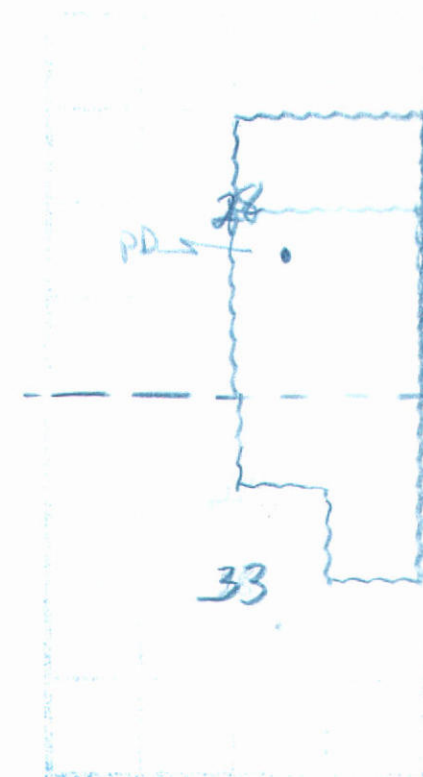


36-2434

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36714
Permit No. G- 28733
District No.

1. Name of Applicant: William O. Russell
Postoffice address: 6723 Bertner Ave. Houston Texas
County: Twin Falls State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 7.2 or Idaho
Miners' inches 360 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean from a drilled well
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28
Twp. 7S., 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: Submersible pump, main line, sprinkler laterals
8. Estimated cost of works: \$ 60,000.00
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 five 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) 7.2 (cubic feet per second, inches or gallons per minute) is for new lands.



20 21
29 28

21 2
28 8

E 316

45.1

45.2

SPD

in

29 28
32 33

132.0

R 26 E

29/28
32/33

E316

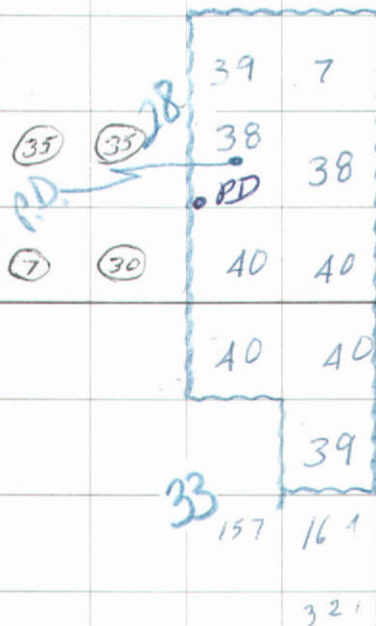
SEE N21 ↑

73

32/33
5/4

33/34
4/5

Twp. 7S Rge. 26E



Area - 321 A

Subd. - 9

$Q = 2.92 \text{ cfs}$

To Minidoka

total from pump 3.90 cfs

total acreage - 428

.456"/A

water this permit 146" or 2.92 cfs

~ 27.4
6108

NOTICE OF PROOF OF
COMPLETION OF WORKS

and

APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 19th day of August 1965, at Twin Falls, County of Twin Falls, State of Idaho before John A. Doerr, Notary Public, at 1227 Lynwood Mall, Twin Falls, Idaho, proof will be submitted of the completion of works for the diversion of 7.2 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28733, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is William O. Russell, 1227 Lynwood Mall, Twin Falls, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 7.2 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 7.2 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, Twp. 7 South Rge. 26 E. B. M., Blaine County, Idaho.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 28, and the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, all in Twp. 7 South, Rge. 26 E. B. M.

6. The date of priority which said user is prepared to establish is May 3, 1960.

CARL E. TAPPAN

State Reclamation Engineer
Pub. July 22, 29, and Aug. 5, 12

RECEIVED
OCT 8 1965

Department of Reclamation

Affidavit of Publication

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

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and 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 Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

