

R-22 E

T.
9
S.

16

P.D.

39

38

39

39

155 Acres

9-14-67 DR.

TO HAZELTON

Subdivisions 4

AREA

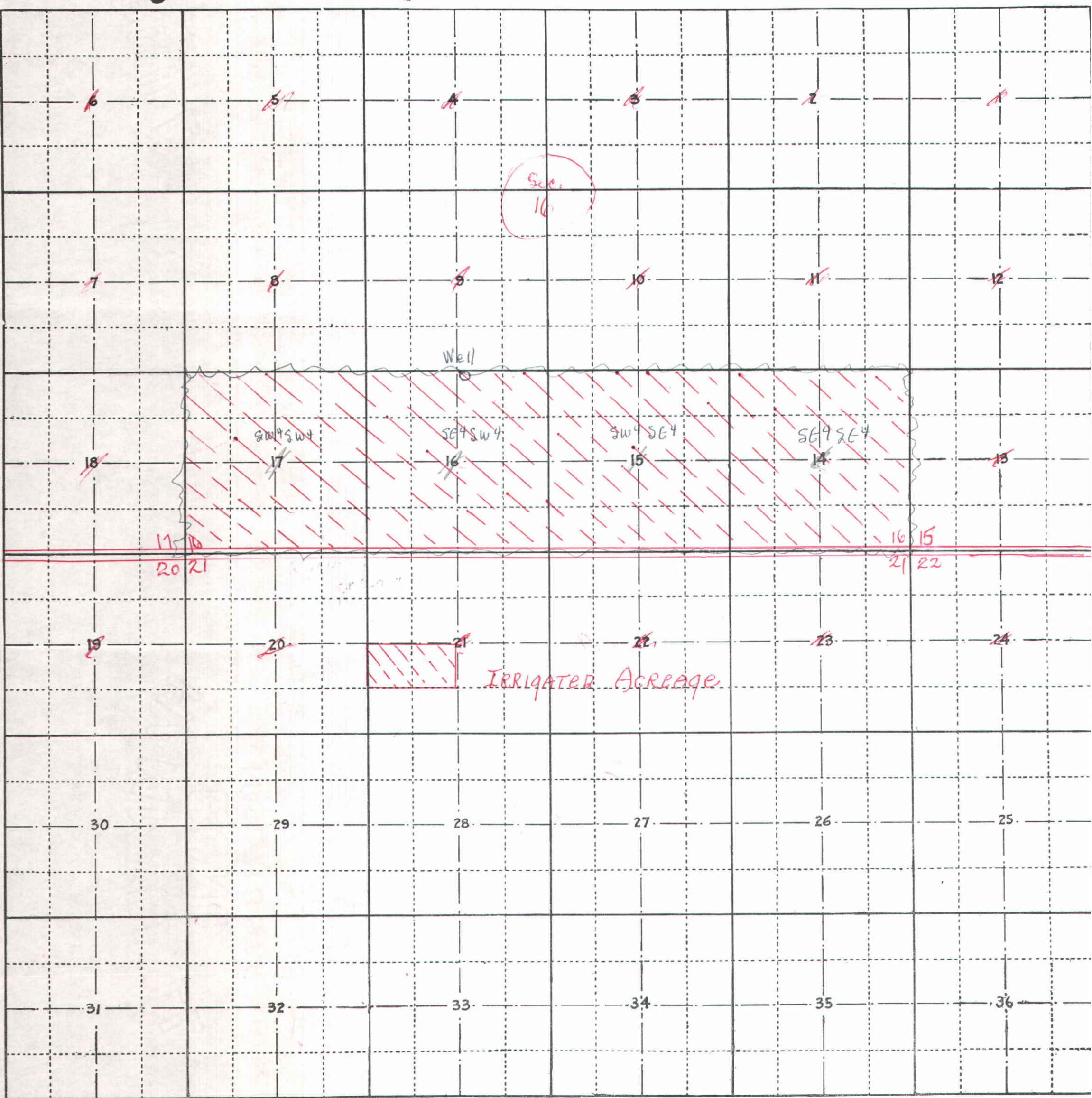
155 ACRES

TO PAUL

Q

244 CFS OR 122 inches

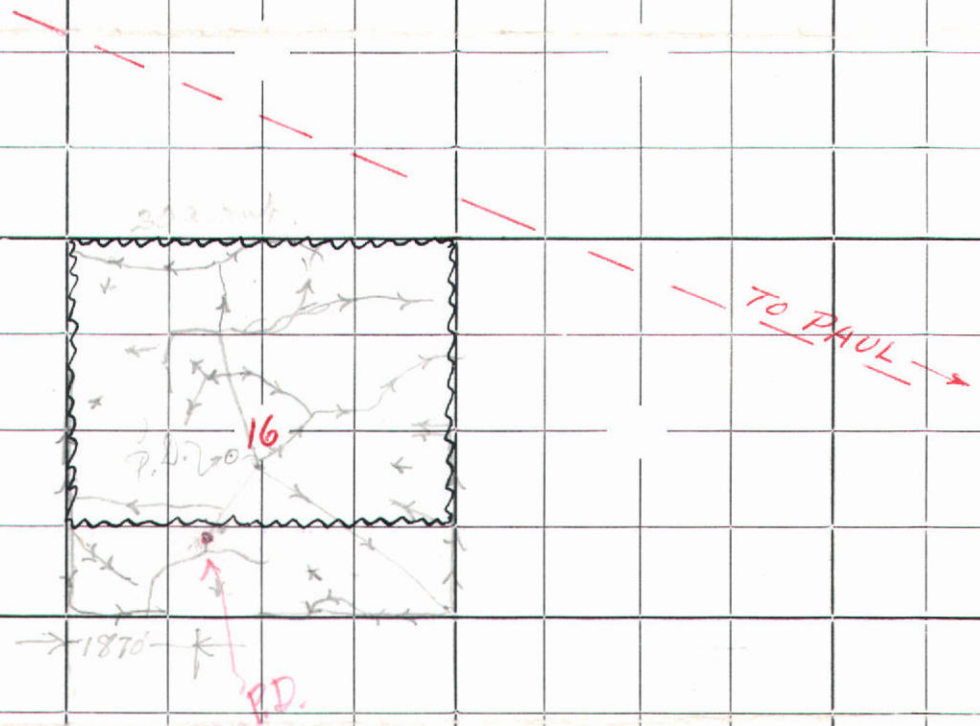




300 in / M. 493, some leakage do not count

T.
9
S.

R-22E.



$Q = 158''$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 21949

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Howard W. Moffatt, 145 Fair Creek, Pocatello
Mesa Land Company, Lewiston, Idaho. (See above)

2. Source of water supply: Subterranean from a well.

3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 16

T. 9 S. R. 22 E. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same: Well specifications
unknown. Lift is 240', 250' of 10" column. 4 stage 14" bowls. No protection
concrete curbing 8' by 8'. 100 hp. U. S. Motor Serial No. 905426. Fairbanks
Morse deep well turbine pump serial no. PM 3815. 8" delivery to the North into
a 15' stand pipe connected to a pipe line that conducts the water to the high
spots in the center of the farm. From that it goes to all fields by gravity.

5. Water is used for: Irrigation and domestic purposes.

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):

North Half, and North Half of the South Half, Section 16, Twp. 9 South,
Range 22 East, B. M.

See the map

water from wells was being intermingled and used on
whole Section 16.

(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 is actually an inspection on the south well
