

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 13 day of March, 1969, and the last publication being on the 20 day of March, 1969;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 20 day of March, 1969.

Leona Schuer
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECEIVED
APR 7 1969
Dept of Reclamation

NOTICE OF APPROVED APPLICATION FOR WATER
Notice is hereby given that A. L. Trussell, Bruneau, Idaho, has received an approved permit No. G-30691 to divert 6.4 cubic feet per second of water from a subterranean source. The priority to be established under this permit is September 4, 1962. Water will be diverted by two wells within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 7 S., R. 4 E., B. M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 6 S., R. 5 E., B. M., Owyhee County and is to be used for irrigation in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30; NE $\frac{1}{4}$, Sec. 31, T. 6 S., R. 5 E., B. M.; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T. 6 S., R. 4 E., B. M.; Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 2, T. 7 S., R. 4 E., B. M.
Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.
R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Owyhee County, Idaho on March 13 and March 20, 1969.

30691

Dept. of Water Resources

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

I, David G. Landmann, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in (2) Two (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

November 5, 1987

November 12, 1987

(Signed)

David G. Landmann

RECEIVED

FEB 29 1988

Subscribed and sworn to before me this 12th day of Nov

A.D. 1987

Alice Ann Patrick

Notary Public in and for the State of Idaho,

residing at Homedale Idaho.

My commission expires 10/1/89

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT NO. 51-2229 ^{1P}

Notice is hereby given that Arnold Bingham and Dale Porter, 614 North 5000 West, West Point, Utah 84015 have applied to the Department of Water Resources for an extension of time to avoid forfeiture of a license. This license is evidenced by Water Right No. 51-2229.

This license was issued for 3.3 cubic feet per second of water from a groundwater source with a priority date of 10/15/1962, with a point of diversion within the SWNE, Sec. 31,

Twp. 6S., Rge. 5E., B.M., Owyhee County, for irrigation purposes from 3/1 to 10/1 annually for use upon 165 acres within the SWSW, Sec. 29; SESE, Sec. 30; NENE, NWNE, SWNE, SENE, Sec. 31, Twp. 6S., Rge. 5E.

Section 42-222, Idaho Code provides that a water right shall be lost and forfeited, and the water will revert to the state upon failure to apply water to a beneficial use for a period of five consecutive years. This Section further provides that the State allow an additional five year period of non-use without forfeiture upon a showing of reasonable cause. Arnold Bingham and Dale Porter have applied for this extension because the land under this water right has been placed in the U.S. Dept. of Agriculture's Conservation Reserve Program and will not be cultivated or irrigated for up to 10 years. The applicant requests this extension until October 1, 1997.

Any protest against the granting of this extension may be filed with the Idaho Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before November 23, 1987.

