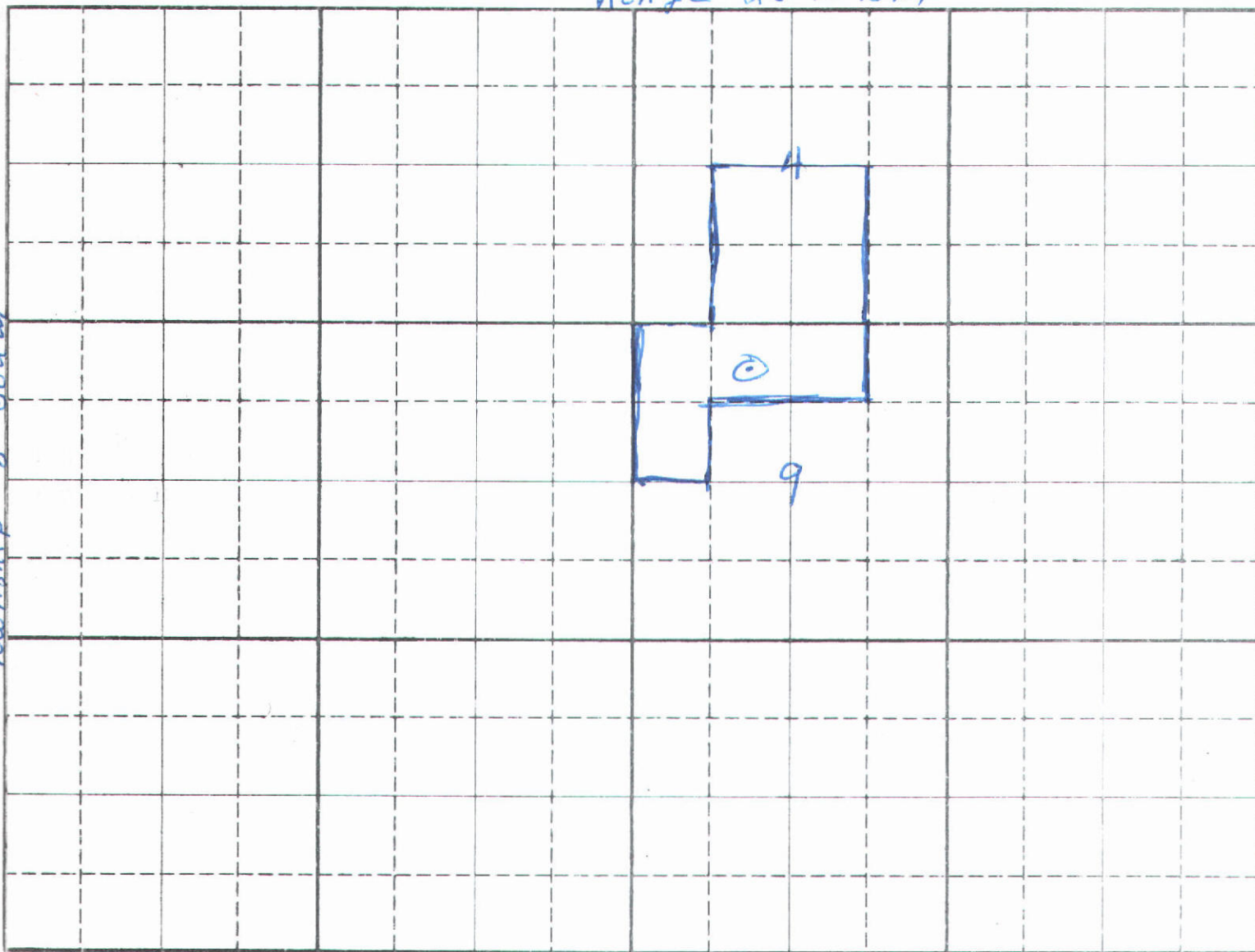


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

Range 26 E BM



Scale: 2 inches equal 1 mile

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

Signed at Burley Idaho, this 7th day of December, 19 71.

[Signature]
(signature)

ACTION OF STATE RECLAMATION ENGINEER

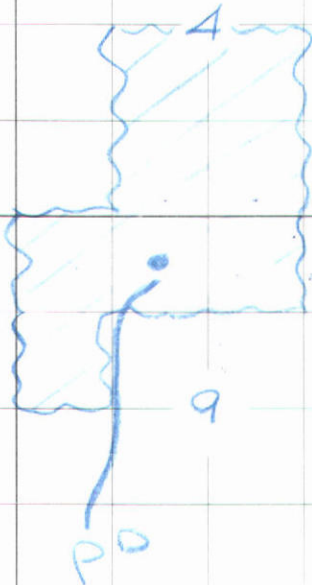
I, C. STEPHEN ALLRED, Deputy Director, Dept. of Water Administration, State Reclamation Engineer of the State of Idaho, hereby APPROVE application for amendment for Permit No. G-32461/36-2618.

Witness my hand this 13th day of December, 19 71.

[Signature]
State Reclamation Engineer

R 26 E

T. 7 S



Q measured 2.9 cfs
Q recommended 2.9 cfs
Volume 1028 A.F./A.
Acreage =
Found 257 acres
recommended 257 acres
Subdiv. _____
Appropriations
☒ None
☐ P.D.
☐ Type of use
☐ _____

TO LAKE WANCOTT
4.5 mi.
↓

36 261

RECEIVED

8-16-1969 gnb

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO, }
County of Blaine, } ss.

NEAL R. NYBLAD, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Managing Editor of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 14th day of August, 1969 and ending with the last publication thereof on the 21st day of August, 1969.

