to the protestant easements as contemplated and agreed. That all of the work performed upon the said sub-divisions by the said protestant including the location and development of subterranean water supplies and the drilling of the said wells, was in consideration of the promise of the said Yearsleys to complete the contract as aforesaid on payment of a fair and reasonable compensation for such easements for the location of wells and ditches,and said contract has been fully performed by the protestant, but that now the said Yearsleys refuse and continue to refuse to complete the contract so fully performed by the protestant, and under date of June 18th, 1940, said Glen Yearsley ordered protestant and its servants and agents off the premises, and made unconscionable demands upon the protestant for the granting of an easement, to wit, the said Yearsley demanded that protestant pay $5,000.00 in cash within thirty days and in case of the development of 2500 inches of water, and on all water over and above 2500 inches developed said Yearsley demanded of the protestant $150.00 additional for each additional second foot developed.

9

That in view of the fact that the protestant entered upon the said Yearsley land with the permission of the said owner, and was in no sense a trespasser on said land at the time its work in the development of water and the drilling of wells was performed,and in view of the fact that the protestant has fully performed its part of the contract made with the said Yearsleys, and in view of the fact thatsaid protestant has applied to this Honorable Department for an amendment of its permit changing the point of diversion of water, the protestant respectfully represents that it would be inequitable and unlawful for the Commissioner to grant the application of the said Owsley Canal Company to locate

its points of diversion on the said Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., where protestant's wells have been drilled under its said arrangement with said Yearsleys who are the owners of the said lands. That the reasons for denying the said application in respect to the said forty acre tractsupon which protestant's wells have been drilled,are that the drilling of other wells on said forty acre tracts will impair protestant's rights and diminish the flow of subterranean waters which protestant has already appropriated and interfere with such appropriations of the protestant.

10

Further protestant respectfully represents that the granting of the said permit to said Owsley Canal Company will enable the said Yearsleys to violate their contract with protestant with impunity and deprive the protestant of the fruits of its work and labor on the premises under the agreement with the said Yearsleys aforesaid.

11

That the officers and agents of the applicant, Owsley Canal Company, well knew of the arrangements between the protestant and the said Yearsleys, and well knew of the work which had been performed by the protestant under the terms of its said contract with the said Yearsleys prior to the filing of its said application here under protest.

Wherefore, protestant prays that the application of the said Owsley Canal Company for permission or authority to locate points of diversion on the Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E.B.M., be denied as injurious to the rights of the protestant therein and thereon.

Respectfully submitted,

Western American Company, (NSL), a corporation,

By C. A. Bandel

Rigby, Idaho.

Otto McCutcheon

Idaho Falls, Idaho.

Attorneys for the Protestant.

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 11:00 A.M. Sept 27 1940

James Stuffond
Commissioner of Reclamation

IN THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO.

In the Matter of the Protests Against the Approval of Application No. 26400 to Appropriate the Public Waters of the State of Idaho

RECEIVED
DEC 2 1940
Department of Reclamation

WESTERN AMERICAN COMPANY (NSL)
a corporation, By its Attorneys
C. A. Bandel and Otto McCutcheon,

Protestant,

vs.

APPLICATION NO. 26400

OWSLEY CANAL COMPANY,
By its Attorney Edwin Snow,

Protestee.

To the Honorable Commissioner of Reclamation of the State of Idaho:

It will appear from the record in the office of the Department that application for Permit No. 26277 was approved October 14th, 1939, and No. 18885 was assigned to the application as the permit number.

Work was to begin December 13th, 1939; one fifth was to be completed on or before April 14th, 1942, and the whole of said work was to be completed October 14th, 1944. Beneficial use of water appropriated was to be made on or before October 14th, 1950. It will thus be observed that protestants have upwards of ten years within which to complete their plan of operation so far as this particular permit is concerned.

The application was made by Bertha L. Matkins and assigned by her to the Western American Company (NSL), a corporation, under date of October 20th, 1939, and the assignment recorded July 16th, 1940, in the records of the Department.

It appears from the testimony of Mr. Matkins that drilling of wells was commenced by the protestant some time in November of 1939, Ralph Cope actually doing the drilling, and this work continued to a date about a month or six weeks before this hearing, which was held on November 12th, 1940. T. 14 and 15.

The protest is aimed particularly at approval of the application of the Owsley Canal Company to drill on the Northwest Quarter of the Southeast Quarter of Section 13, Tp. 7 North, Range 34 E. B. M., and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., because on those sub-divisions the protestant

apprehend that under the rules applicable the protestant has a good cause of action and may secure a valid judgment against the Yearsleys in a condemnation suit which it is intended to begin. If the Honorable Commissioner will please refer to the letter which was introduced in evidence from Glen Yearsley to the interested parties, it will be observed just what the situation was.

In conclusion we urge that while our operations are held in abeyance by the hostility of the landowner, no adverse rights can attach by the action of a third party, such as the applicant here, which has notice of all of the claims and rights of the protestant.

Respectfully submitted,

Attorneys for the Protestant

BEFORE THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO.

IN THE MATTER OF THE PROTEST AGAINST THE APPROVAL OF APPLICATION NO. 26400 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED, AS AMENDED BY THE 1935 SESSION LAWS.

Western American Company (WSL), a corporation, etc.,
Protestant,

v.

Owsley Canal Company,
Protestee.

ANSWER TO PROTEST.

COMES NOW, Owsley Canal Company, a corporation, and answers as follows the protest of Western American Company filed herein:

1 - 3.

Admits the allegations of paragraphs 1 to 3, inclusive, of said protest.

4, 5, 6, and 7.

This answering protestee is without knowledge, information, or belief sufficient to enable it to answer the allegations set forth in paragraphs 4, 5, 6, and 7 of said protest, or any of them, and on that ground denies each and every of said allegations.

Protestee alleges that the affidavit of Western American Company, setting out its desire to change the points of diversion set forth in said permit No. 18885 was not filed in the Department of Reclamation until September 25, 1940; that is to say, it was filed long after the filing of the protestee's application for permit No. 26400.

Protestee further states that the granting of its said application No. 26400 will in no manner impair any of protestant's rights as the same existed at the time its application No. 26400 was filed, or at any other time.

8.

Denies the allegations of paragraph 8 of said protest.

9.

Denies that prior to the filing of said application here under protest any of protestee's officers or agents had knowledge of any arrangement between the said protestant and the said Yearsleys, or had knowledge of any work performed by the protestant under the terms of any contract with the said Yearsleys, except Ben H. Watkins, one of protestee's directors, who may have had such knowledge; but, if so, the interests of said Ben H. Watkins are and have been adverse to protestee in the matter of said application No. 26400 and the protest thereto.

Further answering said protest, protestee states that none of the matters set forth in said protest, and especially none of the matters connected with protestant's alleged difficulties with said Glen H. Yearsley and wife, constitute any ground for protest under Section 41-203, Idaho Code Annotated, as amended by Chapter 145 Session Laws. 1935, or any ground for denying said application No. 26400.

Edw Pope

Attorney for Protestee,
Residence: Boise, Idaho.

STATE OF IDAHO,)
) ss.
County of Ada.)

EDWIN SNOW, being first duly sworn, deposes and says: That he is the attorney for protestee herein, that he has read the foregoing answer, knows the contents thereof, and believes the facts therein stated to be true; that he makes this verification for the reason that the said protestee's officers are absent from the county in which affiant resides, to-wit: Ada County, Idaho.

Edwin Snow

Subscribed and sworn to before me this 7th day of November, 1940.

Fern E. Jones

Notary Public for Idaho,
Residence: Boise, Idaho.

RECEIVED
DEC 7 1940
Department of Reclamation

BEFORE THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO.

IN THE MATTER OF THE PROTEST AGAINST THE APPROVAL OF APPLICATION NO. 26400 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED, AS AMENDED BY THE 1935 SESSION LAWS.

Western American Company (NSL), a corporation, etc., Protestant,

v.

Owsley Canal Company, Protestee.

BRIEF OF PROTESTEE.