twenty-second day of July, 1965

and ending with the last publication thereof on the

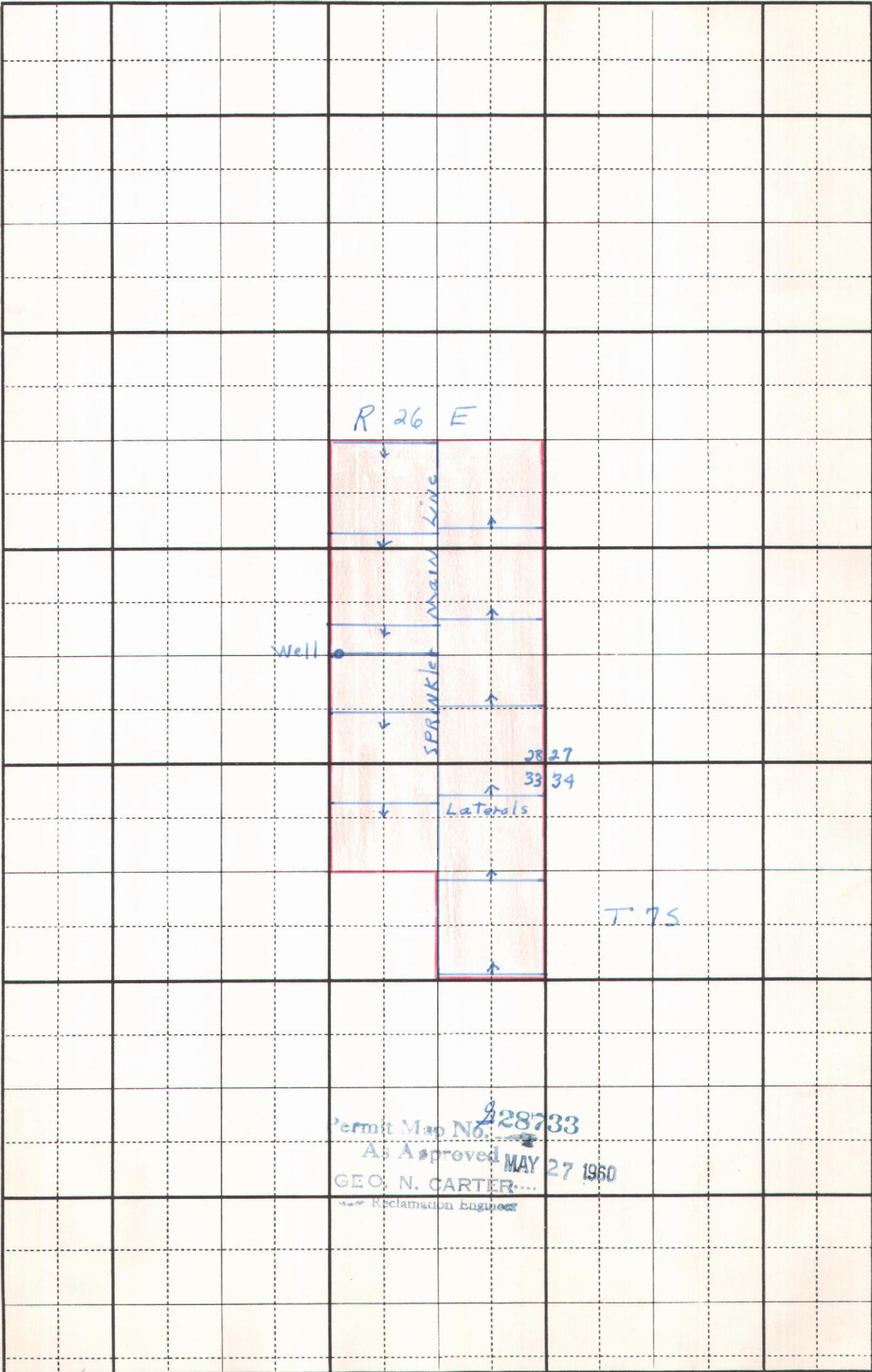
twelfth day of August, 1965

Cost of this publication is \$ 23.76

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 13th day
of August, 19 65.

[Signature]
Notary Public for Idaho
Residing at Hailey,
Blaine County, 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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02434

1998 JUN 15 AM 11:24

FILED

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

SOURCE: GROUNDWATER

QUANTITY: 2.92' CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07209 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.01 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1702 AF.

PRIORITY DATE: 09/30/1960

POINT OF DIVERSION: T07S R26E S28 SWNWSE Within BLAINE County

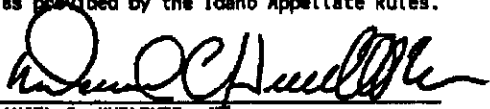
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.92 CFS

PLACE OF USE:	IRRIGATION	Within BLAINE County			
	T07S R26E S28	NENE 3	NWNE 3	SWNE 39	SENE 40
		NESW 37	NWSW 30	SESW 25	NESE 38
		NWSE 39	SWSE 40	SESE 40	
	S33	NENE 40	NWNE 40	SENE 30	
	S34	SWNW 20	NESW 14	NWSW 28	
	506 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 321 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-07209 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 464 ACRES IN A SINGLE
IRRIGATION SEASON.

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02434

PAGE 1
DEC-11-1997

MICROFILMED

JUN 11 2002

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 36-02434

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

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, 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 recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 03-15 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 at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any 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 August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JUN 11 2002

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

BLAINE COOK
DEON COOK
REBECCA HUNSAKER
BRUCE HUNSAKER
501 RIVERSIDE DR
BURLEY, ID 83318

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02434. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED
JUN 11 2002

This
Right has been
Decreed in the
SRBA.

State of Idaho

License and Certificate of Water Right

Water License No. G-28733 Priority September 30, 1960 Amount 2.92 c.f.s.

THIS IS TO CERTIFY that WILLIAM O. RUSSELL, M. D.

of Houston, Texas, made application for a permit to appropriate the public waters of the State of Idaho, dated May 23, 19 60; that Permit No. G-28733 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.92 second feet, was issued thereunder on March 22, 19 67, showing that said works were completed on the 4th day of October, 19 65; and that on the 4th day of October, 19 65, WILLIAM O. RUSSELL, M. D.

of Houston, State of Texas, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well,

a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-28733 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8721, on the 22nd day of March, 19 67.

The right hereby confirmed dates from September 30, 19 60.

The Point of Diversion is located

in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 7 S., R. 26 E., B.M., Blaine County.

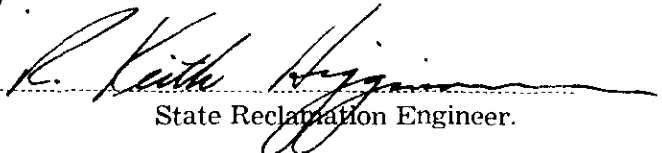
That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.92 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	26 E.	28	SW ¹ / ₄ NE ¹ / ₄	40	39
			SE ¹ / ₄ NE ¹ / ₄	40	7
			NE ¹ / ₄ SE ¹ / ₄	40	38
			NW ¹ / ₄ SE ¹ / ₄	40	38
			S ¹ / ₂ SE ¹ / ₄	80	80
		33	N ¹ / ₂ NE ¹ / ₄	80	80
			SE ¹ / ₄ NE ¹ / ₄	40	<u>39</u>
			Total number of acres to be irrigated:		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 22nd day of March, 19 67.


State Reclamation Engineer.

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. G-28733

To William O. Russell, M. D.

Houston, Texas

Source of Supply Well, tributary of

subterranean flow

Blaine County

Amount 2.92 Sec. Ft.

Point of Diversion NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 28,

T. 7 S., R. 26 E., B.M.

Place of Use S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 28:

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 7 S.,

R. 26 E., B.M.

Purpose Irrigation

Date of Priority September 30, 1960

Recorded March 22, 1967

in Book 14 of Licenses, Page 8721

36-2434

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36714
Permit No. G- 28733
District No.