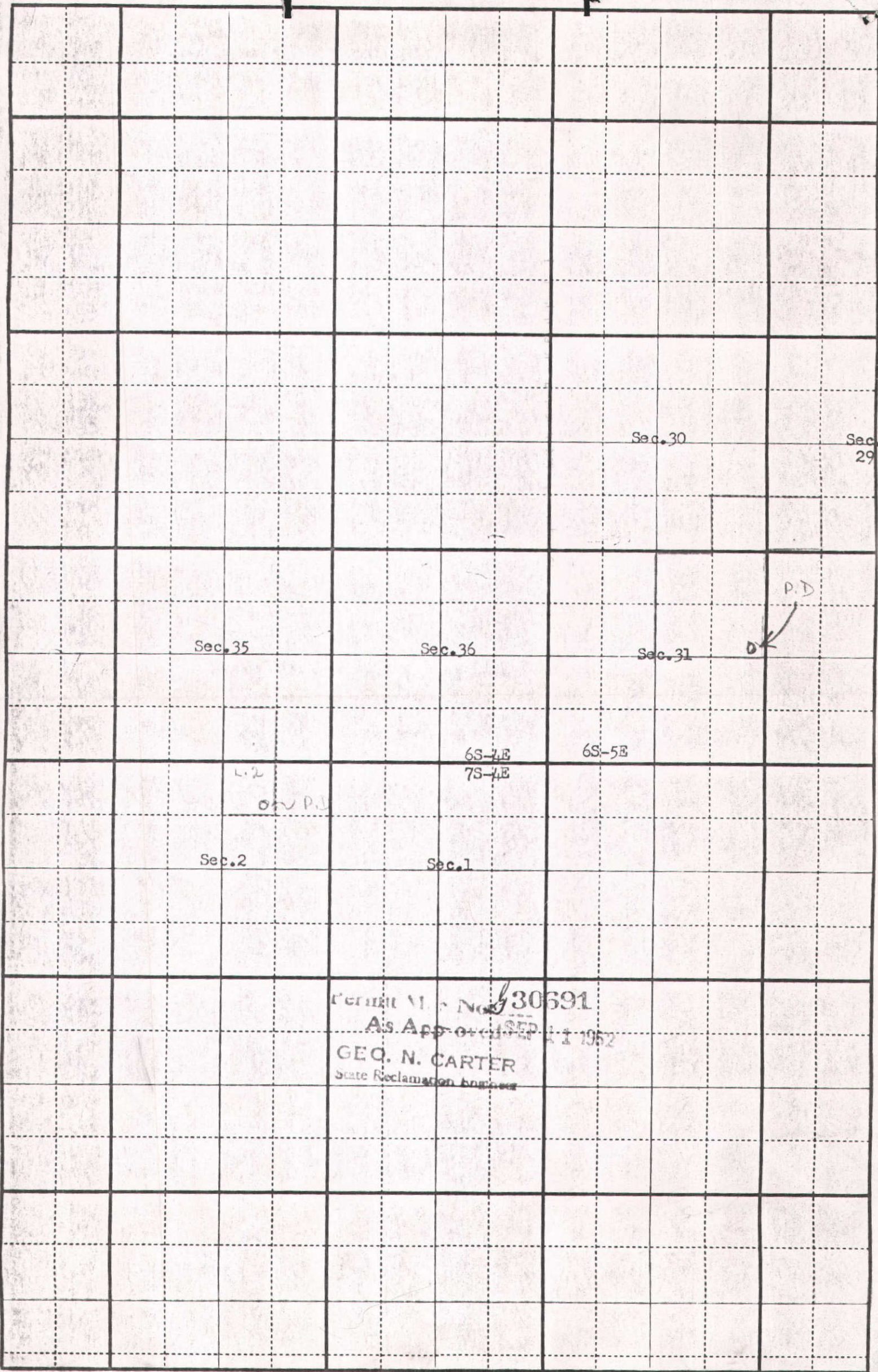
s/R. Keith Higginson,
Director

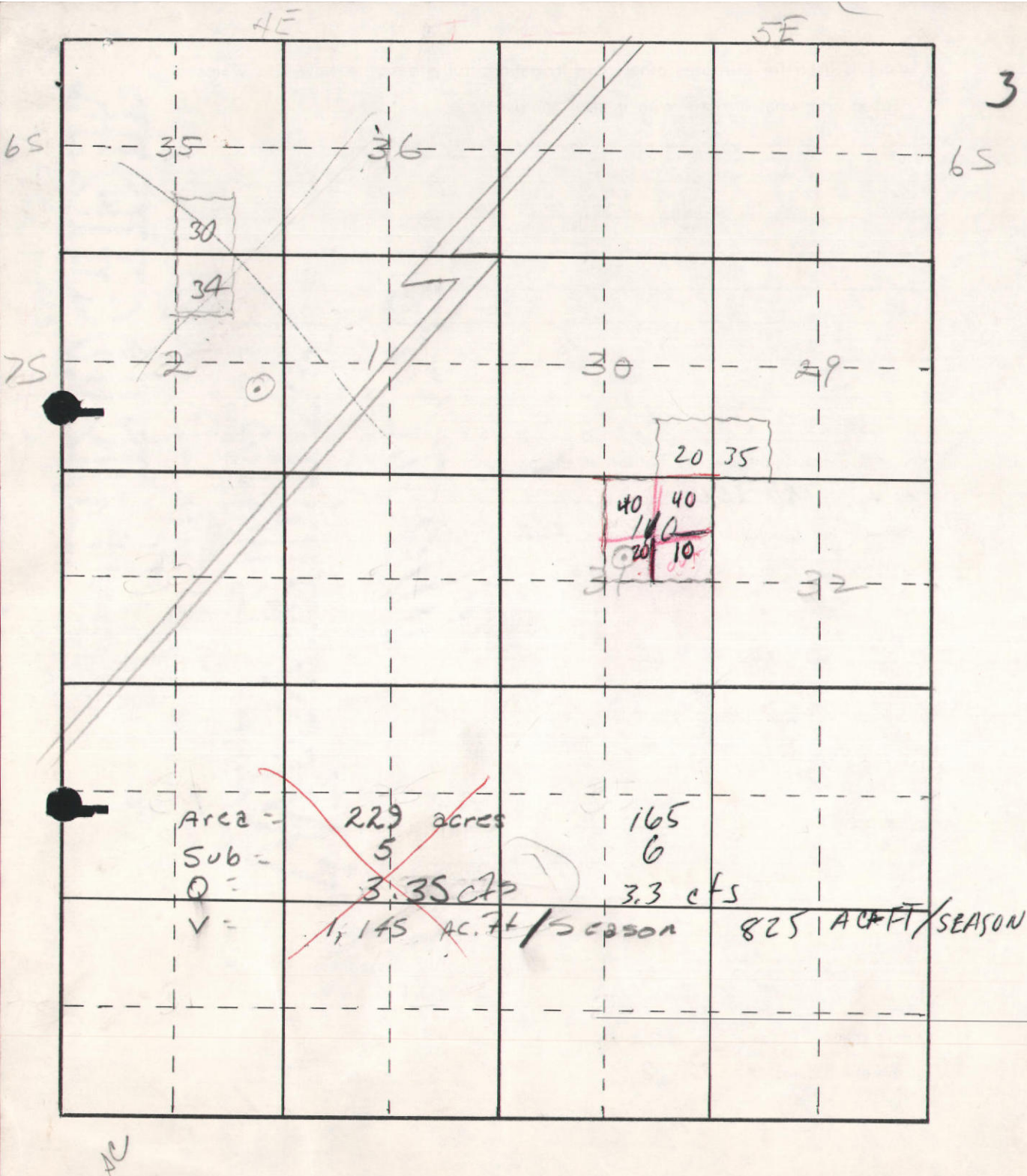
Publish Nov. 5 & 12, 1987, 2t

RECEIVED

DEC 9 1987

Department of Water Resources
Western Regional Office





51-2229

Permit No. G-30691 / ~~51-2229~~

Name of Applicant A. L. Trussell Bruneau, Idaho

Source of Water Ground water

a tributary of _____

Location of P.D. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 T. 7s., R. 4E., B. M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 67 S., R. 5E., B.M.

Water is used for Irrigation

Quantity of water claimed: Permit 6.4 c.f.s. Depositions 3.2 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works 150 hp. 14 inch bowls, 20 inch casing, 1200 feet

Land to be irrigated or place of use:				Description
TWP.	RGE.	SEC.		
6S.	4 E.	35	SW $\frac{1}{4}$ SE $\frac{1}{4}$	~~30~~ new permitt
6S.	5 E.	29	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35
		30	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20
		31	NE $\frac{1}{4}$	100 = 40, 40 20, 10
7 S.	4 E.	2	NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2)	~~34~~ new permitt
Date Filed: 9-4-62				Total acreage ~~129~~ 165
Priority Date: 11-16-62 (late proof)				
Date Due: 12-17-68 10-15-62				6 subs
Date Made: 1-28-69				

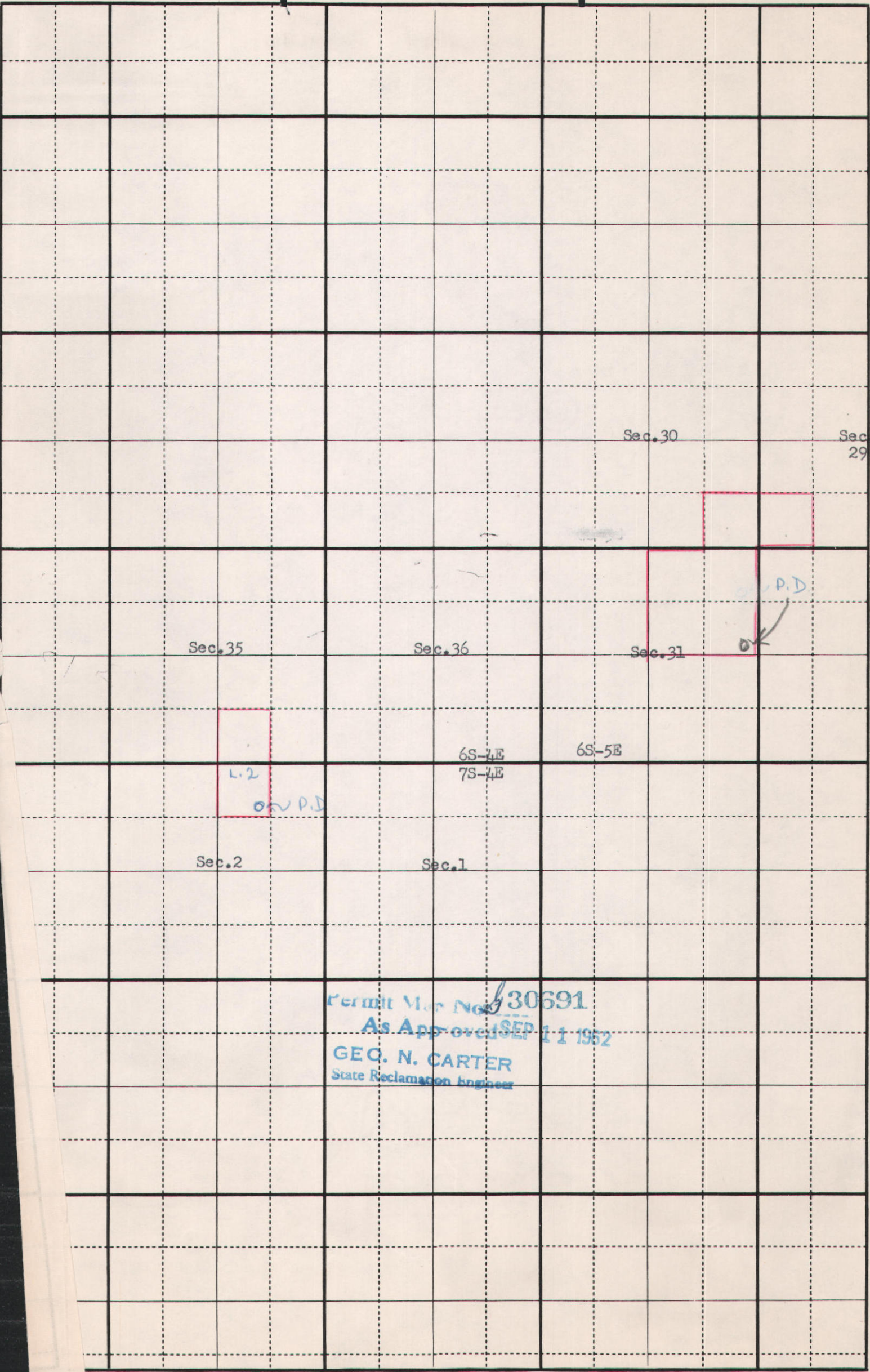
Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