The protest against the approval of the Owsley Canal Company's application for permit is based by protestant upon its ownership of permit No. 18885 which was issued October 14, 1935. This permit was for 25 second feet of water, the point of diversion of which was specified to be

> "one or more wells on each 40-acre subdivision of the following described land:
>
> $S\frac{1}{2}$ $N\frac{1}{2}$, $S\frac{1}{2}$ Sec. 26,
> $N\frac{1}{2}$ $N\frac{1}{2}$ Sec. 35,
> $S\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 25,
> $NW\frac{1}{4}NW\frac{1}{4}$ Sec. 36,
>
> all in Twp. 7 N., R. 34 E.B.M."

The Owsley Canal Company's application No. 26400 was filed May 22, 1940. It sought to appropriate 120 second feet of water. Of this amount, 80 second feet were to be diverted in Section 13, Township 7 North, Range 34 East Boise Meridian, 40 second feet and in the North Half of the Northeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) of Section 24, same township and range. It will thus be seen that the points of diversion specified in Owsley Canal Company's application were for the bulk of the water appropriated more than two miles distant from the nearest point of diversion specified in the protestant's permit and all the points of diversion were more than a mile distant from the nearest points of diversion specified in protestant's permit.

19085

J-1

It was months after the Owsley application was filed and only in connection with the protest and as a foundation for it that the protestant herein sought by its affidavit, filed September 25, 1940, to change its points of diversion so as to create a possible conflict upon which a protest could be based. By this affidavit it sought to change its points of diversion to those sections specified in the Owsley Company's application. It is artlessly stated in the affidavit or application for change of point of diversion that the reason for the requested change is that "a sufficient amount of subterranean water was not found at the point of diversion designated in the original permit".

In other words, the Western American Company having failed to find or develop water at the points where the department of reclamation, by its approval of permit No. 18885, had granted permission to divert water, then sought to change its points of diversion to another location which was already covered by the Owsley Canal Company's application; and not only that, but it makes this belated attempt to change its point of diversion the basis of its protest against the approval of the Owsley Canal Company's application already filed. This, of course, cannot be done.

Section 41-108, Idaho Code Annotated, provides:

> "The person entitled to the use of water may change the place of diversion <u>if others are not injured by such change</u> * * *".

The above quoted statute has been expressly held by the supreme court of Idaho to be applicable to proceedings before the department of reclamation to change the place of diversion as specified in a permit granted by the department.

> Washington State Sugar Company v. Goodrich, 27 Ida., 26.

It would seem wholly unnecessary to advance arguments or court authorities in support of the manifest justice of the limitation imposed by the Idaho statute upon changes in his point of diversion sought by an appropriator of water. No such change can be made to the detriment of an intervening right. The court decisions are unanimous to this effect.

At the hearing of this protest (Tr. p. 7) the commissioner of reclamation correctly set out the statutory grounds of protest against the issuing of a permit. The protest here purports to deal only with the first of such grounds, namely: that the proposed use of water under the protested permit would reduce the quantity of water under existing water rights.

Yet the record is conclusive against any such contention by protestant. In the affidavit filed September 25, 1940, for change of point of diversion by the Western American Company, it is stated that the reason for requesting change is that a sufficient amount of subterranean water could not be found at the point of diversion designated in the original permit. The testimony of Mr. Matkins at the hearing was to the same effect. Since admittedly the protestant cannot obtain a water supply by drilling under the terms of its original permit, it is obvious that it cannot be injured by the commissioner granting to another party permit to drill wells and divert water on subdivisions a mile or two distant where it probably can be obtained. The protestant did not enlarge or fortify its rights under its permit by drilling test wells promiscuously over the territory in general. Its rights under its permit were fixed by the terms thereof granting permission to divert water at certain specified places. The public is entitled to rely upon the

records of the department of reclamation. While it is established law that an appropriator of water by actually diverting and applying water to a beneficial use may acquire a vested water right, without applying for a water permit at all, an appropriator by permit must follow the law and the records and conform to the limitations and requirements of his permit in order to have his rights relate back to the filing of application for permit.

Moreover, the record is wholly devoid of evidence throwing any light whatever upon the extent or sources of the underground water in that vicinity. There is absolutely nothing in the testimony adduced by protestant at the hearing to indicate that the granting of the Owsley Canal Company permit would interfere with the development of 25 second feet of water under protestant's permit at the points of diversion originally specified. Indeed, the record shows, on the contrary, that protestant cannot develop 25 second feet of water at the points of diversion originally specified in its permit, irrespective of any development of water by the Owsley Canal Company. There is nothing in the record to indicate that there is not a large surplus of underground water in that immediate vicinity above the 25 second feet claimed under protestant's permit. Indeed, the record shows that three or four miles east of this area wells sunk on a single 40-acre subdivision have yielded by pumping approximately 135 second feet of water (Tr. p. 27).

As stated by the commissioner at the hearing (Tr. p. 7), "the burden of proof rests upon the protestant". The burden has in no respect been met. We might say that even if the attempted belated amendment to protestant's permit

were allowed by the commissioner and even given retroactive effect so as to date back to its original application (which is wholly contrary to law), even then the record would not sustain the protest. If the points of diversion on protestant's permit No. 18885 had actually been upon Sections 13 and 24, Township 7 North, Range 35 East Boise Meridian (where the Owsley Canal Company's points of diversion are located), even then there is not the slightest showing in the record that additional wells might not be sunk upon those two square miles of territory to produce more than 25 second feet of water.

But these latter observations are rather immaterial. The protest must be decided upon the record as it stood at the time the Owsley application was made. The belated proposal of protestant to change its points of diversion can not be given effect or even considered in support of its protest.

It is needless to remark that protestant's dispute with Mr. Yearsley concerning right of way or the privilege of entry upon yearsley's lands for the purpose of testing protestant's wells had no possible bearing upon the issues here. A recital of protestant's difficulties with Mr. Yearsley comprises a considerable part of the allegations set out in the protest. All these matters are wholly immaterial. The issue for decision here would be precisely the same if protestant had had no controversy whatever with Yearsley.

Respectfully submitted,

Edwin Snow

Attorney for Protestee,
Owsley Canal Company.

November 9, 1940

Mr. Edwin Snow
Attorney at Law
Boise, Idaho

Dear Mr. Snow:

This will acknowledge receipt of a copy of the protest of the Western American Company -vs- Owsley Canal Company, Application No. 26400, which document will be recorded with Application No. 26400 file.

Very truly yours,

JAMES SPOFFORD,
Commissioner of Reclamation

JS/mw

19085-

Edwin Snow
Lawyer
Boise, Idaho

November 8, 1940

RECEIVED
NOV 9 1940
Department of Reclamation

Department of Reclamation,
Capitol Building,
Boise, Idaho.

Gentlemen: Re: Protest of Western American Company against Owsley Canal Company's Application No. 26400.

I am handing you herewith for filing Owsley Canal Company's answer to protest herein.

It is being served today upon Otto E. McCutcheon, Idaho Falls, attorney for protestant as shown by copy of letter attached.

Very truly yours,

Edwin Snow

ES:FBJ

Enc.

19085

November 8, 1940

Mr. Otto E. McCutcheon,
Attorney at Law,
Idaho Falls, Idaho.

Dear Otto: Re: Protest of Western American Company against Owsley Canal Company's Application No. 26400.

Enclosed herewith is copy of answer of Owsley Canal Company to protest in the above matter.

Very truly yours,

ES:FBJ

(Signed) EDWIN SNOW

Enc.

19085

LESLIE E. POOLE
OFFICIAL COURT REPORTER
NINTH JUDICIAL DISTRICT OF IDAHO
IDAHO FALLS, IDAHO

October 29th, 1940

RECEIVED
OCT 30 1940
Department of Reclamation

HON. JAMES SPOFFORD
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Spofford:

I have your letter of October 28th, relation to the hearing in the Owsley Canal Co. matter.

The District Court room will be available to you on November 12th, and I will glad to report the hearing for you.

Thanking you kindly, and with best wishes,

Yours truly

L. E. Poole

19085

26400

October 28, 1940

Mr. Leslie E. Poole
Court Reporter
Idaho Falls, Idaho

Dear Mr. Poole:

At two o'clock P.M., on November 18th, I will hold a hearing at the Courthouse at Idaho Falls, Idaho, on a protest against the application of the Owsley Canal Company, No. 26400.

Will you be able to transcribe the minutes of this hearing, and will you also see that we can get room in the courthouse at this time for the hearing. I believe few people will be present at the time, but you will be able to get additional information from Mr. Otto Matheson, if you so desire.