Cost of this publication is \$ 9.89

Neal R. Nyblad
NEAL R. NYBLAD

Subscribed and sworn to before me, this 22nd day
of August, 1969.

George S. Ditz
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that William O. Russell, #2 Williamsburg Lane, Houston, Texas, has received an approved permit No. G-32461 issued by the Idaho State Reclamation Department authorizing the diversion of 5.14 cubic feet per second of water from a ground water source subject to all prior rights. The priority to be established under this permit is July 28, 1965, and the permit was approved July 30, 1965. Water is to be diverted by well, pump, mainline and sprinkler lateral from a point within the NE 1/4 NW 1/4, Sec. 9, T. 7 S, R. 26 E, B. M., Blaine County to be used for irrigation in the E 1/2 SW 1/4, W 1/2 SE 1/4, Sec. 4; NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 8, T. 7 S, R. 26 E, B. M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 30, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

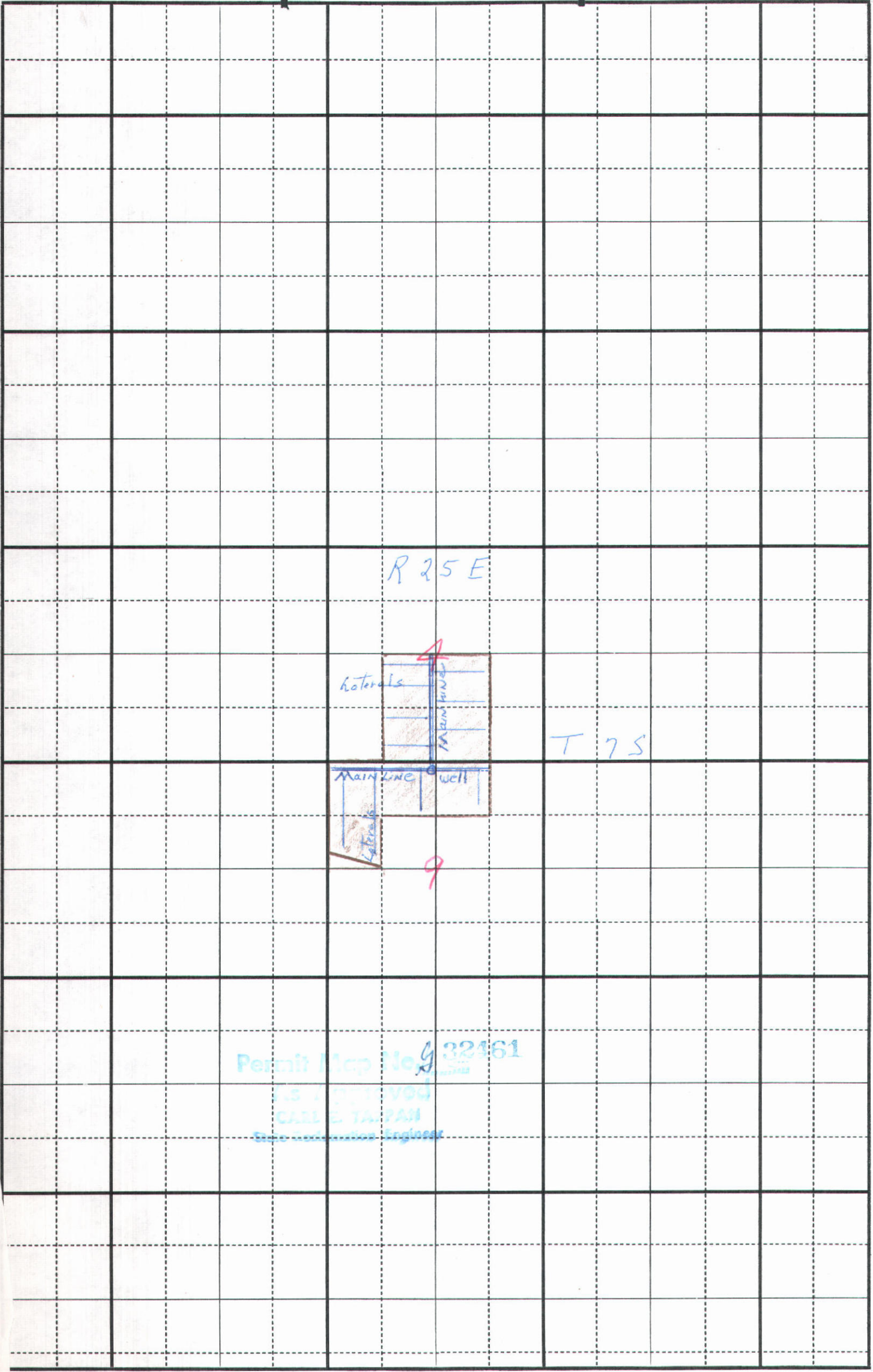
Published in the Wood River Journal, Hailey, Idaho, on August 14 and August 21, 1969.