30691
51-2229

NAME OF APPLICANT

A. L. Grussell

Form No. 0



Permit Map No. 30691
As Approved SEP 11 1952
GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

JAN 07 1988

Department of Water Resources

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Arnold Bingham & Dale Porter
Post office address 614 North 5000 West, West Point, Utah 84015
2. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
 - b. License No. 51-2229 issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water Groundwater tributary to _____
(Name of stream or source)
4. Date of priority of right October 15, 1962
5. Amount of water a. 3.3 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from March 1 to October 1
_____ from _____ to _____
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31
Township 6 South, Range 5 East, B.M., in Owyhee County;
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	5E	29											35						35
		30																20	20
		31	40	40	20	10													110

Total number of acres irrigated 165

9. Give last date when water was applied to beneficial use October, 1986
Length of extension of time requested 5¹⁰ years, or until 1997 *
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use * Land under this license was accepted by ASCS in the CRP Ten Year Set Aside Program. Applicant requests that the Extension of Time be granted for the last five years under the program, 1992 through 1996.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Arnold E. Bingham
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of June, 1987.

Laura G. Hoffman
(Notary Public)

My commission expires 2/4/88

Residing at Barney, Id.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before October 1, 1997.

Witness my hand this 2nd day of February, 1988.

MICROFILMED

FEB 29 1988

J. Glen Saylor
Chief, Operations Bureau

For Department Use Only

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by AP Date 9/28/87 Publication prepared by _____

Published in Owyhee Avalanche Dates _____

Publication approved by _____ Date _____ Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for ☒ Approval // Denial by Dier 12/21/87 Jim

WATER LICENSE

Water License No. G-30691/51-2229 Priority October 15, 1962 Amount 3.3 c.f.s.
(late proof)

THIS IS TO CERTIFY, that A. L. Trussell
of Bruneau, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated September 4, 1962, that Permit G-30691/51-2229 was issued pursuant
to said application, that the proposed works were completed on or about January 27, 1969,
with a storage/or carrying capacity of 5.35 c.f.s., said works consisting of well,
pump, motor; and that on January 28, 1969,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 825
acre feet per season, with a maximum rate of diversion of 3.3 cubic feet per second of the waters
of ground water, tributary of _____,
for the purpose of irrigation from March 1 to October 1;
and for _____ from _____ to _____; and for
_____ from _____ to _____, and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation the point of diversion is
located in SW 1/4 NE 1/4, Sec 31, T 6 S, R 5 E, B.M., and
other additional points _____, in the County of
Owyhee; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 825 acre feet per year.

Description and location of place of use

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	5E	29											35						35
		30															20		20
		31	40	40	20	10													110

Total number of acres irrigated 165

The right to the use of the water 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

19 day of November, 1969.

R. Kirk Higgs
State Reclamation Engineer

51 2229

30691
51-2229

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED
9 1967
Department of Reclamation

State of Idaho)
County of Ada)

Permit No. G-30691

A. L. Trussell of Bruneau, Idaho 83604
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder, of Permit to Appropriate the Public Waters of the State of Idaho No. G-30691.

That under the terms and conditions of said permit, work thereunder was required to be completed by September 11, 19 67.

That he has heretofore performed the following work described under said permit: Well was drilled in November, 1966, have had considerable trouble with sand cave ins.

Costing \$ 10,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: This water permit was applied for in connection with a desert land application (I-013524) which was not allowed until 12/17/63.

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of obligations under said permit to December 17, 19 68.

A. L. Trussell
(signature) A. L. Trussell
Subscribed and sworn to before me this 8th day of August, 19 67.

Laura J. Henderson
(notary public)

My commission expires 8/12/70.

Date of receipt at office of Department of Reclamation August 9, 1967

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for permit G-30691.

Witness my hand this 11th day of August, 19 67.

R. Keith Higgins
State Reclamation Engineer

30691

Idaho Land & Appraisal Service
P.O. Box 2161
Boise, Idaho

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

~~51-2229~~

51-2229

Application No. G- 36772
Permit No. G- 30691
District No.

1. Name of Applicant: A. L. Trussell

Postoffice address: Bureau County: Owyhee State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 6.4 or Idaho
Miners' inches 320 or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: 2 drilled wells

4. Location of point of diversion or well is in the Lot 2 (NW 1/4 NE 1/4)
SE 1/4 of the NE 1/4 of Section 2
Twp. 6 S, Rge. 5 E, B.M., County of Owyhee

5. Water is to be used for: Irrigation

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

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

(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section, Twp, Rge., B.M.

7. Kind of works: 2 drilled wells

8. Estimated cost of works: \$23,000

9. (a) Is reservoir to be used? None

(b) Capacity of reservoir:

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

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

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

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

(d) Other resources:

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

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

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

(b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

RECEIVED
PERMIT ALLOCATED

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

Applicant.

Agent.

Returned to applicant for correction:

Corrected application received.

DESERT ENTRY - Idaho Ser. No. _____

Allowed:

Approval of State Reclamation Engineer

The number of this permit is G— 30691

Recorded in Book 107 Page 306-91 Approved September 11, 1962

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

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control

One-fifth of the work above specified to be completed on or before March 11, 1965

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before September 11, 1967

Witness my hand this 11th day of September, 1962

s/ CARL E. TAPPAN, Assistant
STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, .. ROBERT D. GAYLIE .., Governor of the State of Idaho,
and ARNOLD WILLIAMS .., Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this .. 11th ..
day of .. September .., 19..62..

Countersigned

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT L. EYLER
Governor

12.