Very truly yours,

JAMES SPOFFORD,
Commissioner of Reclamation

JS/mw

19085

October 28, 1940

Otto K. McCutcheon
Attorney and Counselor-at-Law
207-209 Salisbury Building
Idaho Falls, Idaho

Dear Mr. McCutcheon:

The Chief Clerk of this Department on October 24th, answered your October 23rd, letter requesting that the protest hearing against application of the Ossley Canal Company, No. 26400 be postponed from 10:00 A.M., November 12th, to 2:00 P.M., on the same day, so as to accomodate Mr. Randel who must attend the court at Rigby in the forenoon on November 12.

This office is very glad to postpone this hearing until 2:00 P.M in the afternoon of November 12.

Very truly yours,

JAMES CLOFFORD,
Commissioner of Reclamation

JS/mw
cc Edwin Snow, Boise
and C. A. Randel
Rigby, Idaho.

19085—

October 24, 1940

Re: Application No. 26400

Mr. Otto E. McCutcheon,
Suite 207-209 Salisbury Building,
Idaho Falls, Idaho.

Dear Mr. McCutcheon:

Your letter of the 23rd inst., relative to time set for hearing in the protest against the application of the Owsley Canal Company, No. 26400, has reached the office during the absence of the Commissioner.

As he will not be back in the office for several days, I have taken the liberty of telephoning Mr. Snow, and it will be agreeable with him to have the hearing postponed until the afternoon of November 12th, instead of at 10:00 o'clock A. M. of that day.

The matter to come up before Mr. Albaugh on Permit No. 18200 is not a hearing before the Commissioner, but only the submission of proofs of completion of works before Mr. Albaugh, as Notary Public, so that need not interfere with the hearing in the Owsley protest.

The matter will be brought to Mr. Spofford's attention upon his return, and you will hear from him promptly in regard to same.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

19085

OTTO E. McCUTCHEON
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 207-209 SALISBURY BUILDING
IDAHO FALLS, IDAHO

RECEIVED
OCT 24 1940
Department of Reclamation

WESTERN UNION CODE
CABLE ADDRESS: OTTOCUTCH

RECEIVED
OCT 24 1940
Department of Reclamation

Oct. 23d, 1940.

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:

Referring to the hearing set for Idaho Falls, Nov. 12th, next, in re application of Owsley Canal Co. and protest of Western American Co., Mr. Snow representing the applicant, Mr. Bandel of Rigby is associated with me in the matter and today he was in the office. He calls my attention to the fact that Nov. 12th is the first day of the fall term of court at Rigby and he says that he will have to be there in the morning when the calander is called. He will be able to be down here in the afternoon. I note that you have a hearing set on Permit No. 18200 at Mr. Albaugh's office at 2 o'clock P. M. I am wondering if it cannot be arranged to have the Owsley hearing and the protest in the afternoon of the 12th so as to accommodate Mr. Bandel. I trust that you will be able to agree to this short postponement and feel sure that Mr. Snow will be agreeable to it. If some one in your office might phone Edwin on receipt of this I will appreciate it.

Very truly yours,

Otto McCutcheon

515 Bandel

1908s--

October 15, 1940

Re: Application No. 26400
Owsley Canal Company.

Mr. Otto E. McCutcheon,
Suite 207-209 Salisbury Bldg.
Idaho Falls, Idaho.

Dear Mr. McCutcheon:

I am just in receipt of your letter of October 14th, in which you state that you and Mr. Snow have agreed to ask for a continuance of the hearing in the matter of the protest of the Western American Company vs. The Owsley Canal Company, from October 17, 1940 until 10:00 o'clock A. M. November 12, 1940.

In accordance with this request, the hearing will be continued until the above date, and will come on for hearing at 10:00 o'clock A. M. of November 12, 1940.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

JLA
CC to Clarence A. Bandel
John L. Hutton
Edwin Snow

19085

OTTO E. McCUTCHEON
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 207-209 SALISBURY BUILDING
IDAHO FALLS, IDAHO

WESTERN UNION CODE
CABLE ADDRESS: OTTOCUTCH

Oct. 14th, 1940.

RECEIVED
OCT 15 1940
Depar... ...ation

Hon. James Spofford,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:

Referring to the hearing set for Idaho Falls on the 17th inst. in re. protest of the Western American Company vs. the Owsley Canal Company, Edwin Snow just left my office after agreeing that a continuance of the hearing might be had to November 12th next at 10 o'clock in the forenoon of that day. Mr. Snow tried to reach you or Mr. Dewey this afternoon by phone but could not do so, and at his suggestion I am writing this.

Very truly yours,

Otto McCutcheon

M:LK

19085—

October 14, 1940

Re: Application No. 26400

Mr. John L. Hutton,
Manager-Secretary,
Owsley Canal Co.,
Terreton, Idaho.

Dear Mr. Hutton:

We acknowledge receipt of your letter of the 11th inst., enclosing Affidavit of Publication of Notice in connection with the above numbered Permit.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

1905 5

OFFICERS
BEN H. MATKINS
President
CHAS. H. RICKMAN
Vice-President
JOHN L. HUTTON
Manager-Secretary

THE OWSLEY CANAL COMPANY

TERRETON, IDAHO

DIRECTORS
J. B. ADAMSON
C. C. MADISON
L. H. SHULDBERG
CHAS. H. RICKMAN
BEN H. MATKINS

October 11, 1940.

Hon. James Spoffard, Commissioner,
Department of Reclamation,
Boise, Idaho.

Dear Mr. Spoffard:

Inclosed herewith please find notice of publication in connection with Application for Permit No. 26,400.

Very truly yours,

John L. Hutton

RECEIVED
OCT 14 1940
Department of Reclamation

19085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 145, 1935 SESSION LAWS

NOTICE IS HEREBY GIVEN That on the 22nd day of May, 1940, the OWSLEY CANAL COMPANY, of Terreton, Jefferson County, Idaho, made Application No. 26400 to appropriate One Hundred and Twenty (120) cubic feet per second of underground waters, for irrigation purposes.

That the points of diversion are located on the SE¼ NE¼, SW¼ NE¼, NW¼ SE¼ and SW¼ SE¼ of Section 13, and the NW¼ NE¼ and NE¼ NE¼ of Section 24; all in Township 7 North, Range 34 East, B. M.

That the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: 15,340 acres located in the following subdivisions:

Township 6 North, Range 35 East Boise Meridian

W½SW¼ Section 8; All Section 17; All Section 18; All Section 19; W½NE¼, NW¼, SW¼ Section 20; W½ NW¼, NW¼ SW¼ Section 28; NE¼, W½NW¼ Section 30.

Township 6 North, Range 34 East, Boise Meridian

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼ Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½, E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23, N½, SW¼, Section 24; All Sections 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼-SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, S-W¼ SE¼ Section 28; All Section 29; N½ Section 35.

Township 7 North, Range 34 East, Boise Meridian

S½SE¼ Section 32; S½SW¼ Section 33.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 19th day of August, 1940.

JAMES SPOFFORD,
Commissioner of Reclamation.

Date of First publication: Sep. 5, 1940.

Date of Last publication, September 19, 1940.

Last date for protest: September 28, 1940.

SERVICE OF the foregoing, by copy, is hereby admitted this 20th day of August, 1940.

OWSLEY CANAL COMPANY,
By Edwin Snow, Agent.

(42-44)

Affidavit Of Publication

The Rigby Star

STATE OF IDAHO, }
County of Jefferson. } ss.

I, R. I. 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, in 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 three consecutive issues thereof; first publication having been made on the 5th day of Sept., 1940 and last publication on the 19th day of Sept., 1940.

And affiant further says that at the times herein mentioned said newspaper 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.

R. I. Jones.

Subscribed in my presence and sworn to before me this ____ day of ____, 194__.

(SEAL) SEP 19 1940

Hope B. Jones

Notary Public for the State of Idaho, residence and post office address: Rigby, Idaho.
My Commission expires January 30th., 1942.

Publication Fee $____.

19085-

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Dudley Co Co

(Signature or name of addressee)

by Edelmy Schwandy

(Signature of addressee's agent)

Date of delivery. 10-10, 1940

19085

Form 3811

U. S. GOVERNMENT PRINTING OFFICE

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 27193

INSURED PARCEL

No. _____

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

POSTMARK OF DELIVERING OFFICE

OCT 18 1910 M

IDAHO

Return to Dept of Reclamation
(NAME OF SENDER)

Street and Number, or Post Office Box. }

BOISE,

IDAHO.