32461

36-2618

NAME OF APPLICANT William D. Russell

Form No. 0



Permit Map No. 32461
Is Approved
CARL E. TAYLOR
Civil Engineering

32461

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS -

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02618

1999 JAN 15 AM 11:29

FILED
JAN 15 1999
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: DALE H KLINGLER
4567 FEDERAL BLVD
SAN DIEGO CA 92102

SOURCE: GROUNDWATER

QUANTITY: 2.9 CFS
1028.0 AFY

PRIORITY DATE: 07/28/1965

POINT OF DIVERSION: T08S R26E S09 NENENW Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION NONE	Irrigation Season	2.9 CFS 1028.0 AFY

PLACE OF USE:	IRRIGATION	Within BLAINE County			
	T08S R26E S04	NESW 31	SESW 31	NWSE 33	SWSE 28
	S09	NWNE 38	NENW 38	NWNW 38	SWNW 20
	257 ACRES TOTAL				

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED
JAN 15 1999

2001 DEC -4 PM 5:37

CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Water Right 36-02618
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

MICROFILMED
JAN 11 2002

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated December 5, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

2021 DEC -4 PM 5:37

FILED
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Right 36-02618
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
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Dated December 5, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JAN 11 2002

• •

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32461/36-2618 Priority July 28, 1965 Amount 2.90 cfs

THIS IS TO CERTIFY, that DALE H. KLINGLER
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 32461/36-2618 issued pursuant to Application for Permit dated July 28, 1965,
and has submitted proof to the Department of Water Administration on July 22, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.90 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 2.90 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 2.90 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, Twp. 8 S, Rge. 26 E, B.M.

in the county of Blaine; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,028 acre feet per year or _____
4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	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 $\frac{1}{4}$	
8 S	26 E	4									31			32		35	25		123
		9		38			38	38	20										134

Total number of acres irrigated 257

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9th day of
July, 19 73.


Director

36 2618

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

I, William O. Russell, hereby assign to Dale H. Klingler,
of 050 North Meridian Road, Rupert, Idaho
Name
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. G-32461 36-2618
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this _____ day of November 24, 1971.

William O. Russell
Permit Holder

Mary Russell
Wife of Permit Holder

State of ~~XXXXX~~ Texas)
County of HARRIS) ss.

On this 24th day of November, 1971, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~XXXXXX~~ (they) executed the same.

Paula J. Frolick
Notary Public residing at _____
Houston, Harris County, Texas

My commission expires June 1, 1973

36 2617

APPROVED

_of (address).

Route # 3, Rupert, Idaho 83350

36-2618

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

- [illegible]

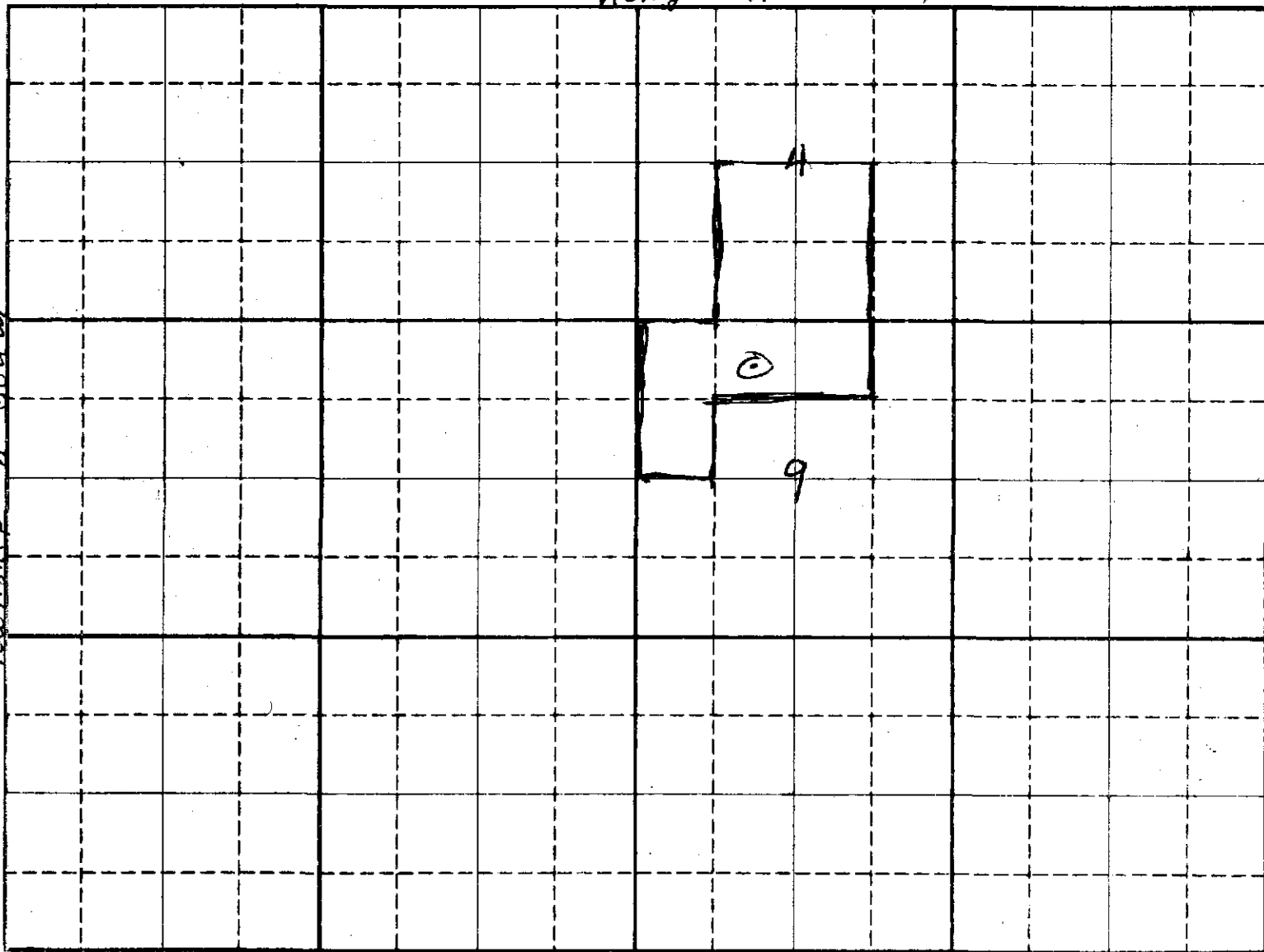
257

[illegible]

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

36-2618

Range 26 E B M



Scale: 2 inches equal 1 mile

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

Signed at Burley Idaho, this 7th day of December, 1971.