1. Name of Applicant: **William O. Russell**
Postoffice address: **6723 Bertner Ave. Houston Texas**
1227 Lynwood Mall County: **Twin Falls** State: **Idaho**

2. Quantity of water claimed:

- (a) Rate of withdrawal in cubic feet per second **7.2** or Idaho
Miners' inches **360** or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: **Subterranean from a drilled well**

4. Location of point of diversion or well is in the **NW 1/4 of the SE 1/4 of Section 28**
Twp. 7S., 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 **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: **Submersible pump, main line, sprinkler laterals**

8. Estimated cost of works: **\$ 60,000.00**

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 **five** 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:

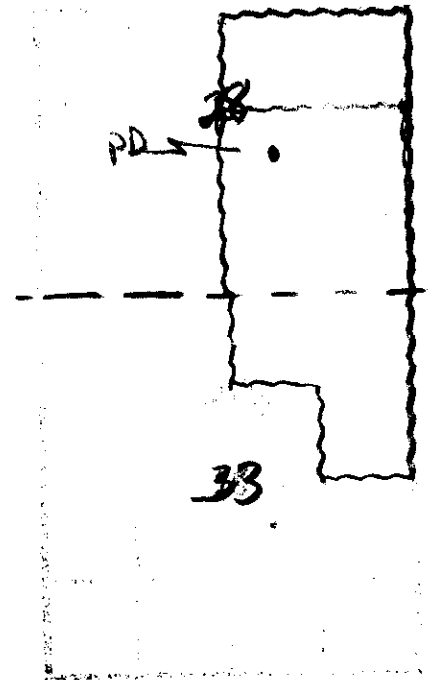
(d) Other resources:

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) **7.2** (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.

William O. Russell

Applicant.

By s/ Fred A. Schwartz
Attorney

Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. May 23, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G—28733

Recorded in Book 101

Page 28733

Approved **May 27, 1960**

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 **November 27, 1962**

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 **May 27, 1965**

s/ GEO. N. CARTER

Witness my hand this 27th day of May, 1960

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREVLOW, Acting....., 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 27th.....
day of May....., 19 60.....

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ W. E. DREVLON,
Acting Governor

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	
7S	26 E	28			40	40									40	40	40	40	240
7S	26 E	33	40	40		40													120
Permit No. G-28733 CERTIFICATE OF COMPLETION OF WORKS																			360
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that WILLIAM O. RUSSELL, M. D. of Houston, County of --, and State of Texas, the holder of Permit No. G-28733, issued upon Application No. G-36714 bearing date of priority of September 30, 1960 (late proof authorizing the diversion of 7.2 second feet of waters of a well, County of Blaine, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.92 second feet of the waters of a well, tributary of subterranean flow that the point of diversion of said waters is in the NW ¹ / ₄ SE ¹ / ₄ , Sec. 28, T. 7 S., R. 26 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:																			
S ¹ / ₂ NE ¹ / ₄ , SE ¹ / ₄ , Sec. 28; N ¹ / ₂ NE ¹ / ₄ , SE ¹ / ₄ NE ¹ / ₄ , Sec. 33, T. 7 S., R. 26 E., B.M.																			
Proof of Completion of Works Made: October 4, 1965.																			
Witness my hand this 22d day of March, A. D. 1967.																			
s/ R. KEITH HIGGINSON State Reclamation Engineer																			
LICENSE ISSUED FOR 2.92 SEC. FT. LICENSE PAGE NO. 8721																			

This
Right has been
Decreed in the
SRBA.

MICROFILMED

JUN 1 2002

MEMORANDUM

TO: FILE 36-02434
FROM: VAULT
RE: TRANSFER # 69465
DATE: 12-10-01

=====

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

FILE # 36-02090A

MICROFILMED
JUN 11 2002

November 17, 1971

Federal Land Bank of Spokane
% Rupert Abstract Company
Rupert, Idaho 83350

Gentlemen:

Enclosed is a copy of Application for permit to appropriate the public waters in the name of Dale H. Klingler. This permit, when approved, will allow Mr. Klingler to appropriate water in the amount of 6.0 cubic feet per second, for 474 acres, as described on the application.

If you require further information regarding this matter, please contact this Department at your earliest convenience.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enclosure

THE **Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 249-0631

Mortgages - Agricultural

February 11, 1972

1972

Department of Reclamation

AIR MAIL

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Loan No. 94591-H, Klinger

Gentlemen:

36-2434 This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers G 28734, G 28732, G 28733, G 28736, and G 32461 as described in Mortgage Deed dated August 6, 1965 given by William O. Russell and Marolyn Russell.

Said mortgage was recorded in the Public Records of Blaine and Minidoka Counties, in Book 179, Film No. 45, Page 528, Reception No. 179956.

Sincerely,

AGRICULTURAL LOAN DEPARTMENT

By: *Jean Wright*

JW
cc: Utah Mortgage Loan Corp.

36 2434

CM

October 12, 1965

Re: Permit No. S. G-28732,
G-28733, G-28734 and
G-28736

Dr. William O. Russell
6723 Bertner Avenue
Houston, Texas

Dear Dr. Russell:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the HATLEY TIMES, all submitted in proof of completion of works and beneficial use on Permit No. S. G-28732, G-28733, G-28734 & G-28736.

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

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

28733

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
1364 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

36-2343

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

36-2434

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

August 10, 1971

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

Re: Water Permits Numbers:

G28732 - 36-2433
G28733 - 36-2434
G28734 - 36-2435
G28736 - 36-2436
G32461 - 36-2435

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
T. H. Church

THC/rmd

36-2434

G-28733

June 5, 1969

Schwartz and Doerr
Attorneys at Law
1227 Lynwood Mall
Twin Falls, Idaho 83301

Dear Mr. Schwartz:

Our records indicate that a license has been issued for G-28733 and a copy of the license is enclosed. The other permit (G-28736) has the proofs submitted and the license will be issued as soon as the field exam is completed. This should be done during the irrigation season.