October 9, 1940

Re: Application No. 26400

Mr. John E. Hutton,
Manager & Secretary,
Owsley Canal Co.
Terreton, Idaho.

Dear Mr. Hutton:

We have not yet received the affidavit of publication of the notice in connection with the above numbered application of the Owsley Canal Company.

The Rigby Star was instructed to send this affidavit to the Owsley Canal Company, along with the bill for cost of publication.

If you have not received it, will you please get in touch with them about it, and forward the affidavit to us, as this is a necessary part of the record in connection with this application.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

'1085

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee)

E. H. Bandell

(Signature of addressee's agent)

Date of delivery, Oct 9, 1940 19085

Form 3811

U. S. GOVERNMENT PRINTING OFFICE

Post Office Department

PENALTY FOR PRIVATE USE TO AVO[illegible] POSTAGE $300

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 87194

INSURED PARCEL

No. _____

RIGBY, IDAHO
OCT 9
3 - PM
1940

Return to Dept of Reclamation
(NAME OF SENDER)

Street and Number, or Post Office Box, _____

BOISE,

IDAHO.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Edwin Lyon

(Signature or name of addressee)

Fern D. Lyon

(Signature of addressee's agent)

Date of delivery. OCT 8 - 1940, 19

Form 3811

U. S. GOVERNMENT PRINTING OFFICE

19085

Post Office Department

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

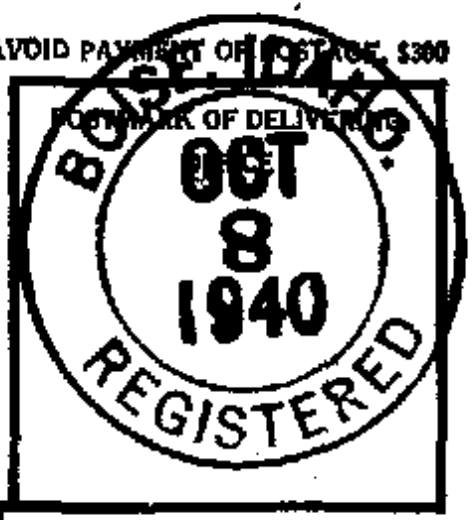
OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 87195

INSURED PARCEL

No. _____



Return to Dept of Reclamation
(NAME OF SENDER)

Street and Number, or Post Office Box, }

BOISE,

IDAHO.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

IN THE MATTER OF THE PROTEST AGAINST THE APPROVAL OF APPLICATION NO. 26400 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED, AS AMENDED BY THE 1935 SESSION LAWS.

Western American Company, (NSL), a corporation,
By its Attorneys, C. A. Bandel and Otto McCutchen

Protestant.

Vs.

NOTICE OF HEARING.

Owsley Canal Company (John L. Hurton

Protestee.

You, and each of you, are hereby notified that on the 17th day of October, 1940, at 10:00 A.M., at the Court in Idaho Falls, Idaho, a hearing will be held in the matter of the protest against the approval of application for permit to appropriate One Hundred Twenty (120) cubic feet per second of underground water for irrigation and domestic purposes.

That the points of diversion are located on the SE¼ NE¼, SW¼ NE¼, NW¼ SE¼ and SW¼ SE¼ of Section 13, and the NW¼ NE¼ and NE¼ NE¼ of Section 24; all in Township 7 North, Range 34 East, B.M.

That the lands proposed to be irrigated by the use of said waters consist of 15,340 acres located in the following subdivisions:

W½SW¼ Section 8; All Section 17; All Section 18; All Section 19; W½NE¼, NW¼, SW¼ Section 20; W½ NW¼; NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30, all in Township 6 North, Range 35 East Boise Meridian

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼ Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½, E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½,SW¼, Section 24; All Sections 25; NE¼; N½NW¼, S½ Section 26, ; N½ NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35 in Township 6 North, Range 34 East, Boise Meridian

S½SE¼ Section 32; S½SW¼ Section 33 Township 7 North, Range 34 East, Boise Meridian.

That the protestant is required to appear before the Commissioner of Reclamation on the day set for hearing and show cause, if any there be, why said application No. 26400 should not be approved and permit issued thereunder, and said protestant and protestee on said day may file such affidavits in support of their respective allegations as they may desire.

That there has been filed in the Department of Reclamation, State of Idaho, Boise, Idaho, by the above named protestant the following protests against the issuance of a permit to Application No. 26400.

19085

1.

That the protestant is the owner and holder of permit No. 18885 issued by the Honorable James Spofford, Commissioner of Reclamation, on the 14th day of October, 1939, and said permit appears of record in Book 68, Page 18885, records of the Department of Reclamation of the State of Idaho.

2.

That said permit was issued to Bertha L. Watkins of Hamer, Idaho, and by her duly assigned for a valuable consideration to the protestant on or about the 20th day of October, 1939, and said assignment was received and filed for record in the Department of Reclamation at Boise, Idaho at 9 A.M. July 16th, 1940, and the said protestant is now the owner and holder of the said permit.

3.

That under the said permit points of diversion of the subterranean waters appropriated were stated to be on certain specifically described lands in Sections 26, 35, 25, and 36 all in Township 7 North, Range 34 East B.M., and the sources of said subterranean waters were described as, among other, Sections 13 and 24 in Township 7 North, Range 34 East Boise Meridian.

4.

That at the time hereinafter mentioned Glen Yearsley and Alice R. Yearsley were and now are husband and wife, and occupied and still occupy the Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., in Jefferson County, State of Idaho, as the vendees under a certain contract of sale from Raymond R. Johnston and Lulu Johnston, husband and wife, dated November 18th, 1939, recorded December 22nd, 1939, in Book 78 of Contracts at Page 515, records of Jefferson County, State of Idaho, and the total purchase price of 360 acres of land described in said contract was $1,000.00, to be paid in installments out of crops raised on the premises.

5.

That after said permit No. 18885 was granted and assigned to the protestant, the protestant through its officers and agents made examinations of the points of diversion mentioned in the said permit by protestant's said assignor and determined that the points of diversion should be changed and the permit in question amended so as to show the proposed points of diversion to be in the Northwest Quarter of the Southeast Quarter of Section 13, and in the Northeast Quarter of the Northeast Quarter of Section 24, all in said Township 7 North, Range 34 E. B. M., and the ownership of the said land was ascertained to be in the said Yearsleys as aforesaid. That thereupon and on or about the 18th day of November, 1939, agents of the protestant sought to secure permission from the said Glen Yearsley and Alice R. Yearsley to enter upon said forty acre sub-divisions for the purpose of exploring the possibilities of drilling wells and tapping a subterranean supply of water underneath said lands, and thereupon the said Glen Yearsley and Alice R. Yearsley agreed to and with the protestant, acting through its said officers and agents as aforesaid, that the protestant might enter upon the said Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., for the purpose of exploration and the drilling of wells on the said sub-divisions, with the further understanding that if a supply of water should be discovered and brought to the surface, that for a reasonable and adequate consideration to be paid by the protestant to the said Yearsleys, a permanent right and easement would be granted by the said Yearsleys to the protestant for the drilling of other wells on said sub-divisions and for the erection and maintenance of pump houses and power lines, ditches, and other instrumentalities for the pumping, diversion, and conveyance of water to the lands proposed to be irrigated by the protestant as set forth in its said permit No. 18885, and other lands.

19085

6.