[Signature]
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, C. STEPHEN ALLRED, Deputy Director, Dept. of Water Administration, State Reclamation Engineer of the State of Idaho, hereby APPROVE application for amendment for Permit No. G-32461/36-2618.

Witness my hand this 13th day of December, 1971.

[Signature]
State Reclamation Engineer

36 -

32461

APPLICATION FOR PERMIT

To appropriate the Subterranean Waters of The State of Idaho

Application No. G-40613
Permit No. G- 32461
District No.

Assigned to

Walter H. Klingler
250 North Meridian Rd.
Rupert, Idaho

1. Name of Applicant: William O. Russell

Postoffice address: ~~1227 Lynwood Mall~~
~~Twin Falls~~

County: Twin Falls

State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 5.14 or Idaho
Miners' inches or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9
Twp. 7 S , Rge. 26 E. , B.M., County of Blaine

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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.

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

7. Kind of works: Turbine pump, main line, sprinkler lateral

8. Estimated cost of works: \$40,000.00

9. (a) Is reservoir to be used? no

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

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

s/ William O. Russell

Applicant.

By **Fred A.Schwartz**

Agent.

Date of first receipt at Department of Reclamation: 9:30 A.M. July 28, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32461

Recorded in Book **113** Page **32461** Approved **July 30, 1965**

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

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

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

One-fifth of the work above specified to be completed on or before **January 30, 1968**

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 **July 30, 1970**

Witness my hand this 30th day of July, 1965

s/ CARL E. TAPPAN

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 30th day of July, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLIE
Governor

Secretary of State.

12.

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	
7 S	26 E.	4																123	
7 S	26 E	9																134	

• •

This
Right has been
Decreed in the
SRBA.

MICROFILMED

SEP 11 1982

MEMORANDUM

TO: FILE 36-02618

FROM: VAULT

RE: TRANSFER # 69465

DATE: 12-10-01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-2090A

MICROFILMED
JUN 11 2002

July 10, 1973

Re: Permit No. 32461/36-2618

Mr. Dale H. Klingler
050 North Meridian Road
Rupert, Idaho 83350

Dear Mr. Klingler:

Enclosed please find a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

bjg

Enclosure

June 21, 1973

Mr. Dale H. Klingler
050 N. Meridian Road
Rupert, Idaho 83350

Dear Mr. Klingler:

A representative of this Department has made an examination of the works covered by your Permit No. 32461/36-2618 and has found the following:

Quantity of water diverted: 2.90 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.90 cfs

The maximum quantity diverted shall not exceed 1,028 acre feet per year.

Beneficial use: Irrigation of 257 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$ (63),
W $\frac{1}{2}$ SE $\frac{1}{4}$ (60), Sec. 4; NW $\frac{1}{4}$ NE $\frac{1}{4}$ (38), N $\frac{1}{2}$ NW $\frac{1}{4}$ (76), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (20),
Sec. 9; Twp. 8S, Rge. 26E, B.M.

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, Twp. 8S, Rge. 26E, B.M.

Priority date established: July 28, 1965

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Mr. T.H. Church

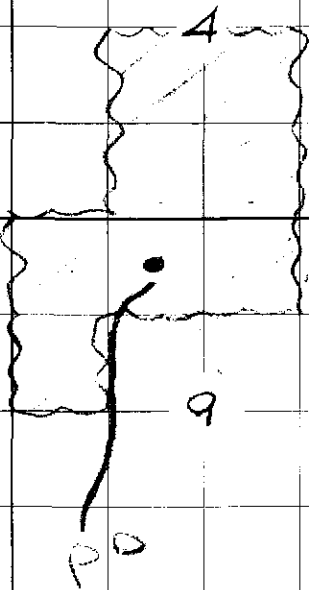
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