The fee for the copy is 25¢ which you may remit to our office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

28733
36-2434

June 3, 1969

C
O
P
Y

Schwartz and Doerr
Attorneys at Law
1227 Lynwood Mall
Twin Falls, Idaho 83301

Gentlemen:

Attached herewith is your check No. 1815 which was inadvertently mailed to our office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

28733
36-2434

LAW OFFICES OF
SCHWARTZ & DOERR

FRED A. SCHWARTZ
JOHN A. DOERR

RECEIVED

JUN 3 1969

Department of Reclamation
TWIN FALLS, IDAHO 83301
1227 LYNWOOD MALL
733-4961

June 2, 1969

State of Idaho
Department of Reclamation
Boise, Idaho

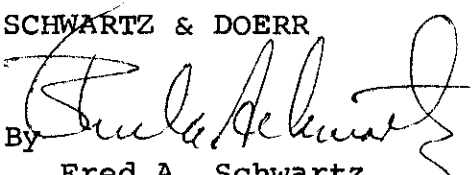
Re: Water Permits G-28733 and G-28736 - William O. Russell

Gentlemen:

In regard to the above captioned water permits, please advise if water licenses have been issued and if so, we would appreciate duplicate copies of them. Also, please advise us if there is any fee and we will remit promptly.

Very truly yours,

SCHWARTZ & DOERR

By 

Fred A. Schwartz

FAS/jms

28733

36-2484

March 22, 1967

Re: Permit No. G-28733

William O. Russell, M. D.
6723 Bertner Avenue
Houston, Texas

Dear Dr. Russell:

Enclosed is the Certificate of Completion of
Works and License and Certificate of Water Right
on the above numbered permit.

Also enclosed is departmental receipt No.
G-27833 in the amount of \$23.00 covering the fees.

Thank you.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:dj

Enc: Certificates
Receipt for \$23.00

28733

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that William O. Russell, M. D.,
 of Houston, County of Harris, and State of
 Texas, the holder of Permit No. G-28733, issued upon
 Application No. G-36714, bearing date of priority of September 30, 1960, authorizing the
 diversion of 7.2 second feet of waters of a well,
 County of Blaine, State of Idaho, for irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 2.92 second feet of the waters of a well, tributary of
 subterranean flows;

that the point of diversion of said waters is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 7 S.,
 R. 26 E., B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33,
 T. 7 S., R. 26 E., B.M.

Proof of Completion of Works Made: October 4, 1965,

Witness my hand this 22nd day of March, A. D. 1967...

R. Keith Higgins
 State Reclamation Engineer

Permit No. 6-28733.....

Certificate of Completion
of Work

Dated March 22....., 19.. 67...

Stream .. Well.....

County ... Blaine.....

Amount ... 2.92. c.f.s.....

Date of Priority .. September 30, 1960

Recorded in Book .. 101.....

of..... Permits....., page 28733 ..

February 17, 1967

RE: Permit No. G-28733

William O. Russell
6723 Bertner Avenue
Houston, Texas

Dear Mr. Russell:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28733 shows the well(§) is (are) capable of conveying 146 miner's inches, or 2.92 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 23.00, we will issue the Certificate of Completion of Works for 2.92 c.f.s. and the License and Certificate of Water Right for 2.92 c.f.s. confirming the right, with priority of September 30, 1960, to the use of subterranean water with the point of diversion in NW1/4SE1/4, Sec. 28, T. 7 S, R. 26 E, for irrigation of 321 acres in S1/2NE1/4, SE1/4, Sec. 28; N1/2NE1/4, SE1/4NE1/4, Sec. 33, T. 7 S, R. 26 E, B.M.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

28733

Department of Reclamation

N^o G-11374Boise, Idaho Feb, 196RECEIVED
FROMWilliam O. Russell of Houston, Texas \$ 23.00
Twenty-three Dollars and 00/100 DOLLARS

FOR

Well Driller's License Fee	- \$	
Application No.	- \$	
Proofs <u>446 PM, 28733</u>	- \$	<u>23.00</u>
Certified Copy	- \$	
Recording Assignment	- \$	
TOTAL	- \$	<u>23.00</u>

Mary Leach
STATE RECLAMATION DEPARTMENT

William O. Russell
6723 Bertner Avenue
Houston, Texas

Dear Mr. Russell:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28733 shows the well(8) is (~~8~~) capable of conveying 146 miner's inches, or 2.92 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 23.00, we will issue the Certificate of Completion of Works for 2.92 c.f.s. and the License and Certificate of Water Right for 2.92 c.f.s. confirming the right, with priority of September 30, 1960 to the use of subterranean water with the point of diversion in NW1/4SE1/4, Sec. 28, T. 7 S, R. 26 E, for irrigation of 321 acres in S1/2NE1/4, SE1/4, Sec. 28; N1/2NE1/4, SE1/4NE1/4, Sec. 33, T. 7 S, R. 26 E, B.M.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

WILLIAM O. RUSSELL, M. D.
6723 BERTNER AVE.
HOUSTON, TEXAS 77025

RECEIVED
JAN 30 1967

Department of Reclamation

January 20, 1967

Donald J. Watts
Engineer
State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Permit No. G-28733

Dear Mr. Watts:

I am returning the completed forms as per your request of January 6th.

As you will note, I have left question number 2 and 13 a and b unanswered, since I was uncertain as to what is desired here.

I will be happy to supply any additional information needed.

Thank you for your interest.

Sincerely,

William O. Russell

William O. Russell, M. D.

WOR/lg
Enclosure

28733

January 6, 1967

re: Permit No. G-28733

William O. Russell
6723 Bertner Avenue
Houston, Texas

Dear Dr. Russell:

In August of 1966, a field examiner from this office made an examination of your irrigation system covered by Idaho permit G-28733. It was found that approximately 107 acres are irrigated in the SW $\frac{1}{4}$, Sec. 28, T. 7 S, R. 26 E. This land is not covered under permit G-28733 or any other. Idaho Law requires that a permit be issued on any ground to be irrigated by subterranean water. An application for permit is enclosed so that you may apply for a right to use water on the SW $\frac{1}{4}$ of Sec. 28, T. 7 S, R. 26 E.