That thereupon protestant and its servants and agents entered upon the said two forty acre sub-divisions of Sections 13 and 24 and drilled wells thereon, and discovered and developed an abundant supply of water for each of the said wells, and thereupon protestant began negotiations with the said Yearsleys for the purpose of having them, ~~and~~ the said Yearsleys, comply with their contracts and agreements with the protestant as agreed should be done after the protestant should have discovered water and drilled wells on the said Yearsley land, but that the said Yearsleys while recognizing the rights of the protestant to enter upon the lands aforesaid and the right of the protestant to drill the wells on the said lands, they, the said Yearsleys, repudiated their contract in respect to granting to the protestant easements as contemplated and agreed. That all of the work performed upon the said sub-divisions by the said protestant including the location and development of subterranean water supplies and the drilling of the said wells, was in consideration of the promise of the said Yearsleys to complete the contract as aforesaid on payment of a fair and reasonable compensation for such easements for the location of wells and ditches, and said contract has been fully performed by the protestant, but that now the said Yearsleys refuse and continue to refuse to complete the contract so fully performed by the protestant, and under date of June 18th, 1940, said Glen Yearsley ordered protestant and its servants and agents off the premises, and made unconscionable demands upon the protestant for the granting of an easement, to wit, the said Yearsleys demanded that protestant pay $5,000.00 in cash within thirty days and in case of the development of 2500 inches of water and on all water over and above 2500 inches developed said Yearsley demanded of the protestant $150.00 additional for each additional second foot developed.

7.

That in view of the fact that the protestant entered upon the said Yearsley land with the permission of the said owner, and was in no sense a trespasser on said land at the time its work in the development of water and the drilling of wells was performed, and in view of the fact that the protestant has fully performed its part of the contract made with the said Yearsleys, and in view of the fact that said protestant has applied to this Honorable Department for an amendment of its permit changing the point of diversion of water, the protestant respectfully represents that it would be inequitable and unlawful for the Commissioner to grant the application of the said Owsley Canal Company to locate its point of diversion on the said Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 34 E. B. M., where protestant's wells have been drilled under its said agreement with said Yearsleys who are the owners of the said lands. That the reasons for denying the said application in respect to the said forty acre tracts upon which protestant's wells have been drilled, are that the drilling of other wells on said forty acre tracts will impair protestant's rights and diminish the flow of subterranean waters which protestant has already appropriated and interfere with such appropriations of the protestant.

8.

Further protestant respectfully represents that the granting of the said permit to said Owsley Canal Company will enable the said Yearsleys to violate their contract with protestant with impunity and deprive the protestant of the fruits of its work and labor on the premises under the agreement with the said Yearsleys aforesaid.

9.

That the officers and agents of the applicant, Owsley Canal Company, well knew of the arrangements between the protestant and the said Yearsleys,

and well knew of the work which had been performed by the protestant under the terms of its said contract with the said Yearsleys prior to the filing of its said application here under protest.

Wherefore, protestant prays that the application of the said Owsley Canal Company for permission or authority to locate points of diversion on the Northwest Quarter of the Southeast Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 24, Township 7 North, Range 24 E.B.M., to be denied as injurious to the rights of the protestant therein and thereon.

In witness whereof I have hereunto set my hand and affixed the official seal of the Department of Reclamation at Boise, Idaho, this 7th day of October, 1940.

James Sheppard
Commissioner.

19085

August 31, 1940

Re: Application No. 26400

The Rigby Star,
Rigby, Idaho.

Gentlemen:-

We thank you for your letter of the 30th inst., enclosing galley proof of notice under the above numbered application, in the name of the Gumley Canal Company.
We have checked the proof and find same to be correct.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

19085

OFFICIAL COUNTY PAPER JEFFERSON COUNTY'S HOME PAPER SINCE 1903 ISSUED EVERY THURSDAY

R. I. & W. J. JONES
THE RIGBY STAR
PRINTERS - PUBLISHERS
RIGBY, IDAHO

RECEIVED
AUG 31 1940
Department of Reclamation

August 30, 1940

Department of Reclamation,
Boise, Idaho.

Gentlemen: Publication for Owsley Canal Company, Terreton, Idaho, will be published in The Star September 5, 12 and 19th, three weeks, in accordance with your letter of August 27th.

Herewith find galley proof of the notice, so that any error you may find can be corrected by us at once.

Sincerely yours,
The Rigby Star,
By R. I. Jones

19085

August 27, 1940

Re: Application No. 26400

The Rigby Star
Rigby, Idaho.

Gentlemen:-

Enclosed you will find notice for publication once a week for three consecutive weeks prior to September 28th, the last date for protest, the expense of the publication to be paid by the applicant, ONSLEY CANAL COMPANY, Terreton, Idaho, to whom you should furnish proof of publication on or before the above date.

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

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JLA
Encls.

14085

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 20, 1940

(P. O.) Boise, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

OWSLEY CANAL COMPANY
By Edwin Snow
Agent.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

X John P. Elliott
Licensed Engineer.

19085

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 145, 1935 SESSION LAWS

NOTICE IS HEREBY GIVEN That on the 22nd day of May, 1940, the OWSLEY CANAL COMPANY, of Terreton, Jefferson County, Idaho, made Application No. 26400 to appropriate One Hundred and Twenty (120) cubic feet per second of underground waters, for irrigation purposes.

That the points of diversion are located on the SE¼ NE¼, SW¼ NE¼, NW¼ SE¼ and SW¼ SE¼ of Section 13, and the NW¼ NE¼ and NE¼ NE¼ of Section 24; all in Township 7 North, Range 34 East, B. M.

That the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: 15,340 acres located in the following subdivisions:

Township 6 North, Range 35 East, B.M.
W½SW¼ Section 8; All Section 17; All Section 18; All Section 19; W½NE¼, NW¼, SW¼ Section 20; W½ NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30.

Township 6 North, Range 34 East, B. M.
SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼ Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; E½, S½ Section 14; W½ Section 15; All Section 16; N½, E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35.

Township 7 North, Range 34 East, B. M.
S½SE¼ Section 32; S½SW¼ Section 33.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of thi Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 19th day of August, 1940.

JAMES SPOFFORD
Commissioner of Reclamation

Date of First Publication:
Date of Last Publication:

Last date for protest: September 28, 1940.

SERVICE OF the foregoing, by copy, is hereby admitted this _____ day of August, 1940.

_____

By _____

19385—

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 145, 1935 SESSION LAWS

NOTICE IS HEREBY GIVEN That on the 22nd day of May, 1940, the OWSLEY CANAL COMPANY, of Terreton, Jefferson County, Idaho, made Application No. 26400 to appropriate One Hundred and Twenty (120) cubic feet per second of underground waters, for irrigation purposes.

That the points of diversion are located on the SE¼ NE¼, SW¼ NE¼, NW¼ SE¼ and SW¼ SE¼ of Section 13, and the NW¼ NE¼ and NE¼ NE¼ of Section 24; all in Township 7 North, Range 34 East, B. M.

That the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: 15,340 acres located in the following subdivisions:

Township 6 North, Range 35 East, B.M.
W½SW¼ Section 8; All Section 17; All Section 18; All Section 19; W½NE¼, NW¼, SW¼ Section 20; W½ NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30.

Township 6 North, Range 34 East, B. M.
SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼ Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½, E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35.

Township 7 North, Range 34 East, B. M.
S½SE¼ Section 32; S½SW¼ Section 33.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 19th day of August, 1940.

James Spofford

JAMES SPOFFORD
Commissioner of Reclamation

Date of First Publication:
Date of Last Publication:

Last date for protest: September 28, 1940.

SERVICE OF the foregoing, by copy, is hereby admitted this _____ day of August, 1940.

_____

By _____

19085-

August 19, 1940

Re: Application No. 26400

Mr. Edwin Snow,
Box 515,
Boise, Idaho .

Dear Mr. Snow:

We are enclosing herewith duplicate Notices which have been prepared in connection with the above numbered application, in the name of the Owsley Canal Company, in accordance with the provisions of Section 41-205 of the Idaho Code Annotated, as amended by Chapter 145 of the S ession Laws of 1935, for acknowledgment of service.

Please have both copies signed and return to this office promptly, together with the enclosed form of authorization to have the notice published in a newspaper that you may designate in Jefferson County.

Upon return of these papers, we shall send the notice to the newspaper with instructions to publish it once a week for three consecutive weeks.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encls.

19085

Form No. 30

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Boise, Idaho, June 21, 1940

Application No. 26400

Mr. Edwin Snow
Box 515
Boise, Idaho

SIR:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

1. Maps in accordance with enclosed Instructions.

2. Check column 8, Paragraph 14, and total acreage.

You are allowed 60 days from date of first return for correction, as stamped in second line on back of application, to file completed application. If received after that date application can be refiled under a new number with later priority, requiring additional fee.

Yours truly,

JAMES SPOFFORD
COMMISSIONER OF RECLAMATION.