[illegible]

AMENDMENT TO POINT OF DIVERSION ✓

Comes now A. L. Trussell and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-30691. That the points of diversion is described in said Permit as being located: Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 2, T 7 S., R 4 E., B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, T 6 S., R 5 E., B.M. That he now requests that the points of diversion be changed to a points located: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T 7 S., R 4 E., B.M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, T 6 S., R 5 E., B.M. That the reason for desiring to make such change is as follows: This is a better well site from which to irrigate my entry; the well in Section 31 was incorrectly reported when permit was applied for. That no one will be injured by such change and such change will be made at Permit Holder's own risk.

Signed at Boise, this 15th day of May, 1967.

/s/ A. L. TRUSSELL

Date of receipt at office of Department of Reclamation: May 16, 1967.

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-30691. This approval constitutes a new Permit and is issued as an amendment to the original permit to which it refers and of which it becomes a part and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

Recorded in book 107 of permits at page G-30691, May 22, 1967.

APPLICATION FOR EXTENSION OF TIME ✓

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho hereby approves the application for extension of time for permit G-30691 to December 17, 1968.

Witness my hand this 11th day of ~~Sept~~ August, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 3-3 SEC. FT.
LICENSE PAGE NO.

1
BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF REINSTATEMENT OF PERMIT NO.)
G-70691 in the name of A. L. Trussell)

ORDER

WHEREAS, A. L. Trussell applied to the Department of Reclamation on September 4, 1962, for a permit to appropriate the public waters of the State of Idaho; and,

WHEREAS, the application proposed the diversion of 6.4 cubic feet per second of water of a ground water source for use in sec. 29, 30 and 31, T. 6 S, R. 5 E, B. M.; sec. 15, T. 6 S, R. 4 E, B. M.; sec. 2, T. 7 S, R. 4 E, B. M., Owyhee County, Idaho; and,

WHEREAS, on September 11, 1963, permit G-70691 was approved with the condition that one-fifth of the work was to be completed on or before March 11, 1965, and that the whole of said works be completed and the water be appropriated to beneficial use on or before September 11, 1967; and,

WHEREAS, on August 9, 1967, the permit holder applied to the Department of Reclamation for an extension of time which was granted on August 11, 1967, to December 17, 1968, for the completion of permit G-70691; and,

WHEREAS, on October 1, 1968, the Department of Reclamation forwarded to the permit holder an order modifying the requirements for completion of permit G-70691 as adopted under the Rules of Practice and Procedures on August 1, 1968; and,

WHEREAS, on October 1, 1968, the permit holder was notified by certified mail that he was required to submit proof of the application of the water to beneficial use and was instructed as to the steps to be taken to make that proof; and,

WHEREAS, on December 24, 1968, the permit holder was notified by the Department of Reclamation that the permit had lapsed for failure to submit proof of beneficial use of the water; and,

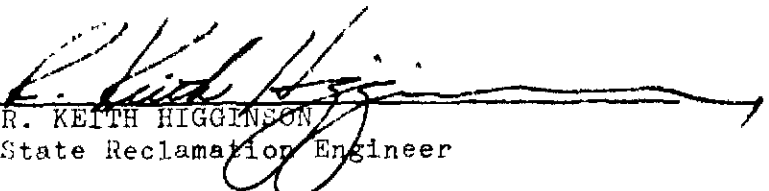
WHEREAS, on January 28, 1969, the Department of Reclamation received the required proof of beneficial use of the water; and,

WHEREAS, Section 42-212a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

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

THEREFORE, IT IS ORDERED, that permit G-70691 be reinstated and the priority be reduced to October 1st, 1962.

Dated this 19th day of FEBRUARY, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

DWM:tg

30691

Identification No. _____

Permit No. G-30691

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder A. L. Trussell
b) Post Office Address Bruneau, Idaho 83604
2. Permit Number G-30691
3. Date of Priority that you are prepared to establish September 4, 1962
4. a) Source from which water was appropriated subterranean
b) Location of the point of diversion: NE 1/4 SE 1/4, Section 2, T7S-R4E
Township 7 S, Range 4 E, Boise Meridian, Other points of diversion:
SW 1/4 NE 1/4, Section 31, T6S, R5E, B.M.
5. a) The amount of water and use to which the water has been applied
amount 3.2 cfs for irrigation purposes from March 1 to October 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.2 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Layne Pump Company - test pump
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: not applicable
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 150 hp, 14 inch bowls, 20 inch casing, 1200 feet
b) Describe the type and size of measuring device which you have installed at your point of diversion: None installed at present but will be by the irrigation season
c) Give well drillers name and address and date the well was completed A. L. Trussell, Bruneau

30691

Identification No. _____

Permit No. G-30691

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. g) Name of Permit Holder A. L. Trussell

b) Post Office Address Bruneau, Idaho 83604

2. Permit Number G-30691

3. Date of Priority that you are prepared to establish September 4, 1962

4. a) Source from which water was appropriated subterranean

b) Location of the point of diversion: NE 1/4 SE 1/4, Section 2, T7S-R4E

Township 7 S, Range 4 E Borise Meridian, Other points of diversion: _____

SW 1/4 NE 1/4, Section 31, T6S, R5E, B.M.

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

amount 3.2 cfs for irrigation purposes from March 1 to October 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

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

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

b) Total amount appropriated 3.2 cfs cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Layne Pump Company - test pump

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

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: not applicable

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

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 150 hp. 14 inch bowls, 20 inch casing, 1200 feet

b) Describe the type and size of measuring device which you have installed at your point of diversion: None installed at present but will be by the irrigation season

c) Give well drillers name and address and date the well was completed A. L. Trussell, Bruneau

30691

4/100 received

RECEIVED
MAY 16 1967

Application for Amendment

POINT OF DIVERSION

Permit No. **G-30691**

Department of Reclamation

Comes now A. L. Trussell and represents to the State Reclamation Engineer of the State of Idaho:

That he is (~~now~~) the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-30691.

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

Lot 2 (NW $\frac{1}{2}$ NE $\frac{1}{2}$), Sec. 2, T7S-R4E, B.M. and SE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 31, T6S-R5E, B.M.

That he now requests that the points of diversion be changed to a points located: NE $\frac{1}{2}$ SE $\frac{1}{2}$, Section 2, T7S-R4E, B.M. and

SW $\frac{1}{2}$ NE $\frac{1}{2}$, Section 31, T6S-R5E, B.M.

That the reason for desiring to make such change is as follows:

This is a better well site from which to irrigate my entry; the well in Section 31 was incorrectly reported when permit was applied for.

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

Signed at Boise, this 15th day of May 1967

A. L. Trussell

Date of Receipt at Department Of Reclamation: G-30691

APPROVAL OF STATE RECLAMATION ENGINEER

R. KEITH HIGGINSON

I, ~~XXXXXXXXXX~~, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-30691. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 107 of
Permits, at Page G-30691
May 22, 1967

R. Keith Higgins
State Reclamation Engineer

30691

D

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } S.S.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 13 day of March, 1969, and the last publication being on the 20 day of March, 1969;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 20 day of March, 1969.