Since the water is used on the land described in the permit and the legal requirements have been complied with, a license can be issued; however, before the licensing procedure is completed, we must know whether you wish to reserve a proportionate part of the water for the land to be covered by the new permit. This is advisable if all the land is to be served by the same well.

If possible, we would appreciate receiving your reply by February 1, 1967.

Very truly yours,

Donald J. Watts
Engineer

DJW:nw

Enclosure: Application

28733

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

Permit No. G-28733

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant William O. Russell

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW 1/4 of Section 28

T. 7 S. R. 26 E.B.M. County of Blaine

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

200 HP submersible motor # 1337187 replaces old # 1202832
pipelines to sprinkler system

5. Water is used for: Irrigation

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

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

S 1/4 NE 1/4, SE 1/4 Sec. 28., N 1/4 NE 1/4, SE 1/4 NE 1/4 Sec. 33., Twp. 7 S., Rge. 26 E.B.M.

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

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

Remarks: This water also used on lands in SW 1/4 - 28
NE 1/4 SW - 35A NW SW - 35A SE SW - 30A SW SW - 7A estimated
107
384 - 5/32 @ 42 psi
 $Q = 384 (4.56) / 1751 = 3.90 gfs$

This examination was made on the 24th day of August, 1966

(Signed) Don Watts Examiner.

Plat ✓
28733

William O. Russell
6723 Bertner Avenue
Houston, Texas
Permit No. G-28733

Examination for Completion of Works & Beneficial Use

County Blaine

Quantity: 7.2 cfs. or 360 in.
Sec. 28 T. 7S R. 26 EBM

Source: Sub. 100 ft. 7s Rge. 26e

P.D.: NW SE Sec. 28 Twp. 7S Rge. 26E

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: None

Filed: May 23, 1960

Due: May 27, 1965

No Log
Continuous Drilling Report
Made: Oct. 4, 1965
Priority: Sept. 30, 1960

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.

28733

20 21
29 30

✓

29 30
31 32



26 E

2928

32/33

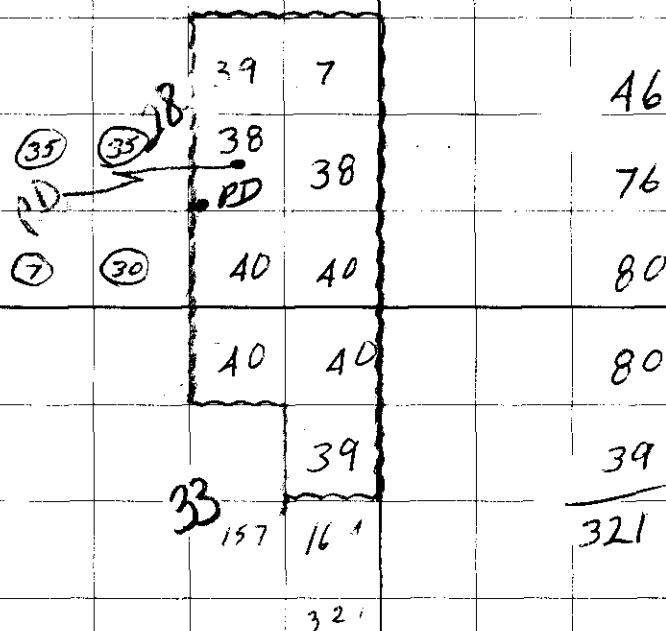
E316

SEE N211

33

4

Twp. 7S Rge. 26E



Area - 321 A

Subd. - 9

$Q = 2.92 \text{ cfs}$

total from pump 3.90 cfs

total acreage - 428

.456 "/A

water this permit 1 1/6 " or 2.92 cfs

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-28733

REPORT ON PROOF OF Completion of Works & Beneficial Use

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 12th day of August 1965, at Twin Falls, County of Twin Falls, State of Idaho, John A. Burr, County Clerk, at 1207 Lynwood Mall, Twin Falls, Idaho, 83401, will be scheduled of the completion of works for the diversion of 7.2 cubic feet per second of underground water from a well and of the application of said water to the use of said water, in accordance with the terms and conditions of Permit No. 1234567890 issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or persons who have been authorized to execute said permit is William O. Burke, 1207 Lynwood Mall, Twin Falls, Idaho.

2. Said works of diversion will be fully completed on the date of such completion, and the amount of water which said works are capable of conveying to the place of use is 7.2 cubic feet per second.

3. The use to which said water has been applied is irrigation, purpose and the amount applied is 7.2 cubic feet per second.

4. The point of diversion of said water is NW 1/4 Sec. 22, Twp. 7 South, Rge. 36 E. B. M., Blaine County, Idaho.

5. The place where said water is used is E 1/4 Sec. 22, and the NW 1/4, SE 1/4 Sec. 23, all in Twp. 7 South, Rge. 36 E. B. M.

6. The date of priority which said water is proposed to establish is May 1, 1965.

15-1-10
10-1-10
Department of Reclamation

Affidavit of Publication

STATE OF IDAHO, } ss.
County of Blaine,

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and 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 Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the twenty-second day of July, 1965 and ending with the last publication thereof on the twelfth day of August, 1965

Cost of this publication is \$ 23.76

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 13th day of August, 19 65.

[Signature]
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28733

RECEIVED
OCT 8 1965

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

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

RUSSELL, PHYSICIAN, 6723 BERTNER AVE., HOUSTON, TEXAS

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

Ques. 3. State number, approval date of permit, and date of priority: G-28733

APPROVED MAY 27, 1960, PRIORITY OF MAY 23, 1960

Ques. 4. State source of water supply: SUBTERRANEAN WELL

Give location of point of diversion, showing subdivision, section, township and range

NW 1/4 SE 1/4 SEC. 28, TWP. 7 S, R. 26 E

Ques. 5. Describe your works of diversion: SUBMERSIBLE PUMP, MAINLINES,

SPRINKLER LATERALS; state amount of water they are capable of con-

veying from point of diversion to place of use: 7.2 CFS; Give name of canal or ditch

or other works by which water is conducted to such place of use: -

-; if a well, state depth of well 368; depth and size of

casing 27' 7" @ 20" 20' @ 18"; depth to water 270; if pump is used,

state discharge of pump: 1560 GPM; tell how it was measured or determined WINTROATH

CO. AT DISCHARGE; if sprinkler irrigation, give number and size

of nozzles and operating pressure: 384 11/64 50 LBS.