By .....
Deputy Commissioner

Encl: App. 26400

19085

Edwin Snow
Lawyer
Boise, Idaho

May 20, 1940

Department of Reclamation,
State Capitol,
Boise, Idaho.

Gentlemen:

Enclosed find application of Owsley Canal Company for underground waters in Sections 13 and 24, Township 7 North, Range 34 East Boise Meridian, in Jefferson County, Idaho.

Also enclosed is my check for $34.75 covering filing fee. At your convenience will you kindly send me your official receipt.

Kindly hold this permit for thirty days and at the expiration of that period return it to me for correction in the customary manner.

Thanking you, I am

Very truly yours,

Edwin Snow

ES:FBJ

Enc.

rec 17418 mailed To Ed Snow

RECEIVED
MAY 22 1940
Department of Reclamation

19085—

Full information re. Owsley Canal Co. can be had by looking up the various Permits and Leads in the following brief.

E. N. B.
Aug. 18, 60

See file 19085 for detailed maps and briefs.

19085

13475 – R-250 – [redacted]4982

P3439 –

12,163
11,[redacted]
.26
133
12030

36
.6X.349X12.
7.2
698
2443
25128 cfs.

12(27
2.25

Owsley Canal Co.
Decreed

80.8 cfs – April 15, 1912
72.6 " – Dec. 2, 1916
75.0 " – Aug. 11, 1924
25.0 " – May 1, 1921
1.6 – Mar. 9, 1911
255.0

Source = Mud Lake, Nov 1-1920.

~~2P301~~ 18378 ← – 80.0 cfs
~~2P302~~ 19085 c/w 87.2 cfs
~~2P303~~ ~~19107~~
~~19108~~
seepage + waste 19588 d/w (10.2 cfs)
~~20231~~
~~20291~~
~~20292~~ – 1
~~21890~~ R
~~21891~~ R
~~21892~~ R
~~21893~~ R
~~22251~~ R

17262 – License 40.0 cfs.
17640 – " – 50.0 "
~~14012 Rel~~

255.0
80.0
87.2
10.0
~~80.~~
512.2 cfs
256 10"
17,240 Ac,
1350" over.
167 cfs.

Engr. 25544 Canc.
16.0 — 45 – 20 cfs
16.0 — 46 – 20 cfs
16.0 — 47 20 cfs
16.0 — ~~48~~ Canc, ~~49~~ Cancelled
16.0 — 50 – 20 cfs
16.0 — 51 – amend – 20.0 cfs
shows 17240 Ac.
80.0 cfs.

Diversions in W.M. Report
1951 – 40,678 Ac Ft
52 – 44,340
53 – 50,410
54 – 46,225
55
56
57
58 – 54,036 – 3.1 acft/acre
59 – 53,119.

14
16
84
14
224
22
32

15320 acres covered by Decree Sauve vs Abbott

17,240 Ac.
5 AcFt/Ac
86,200

(On Licenses) Not over 5.0 acre feet per annum per acre of irrigated land of all water rights shall be diverted. Not over 10 miners inch of subterranean water per acre of irrigated land shall be diverted at any one time for all uses

Land List – 17,240 acres under the Owsley Canals in Sections 32, 33 T7N R34E; Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, ~~30, 31, 33~~, 34, 35 T6N R34E; Sections 8, 17, 18, 19, 20, 29, 30 T6N R35E.

19085

REPRESENTING OVER 2,000,000 ACRES OF IRRIGATED LAND

Idaho State Reclamation Association, Inc.

AFFILIATED WITH NATIONAL RECLAMATION ASSOCIATION

BOISE, IDAHO

OFFICERS: FRED M. COOPER, *President* FORREST SOWER, *Vice President* LENORA D. TELFER, *Executive Secretary*

DIRECTORS

L. IVAN JENSEN, Shelley.....*Middle Snake River Valley*
A. R. BABCOCK, Moore.....*Big and Little Lost Rivers and Salmon River*
ALEX O. COLEMAN, St. Anthony.....*Upper Snake River Valley*
ALBERT MOSER, Preston.....*Southeastern Idaho*
FRED M. COOPER, Grace.....*Great Basin and Malad Rivers*
J. H. SILBAUGH, Jerome.....*Lower Snake River*
ED G. GOODING, Shoshone.....*Big and Little Wood Rivers*
EARL WILFONG, Emmett.....*Upper Payette River Valley*
FORREST SOWER, Boise.....*Government Project, Boise River*
WM. WYMER, Boise.....*Stewart Decree, Boise River*
C. G. FICKEN, Fruitland.....*Lower Payette River Valley*
H. W. VANSLYKE, Notus.....*Payette Division, Boise Project*
RAY E. PERSHALL, Marsing.....*Owyhee District*
PHILLIP FORD, Weiser.....*Weiser River Valley*
ROBERT H. BUDWEG, Lewiston.....*North Idaho*
MARK R. KULP, Boise.....*State Reclamation Engineer*
N. V. SHARP, Filer, *Idaho Director, National Reclamation Association*

Ownbey Canal.

25' on each side of center line in
SW¼NE¼ – 5 13 – 7N. – 34E.
begin at a pt on E-W center line 13 above
and which is in center line of well ditch
for which E ¼ S. cor bears 89°54' E.
distant 2490' and W ¼ S. bears S. 89°54' W.
distant 2787' and thence North 12°22' E.
for 197.3' to well. contains .226 acres.

This is right of way description for
well #1A drilled on Kent land.
taken from Hennigar records

1908S –

Calvin Pauley
1957

Jy 9 — 7.58 cfs.
5" — 7.44 "
Aug 7 — 9.31 "
Jy 24 — 8.65 "

Rulon Yeamans
1957

Aug 8 — 7.56 cfs

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 145, 1935 SESSION LAWS

NOTICE IS HEREBY GIVEN That on the 22nd day of May, 1940, the OWSLEY CANAL COMPANY, of Terreton, Jefferson County, Idaho, made Application No. 26400 to appropriate One Hundred and Twenty (120) cubic feet per second of underground waters, for irrigation purposes.

That the points of diversion are located on the SE¼ NE¼, SW¼ NE¼, NW¼ SE¼ and SW¼ SE¼ of Section 13, and the NW¼ NE¼ and NE¼ NE¼ of Section 24; all in Township 7 North, Range 34 East, B. M.

That the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: 15,340 acres located in the following subdivisions:

Township 6 North, Range 35 East Boise Meridian

W½SW¼ Section 8; All Section 17; All Section 18; All Section 19; W½NE¼, NW¼, SW¼ Section 20; W½ NW¼; NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30.

Township 6 North, Range 34 East, Boise Meridian

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼ Section 4; S½NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼ Section 7; All of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½, E½SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23, N½, SW¼, Section 24; All Sections 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35.

Township 7 North, Range 34 East, Boise Meridian

S½SE¼ Section 32; S½SW¼ Section 33.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 19th day of August, 1940.

JAMES SPOFFORD,
Commissioner of Reclamation.

Date of First publication: Sep. 5, 1940.

Date of Last publication, September 19, 1940.

Last date for protest: September 28, 1940.

SERVICE OF the foregoing, by copy, is hereby admitted this 20th day of August, 1940.

OWSLEY CANAL COMPANY,
By Edwin Snow, Agent.

(42-44)

———★———

19085—

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho F County of Bonneville, State of Id before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4; S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; N½ Section 35; Township 6 North, Range 34 East, B.M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51) 12-6-51

NOTICE FOR PUBLIC ON
NOTICE OF PROOF APPLI ION OF WATER TO BENEFICIAL USE

Notice is h y given that at 10:00 a. m. on the 14 ay of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho.

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

The amount applied to beneficial use is 87.2 cubic feet per second.

The place where said water is used: Lands within the boundary of the Owsley Canal Company located in the following Sections: Section 8, 17, 18, 19 ,20, 29, 30 Township 6 North, Range 35 East, B. M. Section 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 Township 6 North, Range 34 East, B. M.; Section 32 & 33 Township 7 North, Range 34 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal.

The right to take water from such works is based upon Permit No. 19085.

The source of supply from which such water is diverted is subterranean wells located in the NW¼SE¼, SW¼SE¼, SW¼-NE¼, Section 13; NW¼NE¼, NE¼NE¼ Section 24, Township 7 North, Range 34 East, B.M.

The date of priority which said user is prepared to establish is May 22, 1940.

MARK R. KULP,
State Reclamation Engineer.