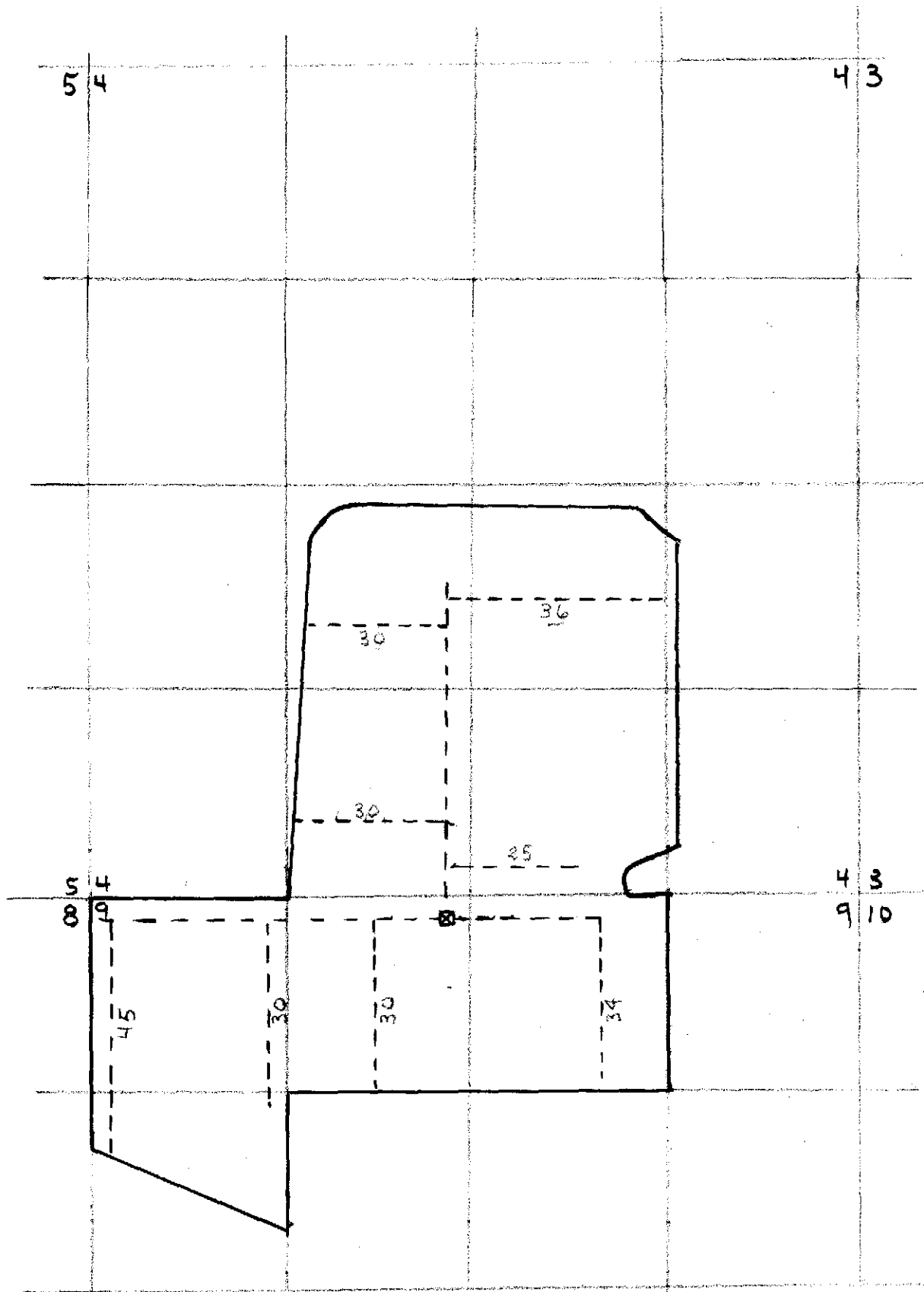
PERMIT NO. G-32461/36-2618

REPORT ON PROOF OF William O. Russell

R E S E R V E



Q measured 2.9 cfs.
Q recommended 2.9 cfs.
Volume 1028 A.F./A.
Acreage -
Found 257 acres
recommended 257 acres
Stdv. _____
Amendments
☒ None
☐ Amend.
Type of use



RAIN Bird
5/32

7S-26E Sec 4
Scale 1" = 1000'
25 2818

ms

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

Permit No. G-32461/36-2618

This proof is for 5.14 cfs In Water District No.

PROOF - 6723 Bertner Ave., Houston, Texas
1. Name of applicant William O. Russell, #2 Williamsburg Lane, Houston, Texas

2. Source of water supply: ground-water

3. Location of point of diversion: Is in the NE 1/4 of Section 9-
T. 7 S R. 26 E County of Blaine

4. Describe works as they exist, giving dimensions and capacities of same:

well, turbine pump, mainline, sprinkler lateral.

PROOF - Main line and sprinkler laterals, turbine pump w/10" bowls; 200 HP
electric motor; 22" of well casing, depth of well 320'.

1700 R.P.M. Serial # 1245550

5. Water is used for: irrigation (PROOF - Apr. 1 - Nov. 30)

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):

T. 7 S, R. 26 E, Sec. 4 E 1/2 SW 1/4, W 1/2 SE 1/4 123 acres

Sec. 9 NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 134 acres

TOTAL - 257 acres

pumped to 10" port lateral lines 240
sprinkler heads in operation 5/32 Rain P.D.
total 2.9 cfs.

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

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

Remarks: Water stays for the most part
in the basin

This examination was made on the day of 19

(Signed) Examiner.

Date _____
Well # 5

DATE EXAMINATION RECORDS

by: _____

by: _____

by: _____

by: _____

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.

Permit No. G-32461/36-2618

Examination for b/u - William O. Russell

County Blaine

Sec. 9 T. 7 SR. 26 E

Quantity: 5.14 cfs

Source: ground-water

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

Use: irrigation

~~Extension:~~

~~Protest:~~

~~Completion of Works:~~

~~Other Rights:~~

Filed: 7-28-65 Made: 7-22-69
Due: 7-30-70 Priority: 7-28-65

Due: CHKO. gms
BB

Pravits

S 2618

December 13, 1971

Re: Permit No. G-32461/36-2618

Dale H. Klingler
050 North Meridian Rd.
Rupert, Idaho 83350

Dear Mr. Klingler:

Enclosed please find a copy of the approved application for amendment and assignment in connection with the above referenced permit.

If we may be of further assistance, do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enc: Copy of assignment, amendment & Permit page

cc: T. H. Church
Attorney at Law

Enc: Copy of assignment and permit page
Receipt #8567

CHURCH, CHURCH & SNOW

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW

ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

December 7, 1971

State of Idaho
Department of Reclamation
614 West State
Boise, Idaho 83702

Re: Permit #36-2618

Gentlemen:

I am herewith enclosing an Assignment of Water Permit #36-2618 from William O. Russell to Dale H. Klingler. I am also enclosing an Application For Amendment of the Point of Diversion in said Permit, together with our check in the sum of \$10.00 for the filing of the same.

Very truly yours,

CHURCH, CHURCH & SNOW

By: T.H. Church
T.H. Church
Attorney for Dale H. Klingler

THC:bjm
Encls.