Lona Shivers
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECEIVED
APR 7 1969
Reclamation

NOTICE OF APPROVED APPLICATION FOR WATER
Notice is hereby given that A. L. Trussell, Bruneau, Idaho, has received an approved permit No. G-30691 to divert 6.4 cubic feet per second of water from a subterranean source. The priority to be established under this permit is September 4, 1962. Water will be diverted by two wells within the NE 1/4 Sec. 2, T. 7 S., R. 5 E., B. M. SW 1/4 Sec. 30, NE 1/4 Sec. 31, T. 8 S., R. 5 E., B. M.; SW 1/4 Sec. 35, T. 6 S., R. 4 E., B. M.; Lot 2 (NW 1/4 NE 1/4), Sec. 2, T. 7 S., R. 4 E., B. M.
Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.
R. KENTH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Owyhee County, Idaho on March 13 and March 20, 1969.

30691



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

AUG 28 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 30, 1997

*Randy Porter and
Blanche Bingham*

~~Arnold Bingham & Dale Porter~~

914-614 North 5000 West
West Point, UT 84015

NOTICE TO RESUME WATER USE

RE: Water Right No. 51-2229

Gentlemen:

One of the conditions of department approval of the application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right, was that beneficial use of water be resumed on or before October 1, 1997. Enclosed is a form which when submitted will notify the department that you have again established beneficial use of water as authorized by the water right.

Failure to resume the use of water for the water right and to notify the department of resumed use will be cause for the water to revert back to the state and again be available for appropriation.

Please fill out and return the resumption form within sixty (60) days of receipt of this letter. Please address your correspondence to my attention.

If you have any questions concerning this matter, please contact me at 327-7900.

Sincerely,

JULIE L. YARBROUGH
Sr. Secretary

Enclosure

AUG 28 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form must be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 51-2229
Name of Water Right Holder(s) BASIN ~~NATURAL CANAL~~ COMPANY RANDY PORTER
Mailing Address 40 RANDY S. PORTER 914 N 5000 W. WEST POINT UT 84015
Telephone Number 801-825-3126

Source of Water (Groundwater/Surface) GROUND WATER

Extent of Use: Domestic _____ (number of households)
Stockwater _____ (number and type of stock)
Irrigation 165 (number of acres irrigated)
Other/Remarks _____

Total rate and/or volume of use 3.3 cfs _____ acre feet

Show the date water use will be or was resumed under this water right MARCH 1, 1997

Person to contact to accompany the Department representative if a field examination is conducted:

Name Butch GLENESKI Telephone No. 208-845-2837
Address HC 85 Box 177 Brunneau, Id

The above information is my true statement of the extent to which diversion and use of the above described water right has been resumed.

Date 8/26/97 Signature Randy S. Porter



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 30, 1997

Arnold Bingham & Dale Porter
614 North 5000 West
West Point, UT 84015

P-590062137

NOTICE TO RESUME WATER USE

RE: Water Right No. 51-2229

Gentlemen:

One of the conditions of department approval of the application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right, was that beneficial use of water be resumed on or before October 1, 1997. Enclosed is a form which when submitted will notify the department that you have again established beneficial use of water as authorized by the water right.

Failure to resume the use of water for the water right and to notify the department of resumed use will be cause for the water to revert back to the state and again be available for appropriation.

Please fill out and return the resumption form within sixty (60) days of receipt of this letter. Please address your correspondence to my attention.

If you have any questions concerning this matter, please contact me at 327-7900.

Sincerely,

JULIE L. YARBROUGH
Sr. Secretary

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 4, 1988

RE: Water Right No. 51-2229

Arnold Bingham & Dale Porter
614 N. 5000 W.
West Point, UT 84015

Gentlemen:

Enclosed is a copy of your approved Application for Extension of Time to Avoid Forfeiture of the above referenced water right. Note that beneficial use of water must resume on or before October 1, 1997.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

FEB 29 1988

512
32

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE
OF WATER RIGHT NO. 51-2229

Notice is hereby given that Arnold Bingham & Dale Porter, 614 North 5000 West, West Point, Utah 84015 have applied to the Department of Water Resources for an extension of time to avoid forfeiture of a license. This license is evidenced by Water Right No. 51-2229.

This license was issued for 3.3 cubic feet per second of water from a groundwater source with a priority date of 10/15/1962, with a point of diversion within the SWNE, Sec. 31, Twp. 6S., Rge. 5E., B.M., Owyhee County, for irrigation purposes from 3/1 to 10/1 annually for use upon 165 acres within the SWSW, Sec. 29; SESE, Sec. 30; NENE, NWNE, SWNE, SENE, Sec. 31, Twp. 6S., Rge. 5E.

Section 42-222, Idaho Code provides that a water right shall be lost and forfeited, and the water will revert to the state upon failure to apply water to a beneficial use for a period of five consecutive years. This Section further provides that the State allow an additional five year period of non-use without forfeiture upon a showing of reasonable cause. Arnold Bingham & Dale Porter have applied for this extension because the land under this water right has been placed in the U.S. Dept. of Agriculture's Conservation Reserve Program and will not be cultivated or irrigated for up to 10 years. The applicant requests this extension until October 1, 1997.

Any protest against the granting of this extension may be filed with the Idaho Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before November 23, 1987.

R. Keith Higginson, Director

Published in the Owyhee Avalanche 11/4 & 11/11/87

RECEIVED

FEB 29 1988

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

I, David G. Landmann, being first duly sworn, depose and say.

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in (2) 100 (consecutive)
calendar weekly issue(s) of said newspaper, in the following date(s):

November 5, 1987

November 12 1987

(Signed)

(Signed) David H. Landmann

FEB 29 1988

Subscribed
A.D. 1901

Subscribed and sworn to before me this 12 day of Nov

A.D. 1921
Alex. Amar Katritz

Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires.

2011.11.29

Business and Consumer Affairs
500 West Main Plaza, Room 1000
have applied to the Department of
Water Resources for an extension of
time to avoid forfeiture of license.
This license is evidenced by Water
Right No. 61-000.

This license was issued for 30 cubic feet per second of water from a groundwater source with a priority date of 10/15/1982, with a point of

County, Sec. 10; SENE, Sec. 11, Twp. 6S.
2/1 to 1871. SENE, Sec. 11, Twp. 6S.
acres within the SW 1/4 of Sec. 10;
SENE, Sec. 10; SENE, Sec. 11, Twp. 6S.
SW 1/4, SENE, Sec. 11, Twp. 6S.
Sec. 11.

Section 42-222, Idaho Code provides that a water right shall be lost and forfeited, and the water will revert to the state upon failure to apply water to a beneficial use for a period of five consecutive years. This section further provides that the State allow an additional five year period of non-use without forfeiture upon a showing of reasonable cause. Wendell Bingham and Dale Parker have applied for this extension because the land under this water right has been placed in the U.S. Dept. of Agriculture's Conservation Reserve Program and will not be cultivated or irrigated for up to 10 years. The applicant requests this extension until October 1, 1997.

Any protest against the granting of this extension may be filed with the Idaho Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before November 22, 1987.

Mr. Keith Henderson,

FOIA b 7, D-3

RECEIVED

DEC 9 1967

Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 22, 1987

Arnold Bingham
614 North 5000 West
West Point, UT 84015

Re: Transfer for Right No. 51-2144; Applications for Extension of Time to Avoid Forfeiture for Water Right Nos. 02-7076, 51-2144, and 51-2229.