(Publish: Oct. 26-27, Nov. 3-10, 1955.)

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

Notice is he given that at 10:00 m. on the 14th y of November, 1955, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the application to beneficial use of 87.2 cubic feet per second of the waters of subterranean wells in accordance with the terms and conditions of Permit No. 19085 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Owsley Canal Company, Terreton, Idaho.

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

The amount applied to beneficial use is 87.2 cubic feet per second.

The place where said water is used: Lands within the boundary of the Owsley Canal Company located in the following Sections: Section 8, 17, 18, 19 ,20, 29, 30 Township 6 North, Range 35 East, B. M. Section 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 Township 6 North, Range 34 East, B. M.; Section 32 & 33 Township 7 North, Range 34 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Owsley Canal.

The right to take water from such works is based upon Permit No. 19085.

The source of supply from which such water is diverted is subterranean wells located in the NW¼SE¼, SW¼SE¼, SW¼-NE¼, Section 13; NW¼NE¼, NE¼NE¼ Section 24, Township 7 North, Range 34 East, B.M.

The date of priority which said user is prepared to establish is May 22, 1940.

MARK R. KULP,
State Reclamation Engineer.

(Publish: Oct. 20-27, Nov. 3-10, 1955.)

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 p. m., on the 28th day of December, 1951, at Idaho Fa' County of Bonneville, State of Idal before John L. Bloem, Notary Public, 201 Rogers Building, proof will be submitted of the completion of works for the diversion of 120 cubic feet per second of subterranean water in accordance with the terms and conditions of a permit heretofore issued by the Department of Recla mation of the State of Idaho.

1. The name of the corporation holding said permit is The Owsley Canal Company.

2. The Postoffice address or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such permit is 19085 and the date set for the completion of such work is December 28, 1951.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 120 cubic feet per second.

6. The amount of lands for which said water is available is 15,340 acres, particularly described as follows:

W½SW¼ Section 8; All Sections 17, 18, and 19; W½NE¼, NW¼, SW¼, Section 20; W½NW¼, NW¼ SW¼ Section 29; NE¼, W½NW¼ Section 30; Township 6 North, Range 35 East, B. M.

SE¼ Section 3; NE¼NE¼, S½NE¼, S½NW¼, SW¼, NE¼SE¼, Section 4; S½ NE¼, NW¼, S½ Section 5; E½NE¼, E½SE¼, Section 7; all of Sections 8, 9, 10; S½ Section 11; SW¼SW¼ Section 12; All Section 13; NE¼, S½ Section 14; W½ Section 15; All Section 16; N½ E½-SW¼, SE¼ Section 17; All of Sections 20, 21, 22, 23; N½, SW¼ Section 24; All Section 25; NE¼, N½NW¼, S½ Section 26; N½NE¼, SW¼NE¼, NW¼, N½SW¼ SE¼SW¼, S½ SE¼ Section 27; N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼ SE¼ Section 28; All Section 29; ~~N½~~ Section ~~35~~, N½ Section 35; Township 6 North, Range 34 East, B. M.

S½SE¼ Section 32; S½SW¼ Section 33, Township 7 North, Range 34 East, B. M.

MARK R. KULP,
State Reclamation Engineer.

(48-49-50-51) 11-29-51

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS U ER CHAPTER 28, SESSION LAWS 947

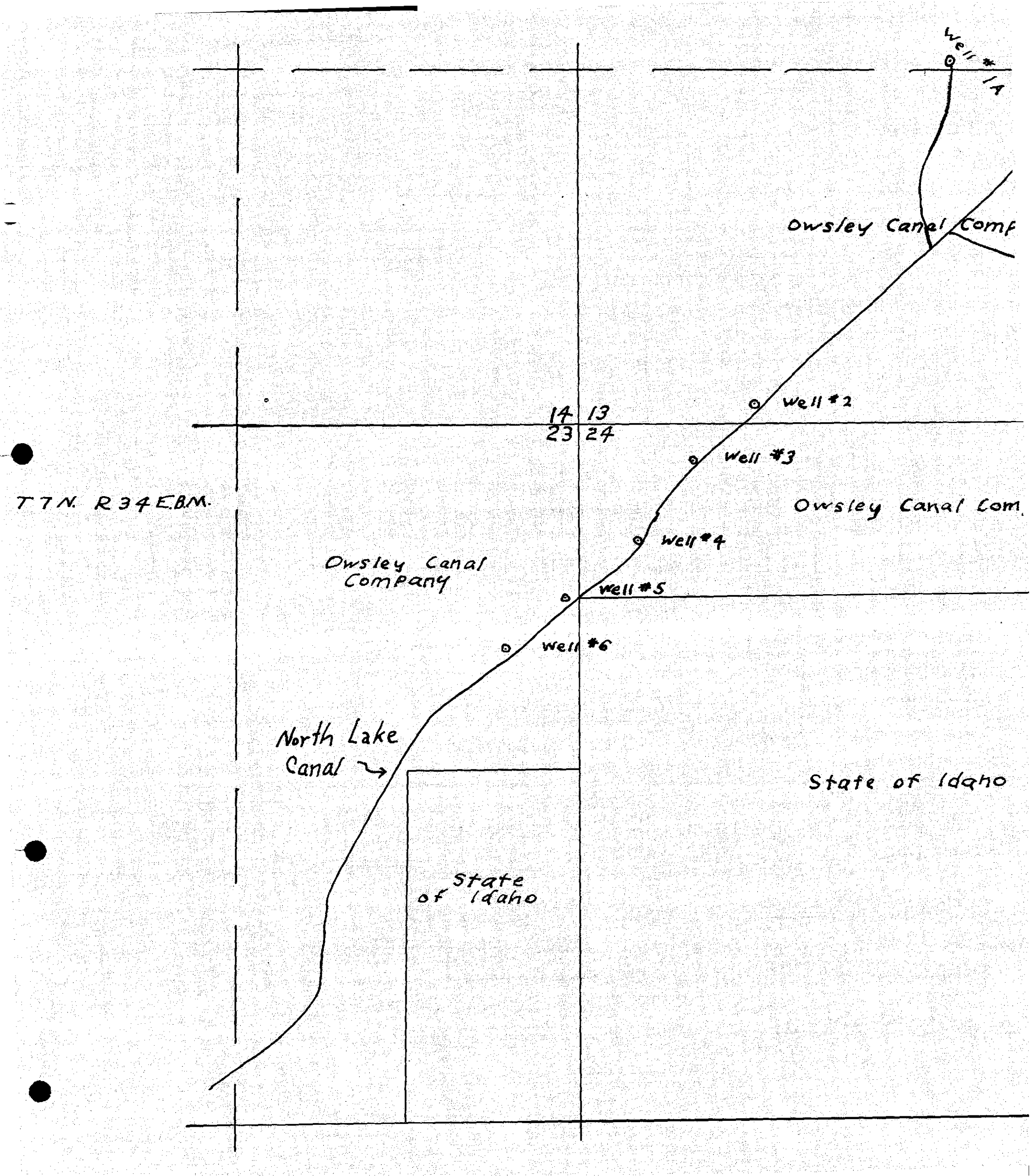
Notice is he by given that on the 23rd day of November, 1948, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19085. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