36 2618

November 19, 1971

Re: Permit No. 36-2618 - William O. Russell
License Nos. 36-2433 - " " "
36-2434 - " " "
36-2435 - " " "
36-2436 - " " "

CHURCH, CHURCH & SNOW
Attorneys at Law
1354 Albion Avenue
Burley, Idaho 83318

ATTENTION: T. H. Church

Dear Mr. Church:

Pursuant to your request when you were in our office on Wednesday, November 17, 1971, please find enclosed a copy of each of the above referenced licenses and permit.

If we may be of any further assistance to you in this, or any other matter, please feel free to contact this office.

Very truly yours,

James Booker
Appropriation Examiner

JB:CS

Enclosures

36 2618

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

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

August 24, 1971

Re: Permit No. 36-2618 - William O. Russell
License No. 36-2433 - " " "
" " 36-2434 - " " "
" " 36-2435 - " " "
" " 36-2436 - " " "

Church, Church & Snow
Attorneys at Law
1354 Albion Avenue
Burley, Idaho 83318

ATTENTION: T. H. Church

Dear Mr. Church:

Pursuant to your letter of August 10, 1971, please find enclosed copies of the above referenced licenses. Permit No. 36-2618 has not been licensed yet. However, the field examination has been conducted and the license is forth-coming.

If you should have any further questions in reference to this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb

Enc: Copies

36 2618

CHURCH, CHURCH & SNOW

ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW

August 10, 1971

Mr. Keith R. Higginson
State of Idaho Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Water Permits Numbers:

G28732 - 36-2483
G28733 - 36-2484
G28734 - 36-2485
G28736 - 36-2486
G32461 - 36-2487

Gentlemen:

The water licenses for the above-mentioned water permits have been mislaid and we need to get a copy thereof as well as a well log for each well. Would you please forward me a copy of each licenses and well log for each well and send your bill for the same and we will return your charges forthwith.

Thank you in advance for your prompt attention to this matter.

Very truly yours,

CHURCH, CHURCH & SNOW


T. H. Church

THC/rmd

October 17, 1969

Re: Permit No. G-32461/36-2618 - William O. Russell

Fred A. Schwartz
Schwartz & Doerr
1227 Lynwood Mall
Twin Falls, Idaho 83301

Dear Mr. Schwartz:

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:JMB

32461
36-2618

LAW OFFICES OF
SCHWARTZ & DOERR

FRED A. SCHWARTZ
JOHN A. DOERR

TWIN FALLS, IDAHO 83301
1227 LYNWOOD MALL
733-4961

October 15, 1969

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse-Annex 2
Boise, Idaho 83707

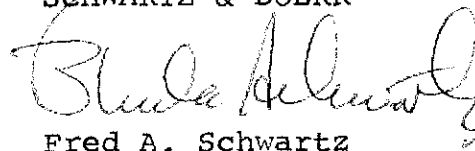
Re: Permit No. G-32461
(New No. 36-2618)

Dear Mr. McEldowney:

I am enclosing herewith Affidavit of Publication with reference to the above captioned permit. Will you please issue the water license and send the same to my office. If there are any further charges, please advise and we will forward our check.

Very truly yours,

SCHWARTZ & DOERR



Fred A. Schwartz

FAS:elm
Enclosure

32461
36-2618

September 23, 1969

Re: Permit No. G-32461 (New No. 36-2618)

William O. Russell
#2 Williamsburg Lane
Houston, Texas

Dear Mr. Russell:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until July 30, 1970, however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Wood River Journal, Hailey, Idaho, and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:JMB

32461
36-2618

September 3, 1969

Re: Permit No. G-32461 - William O. Russell

Wood River Journal
Box 188
Hailey, Idaho 83333

Gentlemen:

We are in receipt of the affidavit of publication and the billing statement for the publication of Permit No. G-32461, in the name of William O. Russell. However, we are returning them to you.

Per our letter of August 5, 1969, copy enclosed, the expense of publication is to be paid by William O. Russell, #2 Williamsburg Lane, Houston, Texas.

Please forward these items to him, so he may return them to the department for further processing of his permit.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Copy of our letter dated 8-5-69

cc. William O. Russell
#2 Williamsburg Lane
Houston, Texas

32461

36-2618

Affidavit of Publication

STATE OF IDAHO, }
County of Blaine, } ss.

NOTICE OF DIVERTING WATER PERMIT

Notice is hereby given that ~~William O. Russell, #2~~ Williamsburg Lane, Houston, Texas, has received an approved permit No. G-32461 issued by the Idaho State Reclamation Department authorizing the diversion of 5.14 cubic feet per second of water from a ground water source subject to all prior rights. The priority to be established under this permit is July 28, 1965, and the permit was approved July 30, 1965. Water is to be diverted by well, pump, mainline and sprinkler lateral from a point within the NE 1/4 NW 1/4, Sec. 9, T. 7 S, R. 26 E, B. M., Blaine County to be used for irrigation in the E 1/2 SW 1/4, W 1/2 SE 1/4, Sec. 4, NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 8, T. 7 S, R. 26 E, B. M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 30, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Wood River
Journal, Hailey, Idaho, on
August 21, 1969.

NEAL R. NYBLAD, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Managing Editor of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 14th day of August, 1969 and ending with the last publication thereof on the 21st day of August, 1969.

Cost of this publication is \$ 9.89

Neal R. Nyblad
NEAL R. NYBLAD

Subscribed and sworn to before me, this 22nd day
of August, 1969.