Dear Mr. Bingham:

I am sorry it has taken me so long to send the enclosed documents to you. There were a couple of legal questions that arose regarding the applications which delayed their processing.

You must sign each of the applications, and have your signature notarized. You must also submit a \$50 filing fee for each of the applications for Extension of Time to Avoid Forfeiture, and also a \$50 filing fee for the Application for Transfer. The total fee will equal \$200.

At the time you submit the applications for Extension of Time to Avoid Forfeiture, please also submit documentation that you are the majority shareholder in Basin Mutual Canal Company, and that there is only one other shareholder. A copy of the document proving ownership of the number of your shares, and also a copy of the articles incorporation of the canal company should also be included as proof. If the above mentioned documentation is received by the Department of Water Resources, it will not be necessary that the officers of the corporation submit the application.

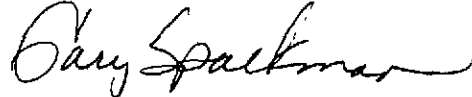
I note that Permit No. 51-7036 also covers some of the land in question. I do not recall why No. 51-7036 was not included as one of the water rights needing an extension to avoid forfeiture. Please advise whether you intend to file an application for extension of time to avoid forfeiture for Permit No. 51-7036.

MICROFILMED

FEB 29 1988

Please send all of the above to the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, for processing. If I can be of further assistance, please call.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western Region

Enclosures

MICROFILMED

FEB 29 1988

ASSIGNMENT OF CORPORATE STOCK

FOR VALUE RECEIVED, we hereby sell, assign and transfer unto DEAN J. NELSON, ARNOLD T. BINGHAM, JOHN A. FLINT and DALE R. PORTER six hundred twenty-four (624) shares of the capital stock of Basin Mutual Canal Company, an Idaho corporation, represented by Certificate No. 1 of said corporation, and do hereby irrevocably constitute and appoint the secretary of said corporation our attorney to transfer the said stock on the books of said corporation with full power of substitution in the premises.

DATED April 18, 1978.

David H. Pierce
David H. Pierce

Ann Pierce
Ann Pierce

RECEIVED
FEB 29 1988

September 24, 1969

C
O
P
Y

Farmers Home Administration
Box 148
Marsing, Idaho 83639

Gentlemen:

Enclosed you will find a copy of Permit No. G-30691 as per your
phone request. The fee for these copies is \$1.50 payable to this office.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosure

30691/51-2229

12-20-73

Do not send
Mr. Trussell
any copies
until he pays
for copies rec'd
9-24-69!!

*leaf # 4479
given*

April 8, 1970

Farmers Home Administration
P. O. Box 148
Marsing, Idaho 83639

Gentlemen:

In checking through our records we find that you still owe for a copy of Permit No. G-30691 which was mailed to you September 24, 1969, per your telephone request of that date. The fee for this copy is \$1.50.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

30691 / 51-2224

C
O
P
Y

September 24, 1973

RE: License No. 51-2229

Mr. Philip Barber
Attorney at Law
Elam and Burke
Bank of Idaho Building
Boise, Idaho

Dear Phil:

Sherl asked me to look up the A. L. Trussell license or permit for you and I am enclosing a copy of Water License No. 51-2229. His original permit gave two points of diversion: Lot #2, (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 2, 7S, 4E and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, 6S, 5 E. The field examination showed Mr. Trussell to be diverting from the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, 6S, 5 E, (see license).

I ran across a note in Mr. Trussell's file of which I am enclosing a copy. If you have any dealings with Mr. T. perhaps you could "gently" remind him he still owes us money.

The fee for the license copy is \$1.00 which you may remit at your convenience.

If I can help you further please let me know.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:e

51 2229

October 30, 1969

Re: Permit No. 30691/51-2229

Al L. Trussell
Bruneau,
Idaho 83604

Dear Mr. Trussell:

A representative from this department has made an examination of your works covered by Permit 51-2229. The works were found capable of producing 3.35 c.f.s. of which 3.3 c.f.s. can be recognized as beneficially used and licensed under Idaho law. The water is used for irrigation of 165 acres in NE1/4, Sec. 31; SE1/4, Sec. 30; SW1/4, Sec. 29, T. 6S, R. 5E, B.M..

If you disagree with the findings, please advise us within 10 days; otherwise, a license will be issued showing the findings as set forth in this letter.

Very truly yours,

Dennis J. Timoskevich
Water Rights Administrator

DJT:mh

1-28-69
12-11-68

30691
51-2229

Form No. 0

Sec. 30

Sec. 29

A.I.

Sec. 35

Sec. 36

Sec. 31

6S-4E

7S-4E

6S-5E

Sec. 2

Sec. 1

CECIL M. No. 30591

As App. to 1957

CEQ. N. CARTER

to Reclamation Bureau

30691
51-2239

150 HP VS HOLLOW SHAFT

S# 1407482

LAYNE & BOWLER

NO. 44631

10" DISCHARGE INTO DIVERSION
BOX TO EARTH DITCHES

G.E. MOTOR 40 HP

S# PEJ6790359

LAYNE & BOWLER PUMP

S# 14680

8" DISCHARGE

TO T

GATE VALVES TO DIRECT
FLOW 2 DIRECTIONS

BURIED PLASTIC PIPE

UP TO TOP OF HILL 950'

Micrometer
1500 gpm

new proof

Source of supply SUBTERRANEAN

a tributary of _____

Location of P D.(s) ~~NE 1/4 SEC 14~~, ~~SEC 2, T 7 S - R 9 E~~
SW 1/4 NE 1/4 SEC 31, T 6 S, R 9 E, B.M. OWYHEE

Water is used for IRRIGATION

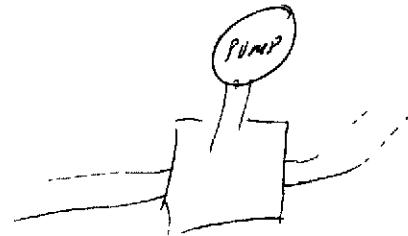
Quantity of water found 1500 GPM or 3.35 cfs

How was the measurement made? MICROMETER

Measurement calculations NONE

Diversion works description and diagram

150 HP U.S. ~~ELECTRIC~~ ELECTRIC
MOTOR: 5# 1407682
LAYNE & BOWLER
NO. 44631
10" DISCHARGE INTO
DIVERSION BOX TO EARTH
DITCHES



Indicate area irrigated in each subdivision on the map

Total acreage irrigated 165

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

Who represented the permit holder at the examination?