Ques. 6. State for what purpose water is used: IRRIGATION

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

SEC. 28 T 7 S, R 26 E - SW 1/4 NE 1/4-40, SE 1/4 NE 1/4-40, NW 1/4 SE 1/4-40, NE 1/4 SE 1/4-40, SW 1/4 SE 1/4-40,
SE 1/4 SE 1/4-40

SEC. 33 T 7 S, R 26 E - NW 1/4 NE 1/4-40, NE 1/4 NE 1/4-40, SE 1/4 NE 1/4-40

D

See affidavit in file no. G-28736
as log

28733

State nature of all improvements which have been made as a direct result of said use:

GROUND CLEARED + LEVELED CROPS PLANTED + HARVESTED

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: COMMONS DRILLING CO., RUPERT IDAHO

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: SPRING 1960 7.2 CFS - Time used since first use:

EACH CROP YEAR SINCE

Ques. 10. Describe all other water rights appurtenant to same place of use:

(sign)

William O. Russell
By Fred A. Helms
attorney in fact

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

TWIN FALLS, County of TWIN FALLS

State of Idaho, on this 4TH day of OCT., A. D. 1965.

My commission expires: 12-1-67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28733

RECEIVED
OCT 8 1965

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

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

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

DALE KUNGLER, 37, RURAL RUPERT, IDAHO, FARMER

RTE. 3 RUPERT IDAHO

Ques. 2 Are you acquainted with WILLIAM D. RUSSELL, the holder of Permit No. G-28733? How long have you known him and where does he reside?

6723 BERTNER AVE. HOUSTON, TEXAS - 5 YEARS

Ques. 3. Have you read or heard said Permit No. G-28733 read, and are you familiar with its provisions and conditions: Yes ☒ No. ☐

Ques. 4. State source of water supply: SUBTERRANEAN WELL

Give location of place of diversion, showing subdivision, section, township and range

NW⁴SE⁴ - SEC. 28 - TWP 7S - R 26 ERM

Describe works for conveying water to place of use: SUBMERSIBLE PUMP, MAINLINE, SPRINKLER LATERALS

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 7.2 C/F/S How much water have you seen being so conveyed? 7.2 C/F/S

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

SEC. 28, T 7S, R 26 E - SW⁴NE⁴-40, SE⁴NE⁴-40, NW⁴SE⁴-40, NE⁴SE⁴-40, SW⁴SE⁴-40, SE⁴SE⁴-40

SEC. 33, T 7S, R 26 E - NW⁴NE⁴-40, NE⁴NE⁴-40, SE⁴NE⁴-40

28733

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

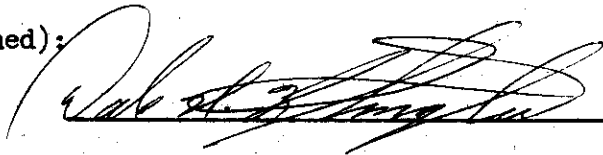
DESERT - PORTNEUP SILT LOAM 7.2 C/F/S

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? NO

Ques. 10. When did you first see this water used? SPRING - 1960

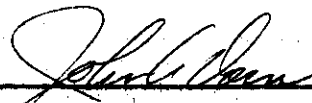
Other times you have seen such use: EACH CROP YEAR SINCE

(Signed):



I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in TWIN FALLS

 , County of TWIN FALLS, State of Idaho, on this 28th day of SEPT., A. D. 19 65



Notary Public for the State of Idaho

Residing TWIN FALLS

My commission expires 12-1-67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28733

RECEIVED
OCT 8 1965

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

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

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

FRED A. SCHWARTZ, 39, TWIN FALLS, IDAHO, LAWYER, 1227 LYNWOOD MALL
TWIN FALLS, IDAHO

Ques. 2 Are you acquainted with WILLIAM O. RUSSELL, the holder of
Permit No. G-28733? How long have you known him and where does he reside?

8 YEARS - 6723 BERTNER AVE., HOUSTON, TEXAS

Ques. 3. Have you read or heard said Permit No. G-28733 read, and are you familiar
with its provisions and conditions: Yes ☒ No. ☐

Ques. 4. State source of water supply: SUBTERRANEAN WELL

Give location of place of diversion, showing subdivision, section, township and range

NW⁴ SE⁴ - SEC. 28 - TWP. 7 S - R 26 EBM

Describe works for conveying water to place of use: SUBMERSIBLE PUMP, MAINLINE,

SPRINKLER LATERALS

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 7.2 C/F/S How much water have you seen being so
conveyed? 7.2 C/F/S

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SEC. 28, T 7 S, R 26 EBM - SW⁴ NE⁴ - 40, SE⁴ NE⁴ - 40, NW⁴ SE⁴ - 40, NE⁴ SE⁴ - 40, SW⁴ SE⁴ - 40
SE⁴ SE⁴ - 40

SEC. 33, T 7 S, R 26 EBM - NW⁴ NE⁴ - 40, NE⁴ NE⁴ - 40, SE⁴ NE⁴ - 40

28733

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? NO

Ques. 10. When did you first see this water used? SPRING - 1960
Other times you have seen such use: EACH CROP YEAR SINCE

(Signed): Paul G. Schwartz

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in TWIN FALLS, County of TWIN FALLS, State of Idaho, on this 17th day of AUGUST, A. D. 1965

Paul G. Schwartz
Notary Public for the State of Idaho
Residing TWIN FALLS

My commission expires 12-1-67

September 30, 1965

RE: Permit Nos. G-28732; G-28733, G-28734;
G-28736
William O. Russell, M.D.