George S. Ditz
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

32461

36-2618

August 5, 1969

Re: Permit No. G-32461 - William O. Russell

36-2618

Wood River Journal
Hailey,
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 William O. Russell, #2 Williamsburg Lane, Houston, Texas,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

32461
36-2618

NOTICE OF EXISTING WATER
PERMIT

Notice is hereby given that William O. Russell, #2 Williamsburg Lane, Houston, Texas, has received an approved permit No. G-32461 issued by the Idaho State Reclamation Department authorizing the diversion of 5.14 cubic feet per second of water from a ground water source subject to all prior rights. The priority to be established under this permit is July 28, 1965, and the permit was approved July 30, 1965. Water is to be diverted by well, pump, mainline and sprinkler lateral from a point within the NE 1/4 NW 1/4, Sec. 9, T. 7 S, R. 26 E, B. M., Blaine County to be used for irrigation in the E 1/2 SW 1/4, W 1/2 SE 1/4, Sec. 4; NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 9, T. 7 S, R. 26 E, B. M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 30, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Wood River
Journal, Hailey, Idaho, on
August 14 and August 21, 1969.

Per: [illegible]
No: [illegible]

Q 19C-98
17hce

August 5, 1969

Re: Permit No. G-32461

William O. Russell, M.D.
#2 Williamsburg Lane
Houston, Texas

Dear Dr. Russell:

The legal notice for the above referenced permit is being published in the Wood River Journal, Hailey, Idaho, on August 14 and August 21, 1969.

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

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

32461
36-2618

Identification No. _____

Permit No. G-32461

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JUL 30 1965
Department of Reclamation

1. a) Name of Permit Holder William O. Russell
b) Post Office Address 6723 Bertner Avenue, Houston, Texas
2. Permit Number G-32461
3. Date of Priority that you are prepared to establish July 30, 1965
4. a) Source from which water was appropriated Subterranean from a drilled well
b) Location of the point of diversion: NE 1/4 NW 1/4, Section 9
Township 7S, Range 26 E ✓ Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 5.14 cfs for irrigation purposes from April 1 to November 30 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 5.14 ✓ 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: calculated from the number of quarter mile sprinkler lines operated
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) Main Line and Sprinkler Laterals, turbine pump 10 inch bowls; 200 horse power electric motor; 22 inch of well casing; depth of well 320 number of feet.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed Commons Drilling Company, P.O. Box 126, Rupert, Idaho - completed on 5-17-61.

32461 EXAM TYPED
86-2618 10-30-69
mre/gms JWB

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Not Applicable

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	26E	4									31			32		35	25		123
7S	26E	9		38			38	38	20										134

Total number of acres irrigated 257

10. Remarks:

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

July 18, 1969
(Date)

William O. Russell
(Signature)

State of Idaho
County of Twin Falls ss.

On this 18th day of July, 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Blanca A. [Signature]
Notary Public residing at Twin Falls
Idaho

My commission expires May 1, 1972

Re: Permit No. G-32461

July 22, 1969

William O. Russell
6723 Bertner Ave.
Houston, Texas

Dear Mr. Russell:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit no. G-32461.

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

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Order
Advertising package

32461
36-2618

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32461)

in the name of William O. Russell)

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-32461 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 23RD day of July, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32461
36-2618

RECEIVED

JUL 20 1969

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that William O. Russell, #2 Williamsburg Lane,

Houston, Texas, has received an approved permit No.

G-32461 issued by the Idaho State Reclamation Department authorizing the diversion ~~of~~ of 5.14 cubic feet per second ~~from a~~ of water from a ground water source,

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

July 28, 1965 and the permit was approved July 30, 1965.

Water is to be diverted by well, pump, mainline and sprinkler lateral

from a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 7 S, R. 26 E, B.M., Blaine County

to be used for irrigation

in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 7 S, R. 26 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 30, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Wood River Journal, Hailey, Idaho, on

August 14 and August 21, 1969.

State Reclamation Engineer:

Permit No. G-32461

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

the Wood River Journal of Hailey, Idaho,

published in the county in which the works are situated.

(Signature)

William O. Russell

#2 Williamsburg Lane

(Address) July 25, 1969

(Date)

32461
36-2618

June 11, 1959

RE: Permit G-32461

Fred A. Schwartz
Attorney at Law
1227 Lynwood Mall
Twin Falls, Idaho 83301

Dear Mr. Schwartz:

The above referenced permit has not been licensed. The beneficial use proof is due on July 30, 1970. Since your letter indicated that the proofs could be submitted we are enclosing the required forms to complete proof on the permit.

Thanks for your prompt return of the fee for your copy of License G-28733. Enclosed please find Departmental Receipt No. 3152 which covers this fee.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosures

32461

LAW OFFICES OF
SCHWARTZ & DOERR

FRED A. SCHWARTZ
JOHN A. DOERR

RECEIVED

Department of Reclamation

TWIN FALLS, IDAHO 83301
1227 LYNWOOD MALL
733-4961

June 9, 1969

M. Russell Bosch
Administrative Assistant
State of Idaho
Department of Reclamation
Boise, Idaho 83707

Re: Permit No. G-32461

Dear Mr. Bosch:

In regard to the above captioned water permit, please advise if the water license has been issued and if so, we would appreciate a duplicate copy of it.

Enclosed you will find 25¢ for a copy of Water License No. G-28733 forwarded in your letter of June 5, 1969.

Very truly yours,

SCHWARTZ & DOERR

By

Fred A. Schwartz

FAS/jms

If the license has not been issued, please send us the necessary forms for Notice of Proof of Completion of Works and Application of Water to Beneficial Use.

32461

LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM
JOHN A. DOERR
LARRY D. HANSON

TWIN FALLS, IDAHO
1227 LYNWOOD MALL
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
886-2289

Twin Falls, Idaho
August 30, 1965

State of Idaho
Department of Reclamation
Boise, Idaho

In Re: Permit No. 32461

Gentlemen:

I am enclosing herewith Drill Record and Pump
Field Test Report pertaining to Permit No. 32461. Will
you please file the same?