A. L. TRUSSEL

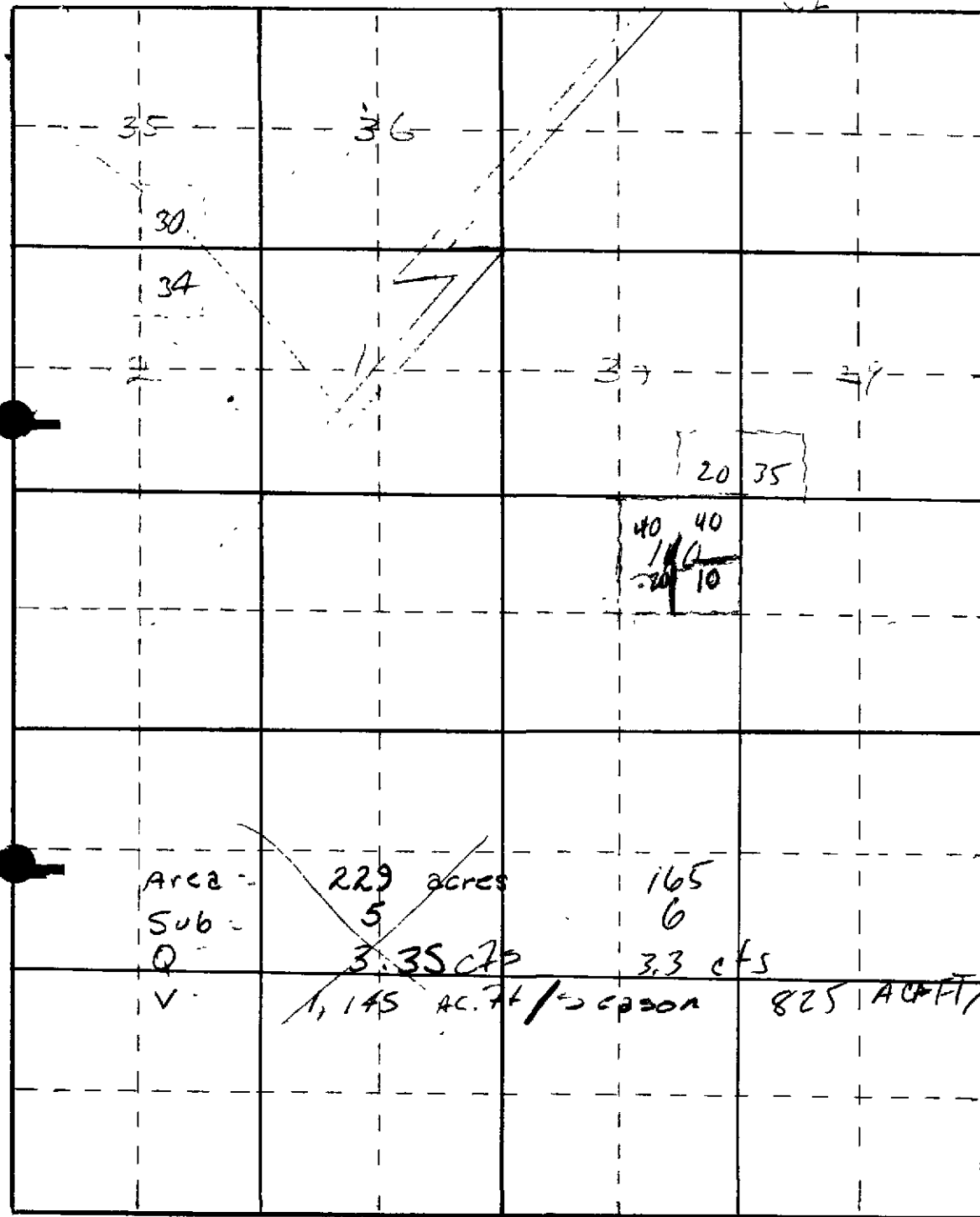
Recommended allowance for licensing ~~3.2~~ cfs 3.35 cfs or

Description of required amendments. Comments.

Report checked? _____

Examination date 9-30-69

Signature Dennis Timoskovich



3

Permit No. G-30691 ~~51-2229~~
 Name of Applicant A. L. Trussell Bruncau, Idaho
 Source of Water Ground water
 a tributary of _____
 Location of P D NE 1/4 Sec. 2 T. 7s., R. 4E., S. 4. M. and SW 1/4 Sec. 31, T. 6 S., R. 5E., S. 4.

Water is used for Irrigation
 Quantity of water claimed: Permit 6.4 c.f.s. Depositions 3.2 c.f.s.
 Type of measuring device installed or method of measurement and general description
of diversion works 150 hp. 14 inch bowls, 22 inch casing, 1200 feet

Land to be irrigated or place of use.				Description
TWP	RGE.	SEC.		
6S.	4 E.	35	SW 1/4 SE 1/4	~~30~~ new
6S.	5 E.	29	SW 1/4 SW 1/4	35
		30	SE 1/4 SE 1/4	20
		31	NE 1/4	100 = 40, 40, 20, 10
7 S.	4 E.	2	NW 1/4 NE 1/4 (Lot 2)	~~34~~ 165
Date Filed: 9-4-62				Total acreage <u>165</u>
Priority Date: 11-16-62 (late Proof)				
Date Due: 12-17-69				
Date Made: 1-28-69				<u>6 subs</u>

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

6-11-62
11-7-62

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 28, 1969

Re: Permit No. 30691/51-2229

A. L. Trussell
Bruneau,
Idaho 83604

Dear Mr. Trussell:

A representative from this department has made an examination of your works covered by Permit 51-2229. The works were found capable of producing 3.35 c.f.s. of which 3.35 ^{3.3} c.f.s. can be recognized as beneficially used and licensed under Idaho law. The water is used for irrigation of 229 acres in N¹/₄N¹/₄, SW¹/₄N¹/₄, Section 31; SE¹/₄SE¹/₄, Section 30; SW¹/₄SW¹/₄, Section 29, T. 6S, R. 5E, B.M. ~~SE¹/₄SE¹/₄, Section 30; SW¹/₄SW¹/₄, Section 29, T. 6S, R. 5E, B.M.~~ ¹⁶⁵ ~~75-45~~ ^{NE¹/₄} ~~75-45~~

If you disagree with the findings, please advise us within 10 days; otherwise, a license will be issued showing the findings as set forth in this letter.

825 AC - FT / SEASON

Very truly yours,

A handwritten signature in cursive script, reading "Dean R. Reynolds".

Dean R. Reynolds
Field Examiner

DRR:mh

30691
51-2229

October 28, 1969

Re: Permit No. 30691/51-2229

A. L. Trussell
Bruneau,
Idaho 83604

Dear Mr. Trussell:

A representative from this department has made an examination of your works covered by Permit 51-2229. The works were found capable of producing 3.35 c.f.s. of which 3.35 c.f.s. can be recognized as beneficially used and licensed under Idaho law. The water is used for irrigation of 229 acres in NWNE~~1~~, SWNE~~1~~, Section 31; SESE~~1~~, Section 30; SWSE~~1~~, Section 29, T. 6S, R. 5E, B.M.

If you disagree with the findings, please advise us within 10 days; otherwise, a license will be issued showing the findings as set forth in this letter.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:mh

30691
51-2229

FEB 29 1966

100-443887-1

306911
51-2229

April 7, 1969

Re: Permit No. G-30691

A. I. Trussell
Bruneau, Idaho

Dear Mr. Trussell:

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

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

exam typed
30691

April 1, 1969

Re: Permit No. G-30691

A. J. Trussell
Bruneau, Idaho

Dear Mr. Trussell:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. G-30691. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Owyhee Nugget, Marsing, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

30691

February 27, 1969

Re: Permit No. G-30691

Owyhee Nugget
Marsing, Idaho

Gentlemen:

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

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

The expense of the publication is to be paid by A. L. Trussell,
Bruneau, Idaho,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notice

cc: A. L. Trussell

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

30691

RULES OF PRACTICE AND PROCEDURE

Adopted - August 1, 1968

INSTRUCTIONS FOR ADVERTISING

Rules of Practice and Procedure, adopted August 1, 1968, require that a notice be published at your expense by the Department of Reclamation. The notice will advise that your permit has been issued and gives the public a chance to protest the intent of the permit.