John A. Doerr
Attorney at Law
1227 Lynwood Mall
Twin Falls, Idaho

Dear Mr. Doerr:

Enclosed is a supply of depositions of holder and witnesses.

As we explained to you in our telephone conversation earlier today we must receive the depositions, power of attorney, and the affidavit from the notary stating that his office was open on the day the proofs were to have been made, and that no one appeared to protest, promptly. Otherwise these permits will have to be cancelled.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. depositions

August 30, 1965

Re: Permits No. G-28732; G-28733; G-28734
G-28736

William O. Russell, M. D.

Murphy, Schwartz & Cunningham
Attorneys at Law
1227 Lynwood Mall
Twin Falls, Idaho

Attn: John A. Doerr

Dear Mr. Doerr:

Mr. Russell was to have made proof of completion of works and beneficial use of the water before you on August 19, 1965. To date we have not received the depositions and affidavits of publication.

The above noted permits should be cancelled pursuant to notices sent June 21st, however the legal notices were published and the cancellation will be postponed for one month, pending receipt of the depositions.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

and

**APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10 A. M., on the 19th day of August 1965, at Twin Falls, County of Twin Falls, State of Idaho before John A. Doerr, Notary Public, at 1227 Lynwood Mall, Twin Falls, Idaho, proof will be submitted of the completion of works for the diversion of 7.2 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28733, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is William O. Russell, 1227 Lynwood Mall, Twin Falls, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 7.2 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 7.2 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, Twp. 7 South Rge. 26 E. B. M., Blaine County, Idaho.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 28, and the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, all in Twp. 7 South, Rge. 26 E. B. M.

6. The date of priority which said user is prepared to establish is May 3, 1960.

28733
CARL E. TAPPAN

State Reclamation Engineer

Pub. In '65

RECEIVED
JUL 12 1965

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 8, 1965

(P. O.) 1227 Lynwood Mall, Twin Falls, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Hailey Times of
Hailey, Idaho, Published in
the county in which the works are situated.

MURPHY, SCHWARTZ & CUNNINGHAM

By- *John A. Brown*

Attorneys for Holder

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

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

Engineer

RECEIVED

JUL 12 1965

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 19th day of August
1965, at Twin Falls, County of Twin Falls, State of Idaho
before John A. Doerr, Notary Public, at (address) 1227 Lynwood
Mall, Twin Falls, Idaho, proof will be submitted of the completion
of works for the diversion of 7.2 cubic feet per second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G-28733, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is William O. Russell, 1227 Lynwood Mall, Twin Falls, Idaho

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 7.2 cubic feet per second.

3. The use to which said water has been applied is Flood-land irrigation
purposes and the amount applied to beneficial use is
7.2 cubic feet per second.

4. The point of diversion of said water is NW¹/₄ SE¹/₄ Sec. 28, Twp. 7 South,
Rge. 26 E.B.M., Blaine County, Idaho

5. The place where said water is used is S¹/₄ NE¹/₄, SE¹/₄ Sec. 28, and the N¹/₄ NE¹/₄,
SE¹/₄ NE¹/₄ Sec. 33, all in Twp. 7 South, Rge. 26 E.B.M.

6. The date of priority which said user is prepared to establish is May 27³, 1960

Carl E. Tappan

State Reclamation Engineer

28733

Re: Permit No. **G-28733**
William O. Russell

Date: **July 13, 1965**

Hailey Times,
Hailey, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to August 19, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant 's attorney, John A. Doerr, Murphy, Schwartz and
Cunningham
of 1227 Lynwood Mall, Twin Falls, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

Re: Permit No. **G-28733**
William O. Russell

July 13, 1965

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

Dear Mr. Doerr:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-28733**, in the name of **William O. Russell** as Notary on the 19th day of August, 19 65, at 10:00 o'clock A.M., at 1227 Lynwood Mall, Twin Falls, Idaho.

As of this date, we have mailed the Notice to the HAILEY TIMES Hailey, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

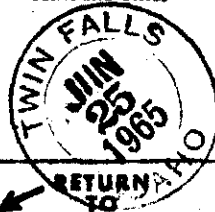
Encl.
EPR:pmk
cc: Applicant

28733

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK OF
DELIVERING OFFICE



28733

INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER

Department of Reclamation

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

Room 107 Statehouse

INSURED NO.

CITY, STATE, AND ZIP CODE

Boise, Idaho 83701

POD Form 3817 Sep. 1963

C68-16-71648-8-7

8-28732-33-34 & 36

28733

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

June 21, 1965

Re: Permit No. G- 28733

To William O. Russell
Box 426,
Twin Falls, Idaho.

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 28733 to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Works and Beneficial Use Proofs which were due May 27, 1965

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 28733 is hereby held for cancellation.

YOU ARE HEREBY required to show cause before the State Reclamation Engineer on or before sixty days from date of this notice why said Permit should not be cancelled.

SAID PERMIT NO. G- 28733 claims the use of 7.2 cubic feet per second of the Subterranean Waters of a well with point of diversion located NW 1/4 Sec. 28, Twp. 7 S., Rge. 26 E.B.M., Blaine County and was approved May 27, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, the 21st day of June, 1965.

Carl E. Tappan
State Reclamation Engineer

28733

June 8, 1965

RE: Permits G28732, G28733,
G28734, G28736

See letter on G-28736

William O. Russell M.D.
6723 Bertner Avenue
Houston, Texas 77025

Dear Doctor Russell:

Enclosed herewith are forms for making application for subterranean water of the State of Idaho. The application number is not assigned until we receive the application; it is checked for accuracy and approved then it is assigned a number.

Also enclosed are forms for publication of proofs for the above numbered permits. First of all, these forms must be completed and sent to this office for checking and mailing to the newspaper in the county in which the major portion of the land is located. This legal notice is run once each week for four consecutive weeks. Then the holder of the permit along with two disinterested witnesses go before a notary and make notarized proof of completion of works and application of water to beneficial use. Forms for the holder and the witnesses will be forwarded upon receipt of the notice of publication forms 36 & 11.