Very truly yours,

MURPHY, SCHWARTZ & CUNNINGHAM

By

Fred A. Schwartz
FAS

FAS:NH

Encl.

32461

August 5, 1965

Re: Permit No. G-32461
William O. Russell

Mr. Fred A. Schwartz,
Murphy, Schwartz & Cunningham,
Attorneys at Law,
1227 Lynwood Mall,
Twin Falls, Idaho.

Dear Mr. Schwartz:

We enclose Permit No. G-32461 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9506 which was issued covering payment in the amount of \$ 6.25 for the filing fee of the above mentioned permit, together with a .25¢ refund.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

cc: William O. Russell
1227 Lynwood Mall
Twin Falls, Idaho

532461

LAW OFFICES OF

MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM
JOHN A. DOERR
LARRY D. HANSON

TWIN FALLS, IDAHO
1227 LYNWOOD MALL
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
886-2289

Twin Falls, Idaho
July 26, 1965

State Reclamation Engineer
State House
Boise, Idaho

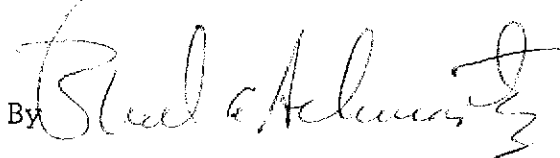
Dear Sir:

Please find enclosed Application for Permit for Dr. Russell.
I am enclosing herewith \$6.50 filing fee. If there is any additional
information you desire, please advise.

Very truly yours,

MURPHY, SCHWARTZ & CUNNINGHAM

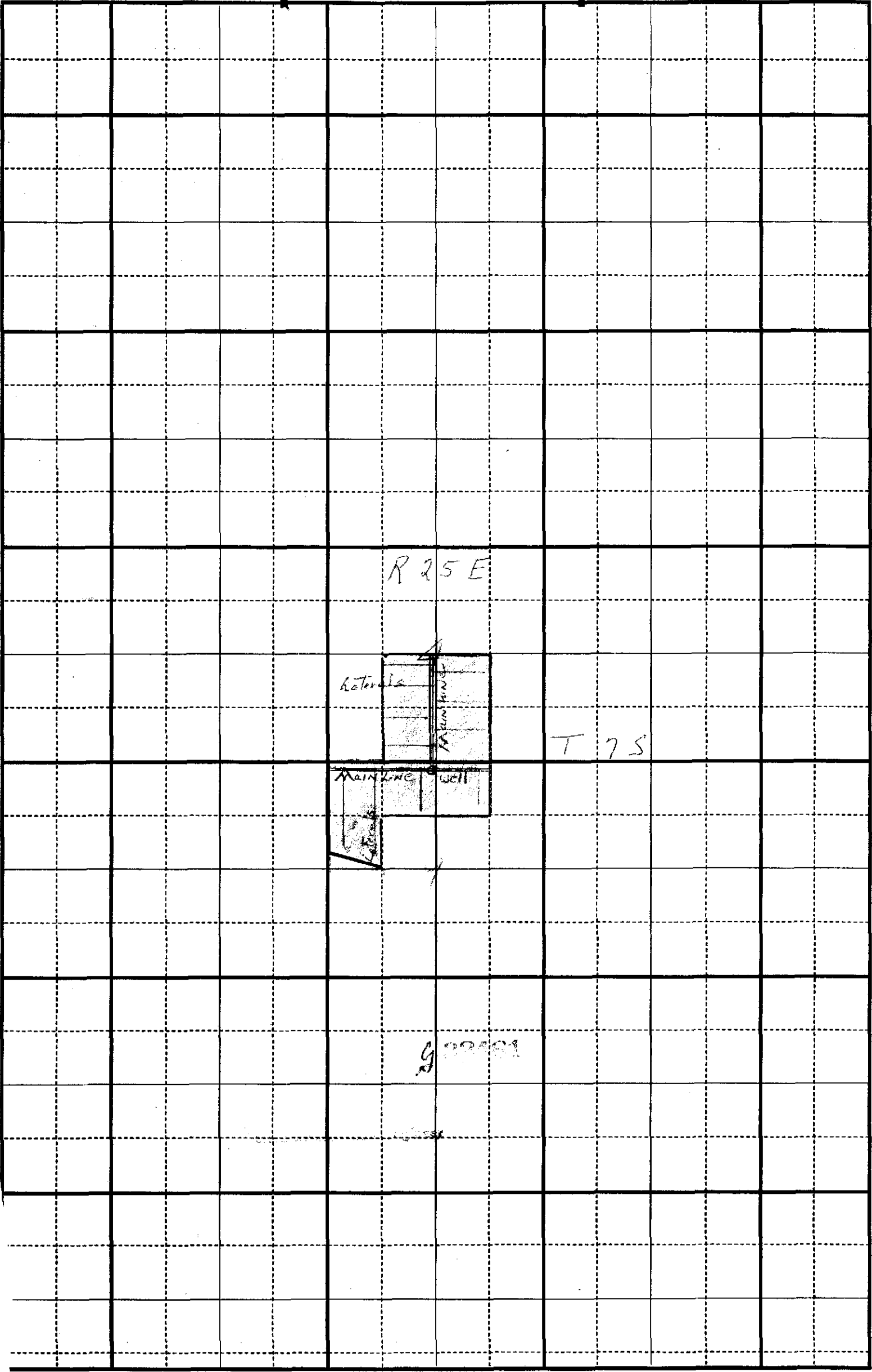
By



FAS:NH
Encl.

832461

NAME OF APPLICANT W. J. ...



32461