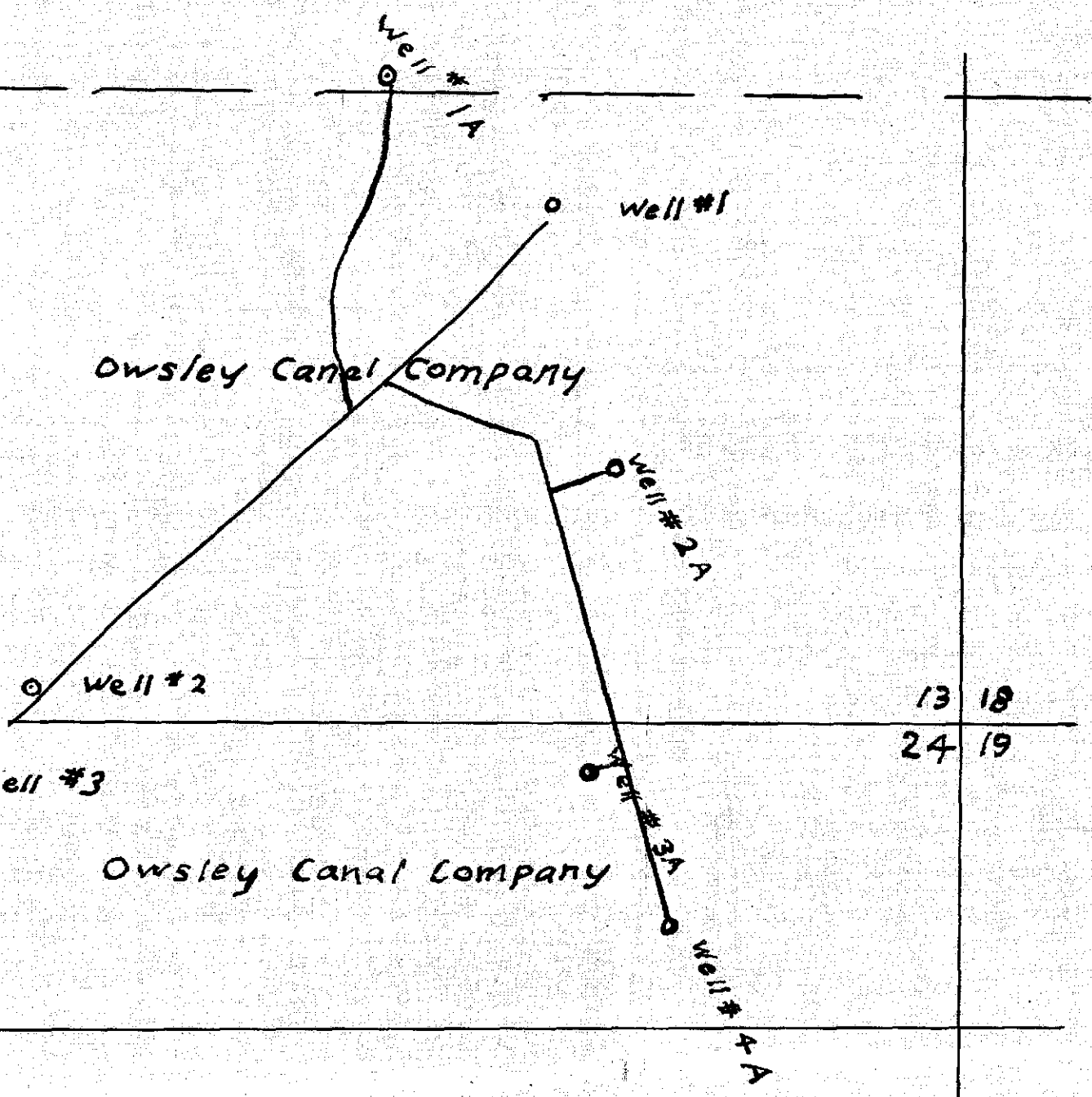
1. The number of said Permit is 19085.

2. The name and postoffice address of the person or persons or corporation holding this permit are Owsley Canal Company, Terreton, Idaho.

3. The amount of water claimed by the said permit or permits is 120 cubic feet per second from underground flow.

MARK R. KULP,
(45-46) 11-1 State Reclamation Engineer.


Well #1
Owsley Canal Comp
Well #2
14 13
23 24
Well #3
T 7 N. R 34 E.B.M.
Owsley Canal Com
Well #4
Owsley Canal Company
Well #5
Well #6
North Lake Canal
State of Idaho
State of Idaho



State of Idaho

24 | 19
25 | 30

SCALE - 8" = 1 Mile

WELL LOCATIONS
NORTH LAKE INLET CANAL
OWSLEY CANAL COMPANY

R 34 E

R 35 E

G-25545
G-25546
G-25547
G-25550
G-25551

P-17262
3+ wells

North Lake

Canal

P-17640 and
P-18078, 36 wells

Old shoreline 1921

T 4 N

MUD LAKE

P-18378

OUT

OWSLEY CANAL Co. Project
Jefferson Co., Idaho

7-12-60

PAGE.....

Bureau of Public Accounts—7-1-38—Form 103

CONTROL OF FUND BALANCES FOR SPECIAL FUNDS

Total 40's in each Section in 2 licenses

Permit 25551

FUND

DATE	MEMO	FOLIO	RECEIPTS	DISBURSEMENTS	BALANCE
	License 17262 p4084			License 18378 p4085	
	6N-35E-				
	8 - W^2SW^4		2	8 - Same	✓
	17 - all		16	✓	✓
	18 - all		16	✓	✓
	19 - all		16	✓	✓
	20 - W^2NE^4, NW^4, SW^4		10	✓	✓
	29 - W^2NW^4, NWSW		3	✓	✓
	30 - NE^4, W^2NW^4		6	✓	✓
	6N-34E - 4 - SW^4		4	3 - SE^4	
	5 - S^2NE^4, W^2, SE^4		10	4 - NENE, S^2NE, S^2NW^4, SW^4, NESE	
	7 - E^2NE, E^2SE^4		14 4	5 -	✓
	8 - 16 - 17 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 29 - 192			7 - ✓	8 ✓ - 16 ✓ - 20 ✓ - 21 ✓ - 22 ✓ - 23 ✓ - 25 ✓ - 29 ✓
	9 - W^2, SE^4		16 —	9 - all	
	10 - SWSW		16 —	10 - all	
	13 - SWNW, S^2		16 —	13 - all	
	14, SENE, SWSW, SE^4		6	17 - N^2, E^2SW^4, SE^4	
	15 - SW^4		4	24 - N^2SW^4	
	28 - N^2, N^2SW^4, SE^4SW^4, N^2SE, SWSE		— 14	26 - NE^4, N^2NW^4, S^2	
	35 - N^2		8	27 - N^2NE^4, SWNE, NW^4, N^2SW^4, SE^4SW^4, S^2SE^4	
	40 (13488 Ac. 337		373	28 - N^2, N^2SW^4, SESW, N^2SE^4, SW^4SE^4	
				35 -	✓
				7N-34E -	
			2	32 - S^2SE^4	
			2	33 - S^2SW^4	
			377		15,360 Ac.
	Letter shows total 396 paid.				
			8	11 - S^2	
			1	12 - SWSW	
			6 see above	14 - NE^4, S^2	
			4 " ✓✓✓	15 - W^2	
			396		

FUND

DATE	MEMO	FOLIO	RECEIPTS	DISBURSEMENTS	BALANCE
	Permit 19085 ——— > "40"				
	8 - Same				2
	17 ✓				16
	18 - ✓				16
	19 - all ✓				16
	20 - W^2NE, W^2 ✓				10
	29 - W^2NW - $NW^{20}SW$ ✓				3
	30 - NE^4, W^2NW ✓				6
	6N-34E - 3 - SE^4 ✓				4
	4 - NENE, S^2NE, S^2NW, SW^4, NESE ✓				10
	5 - S^2NE, W^2, SE^4 ✓				14
	7 - E^2NE, E^2SE ✓				4
	8 ✓ all - 9 ✓ all - 18 ✓ all - 13 ✓ all - 64				
	11 - S^2 ✓				8
	12 - SWSW ✓				1
	14 - NE^4, S^2 ✓				12
	15 - W^2 ✓				8
	16 - all ✓				16
	17 - N^2, E^2SW, SE^4 ✓ all in 17262				14
	20 - 21 - 22 - 23 all ✓ " "				64 17
	24 - N^2, SW^4 ✓				all in 17262
	25 - all ✓				16
	26 - NE^4, N^2NW^4, S^2 ✓ all in 17262				14
	27 - N^2NE, SWNE, NW^4, N^2SW, SESW, S^2SE all in 17262				12
	28 - N^2, N^2SW, SESW, N^2SE, SWSE ✓				14
	29 - all ✓				16
	35 - N^2 ✓				8
	7N-34E - 32 - S^2SE^4 ✓				7
	33 - S^2SW^4 ✓				1
					384
	40 (15344 Ac. 362		1 - 20 Ac.		12 out
					372

"40" not paid	
0	✓
0	-8
0	✓
0	✓
0	+2
0	✓
0	+2
0	+8
0	+6
0	+2
0	+4
0	0
0	0
0	4
0	0
0	+8
0	0
0	0
0	0
0	0
0	2
0	0
0	8
0	0
0	0
	46
0	

19085