Attached is a copy of the proposed notice of publication and an authorization for the Department to publish the notice at your expense. Please review the proposed notice and if you agree with its contents, sign the authorization form and return it with the notice of publication to this office.

If a major discrepancy exists in the proposed notice, please advise this department by return mail so that we may assist you in clarifying the issue.

30091

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

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

A. L. Tressell
(signature)

Box 145 Bureau, Ida
(address)

2-25-69
(date)

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 when proof is for completion of works.

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

Engineer

30691

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. **G-30691**)

in the name of **A. L. Trussell,**)

Bruneau, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

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

WHEREAS, Permit No. **G-30691** was issued previous to that date;

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

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

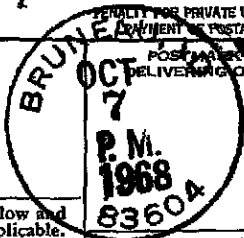
Dated this _____ day of _____, 19____/

R. KEITH HIGGINSON
State Reclamation Engineer

30691

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

655-16-71548-10



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

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

Department of Reclamation
Annex #2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

81-301091

POD Form 3811 Apr. 1967

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

20372

INSURED NO.

DATE DELIVERED

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

SHOW WHERE DELIVERED *(only if requested)*

February 18, 1969

Re: Permit No. G-70691

A. J. Trussell
Bruneau, Idaho

Dear Mr. Trussell:

Please find enclosed an order REINSTATING the above referenced permit.

Before a license can be issued, a legal notice concerning the existence of your permit must be advertised in the official newspaper of the county in which the point of diversion is located. The Department has enclosed a copy of the proposed notice and a form authorizing the Department to publish at your expense this notice in the Owyhee Nugget, Marsing, Idaho. Please submit this item promptly to the Department.

Also, a field examination must be made by a representative from this Department.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: order
legal notice
form 11

*exam
typed
30691*

November 19, 1969

Re: Permit No. G-30691/51-2229

A. L. Trussell
Bruneau,
Idaho 83604

Dear Mr. Trussell:

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

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:ME

Enclosure

51-2229

May 22, 1967

RE: Permit No. G-30691 - A. L. Trussell
G-32008 - Clarence Scott Vaught

Idaho Land and Appraisal Service
P.O. Box 2161
Boise, Idaho 83701

Gentlemen:

Enclosed herewith are the assignment and amendment to point of diversion on the above referenced permits.

Also enclosed is departmental receipt No. G-11622 in the amount of \$1.50 which covers the fee for the recording of each.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Amendment
Assignment
Receipt

30691

August 11, 1967

RE: Permit G-30691

A. L. Trussell
Bruneau, Idaho 83604

Dear Mr. Trussell:

Enclosed herewith is a copy of your extension of time application which has been approved by the State Reclamation Engineer. You will note this approval is to December 17, 1968 as requested.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw

Encl: Approval of Extension of Time

30691

December 24, 1968

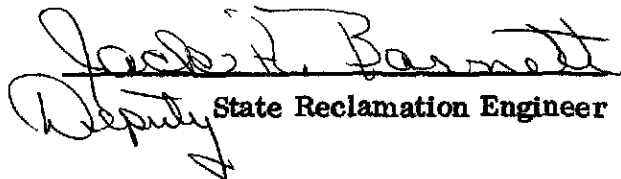
Re: Permit No. G-30691

A. L. Trussell
Bruneau, Idaho

Dear Mr. Trussell:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, Permit G-30691 has lapsed.

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


Deputy State Reclamation Engineer

October 1, 1968

Re: Permit No. G-30691

A. L. Trussell
Bruneau, Idaho 83604

Dear Mr. Trussell:

One of the conditions of the approval of your permit G-30691 was that proof of application of the water to beneficial use be submitted to this office on or before December 17, 19 68.

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

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



State Reclamation Engineer

Enclosure: Proof form

30691

October 1, 1968

Re: Permit No. G-30691

A. L. Trussell
Bruneau, Idaho 83604

Dear Mr. Trussell:

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

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

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

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:tg
Encs Order
Proof due notice
Proof package
Advertising package

30691

Re: Permit G-30691

June 29, 1967

A. L. Trussell
BrunEAU,
Idaho 83604

Dear Mr. Trussell:

Proof of completion of works and application of water to beneficial use for the above referenced permit is due not later than September 11, 1967.

Under the terms of your permit, it is required that a notice be published once a week for four consecutive weeks in a local newspaper showing your intent to submit proof. The proof will consist of depositions which the permit holder and two disinterested witnesses must complete before the listed notary public, and must be accompanied by an affidavit of publication of the legal notice.

We have prepared the enclosed notice from the information on your permit. The complete name and address of a notary public of the State of Idaho must be entered together with a date for you to appear before the notary. Allow at least 40 days from the date the notice is mailed to this department for your appearance before the notary.

If you find any discrepancy in the notice or have made any changes, please advise this department and we will assist you in doing whatever may be necessary to assure correct publication.

If the enclosed notice is correct, complete the blank spaces and sign the form authorizing us to publish the notice at your expense and return all forms. At the time we send the notice to the newspaper, you will be supplied with further instructions.

If you do not desire to complete the proofs and obtain a license of water right, you are requested to complete the relinquishment portion of this form below and return it to the Department of Reclamation.


State Reclamation Engineer

RE LINQUISHMENT

I hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. _____.

Dated _____.

permit holder

30691

Form 36A



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

LO:VSS
I-013524

Land Office
P. O. Box 2287
Boise, Idaho

DEC 19 1963

DEC 17 1963

Department of Reclamation

A. L. Trussell
Bruneau, Idaho

NOTICE OF ALLOWANCE

Dear Mr. Trussell:

Your Desert Land Entry, Serial No. Idaho 013524,

Receipt No. 839103, for SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30;
NE $\frac{1}{4}$ Sec. 31; T. 6 S., R. 5 E., SW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 35; T. 6 S., R. 4 E., Lot 2, Section 2,

Township 7 S., Range 4 E., Boise Meridian, Idaho,
containing 318.56 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

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

Sincerely yours,

Michael T. Solan
Michael T. Solan
Land Office Manager

c.c. State Reclamation Engineer ✓

September 26, 1962

Re: Permit No. G-30691
A. L. Trussell

Mr. Harley McDowell,
Idaho Land & Appraisal Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permit No. G-30691 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ Departmental Receipt No. G-7351
which was issued covering payment in the amount of \$ 6.50
for the filing fee of the above mentioned permit, ~~was given~~
to you while in our office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl.
cc: A. L. Trussell
Brussels, Idaho

30691