These proofs must be taken in the State of Idaho, so if you cannot be here for the date of the proofs as set out in the publication, you will have to have someone with "power of attorney" to act for you as your agent.

The date for making proof must be 40 days subsequent to the date the notice of publication is received in this office.

Very truly yours,

CARL F. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH, Assistant
State Water Rights & Records

MRB:et
Enc. application forms

28733

See File Folder G-28736

for Copy of Abstract

May 28, 1965

Re: License No. G-25216 - Roger Dean
Permit No. - G-28732; G-28733;
G-28734; G-28736 - Wm. O. Russell

William O. Russell, M. D.
6723 Bertner Ave.
Houston, Texas 77025

Dear Mr. Russell:

Enclosed is abstract of water rights for land shown on
your land list enclosed with letter dated May 26th.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

cc: Murphy, Schwartz & Cunningham
313 Shoshone St. N.
Twin Falls, Idaho

Attn: Fred Schwartz
Attorney at Law

28733

June 3, 1960

Re: Permit Nos. G-28732,
G-28733 & G-28734
William O. Russell

Murphy, Schwartz & Cunningham,
Attorneys at Law,
313 Shoshone Street North,
Twin Falls, Idaho.

Attention: Fred A. Schwartz

Gentlemen:

We enclose Permits Nos. G-28732, G-28733 and G-28734, 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-4844 which was issued covering payment in the amount of \$19.75 for the filing fee of the above mentioned permits.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak
cc: William O. Russell
Box 426
Twin Falls, Idaho

28733

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- ~~28732~~; G-~~28733~~; G-~~28734~~
G- ~~28735~~ 28736

March 1, 1965

William G. Russell
Box 426
Twin Falls, Idaho

Dear Mr. Russell:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- ~~28732~~ are due not later than **May 27, 1965**

G-~~28733~~

G-~~28734~~ - G-~~28736~~

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

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

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

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

Very truly yours,

State Reclamation Engineer

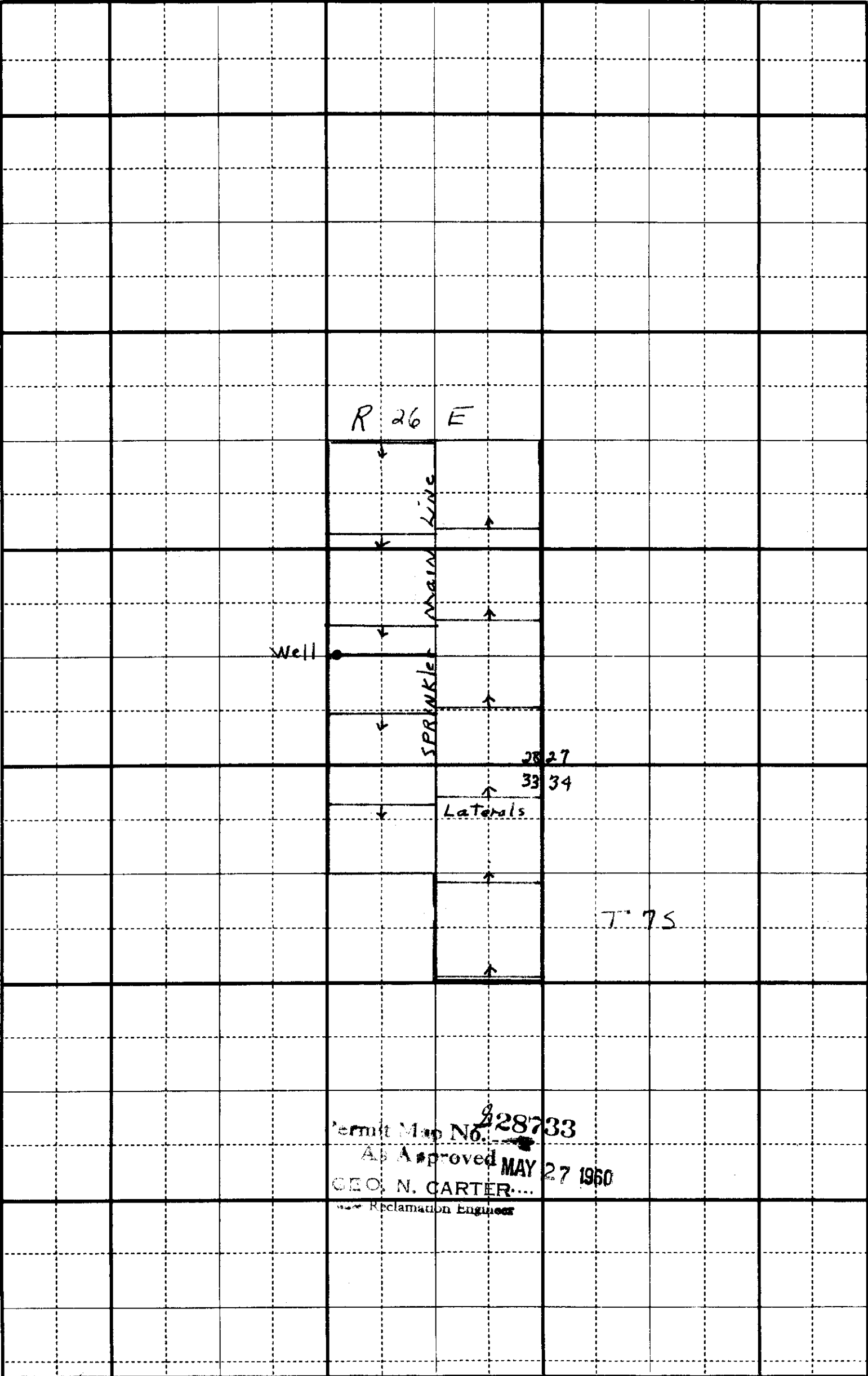
Enclosures

Forms 36 and 11 (4 sets)

28733

NAME OF APPLICANT William O Russell

Form No. 0



Permit Map No. 28733
As Approved MAY 27 1960
GEO. N. CARTER
Reclamation Engineer

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

28733