made in 1954. There was a 2nd permit on the
north well #20322. License was issued on 20311

This inspection is for 21949.

Aug 27-1954 Inspection made by E. M. H.

This examination was made on the _____ day of _____, 19____

(Signed) _____ Examiner.

200 hp U.S. motor

#866652

Worthington
#1369174

Roland Roff
Paul Jda.
Box 273.

Homer

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.

Mesa Land Company,
Lewiston, Idaho
W. Andrew Jean, President, (see within)

Permit No. ~~20322~~ 21949

Examination for Beneficial Use

County Minidoka

16-9S-22E.

Q = 6.4 c.f.s.

S = Well

P.D. = NE.S.W. Sec. 16, T.9S. - R. 22E

Use = Irrigation & Domestic

Arthur M. C. Clellan 2123 R₇

Paul, Idaho.

2 blk N of Cotton Store

C/w issued Sept 20-1956
for 3.2 cfs P.D. = SE SW 216
for 5 1/2 S 1/2

Priority = Feb. 27, 1948

Due = March 5, 1959

21949 due Feb. 24-1962

P/W = 9-1-53

300 cfs in 1M. 40 1/2 S.

148" 60
101 1/2

158" Q = 158" 3.46 cfs

well = x

left = 240'

250' x 10" col.

bowb = 14" x 4 stage

100 hp U.S. motor

440V, 1800 rpm 12 amp.

#905426

PM 3815 - F. Mark

A.B. Switch

Westinghouse Control

8" del. to N. into

15' stand pipe 3'

No protect

conc. curb 8' x 8'

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Wayne D. Bell

being first
duly sworn, deposes and says that he is the
Manager.....publisher of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News

for 4..... consecutive weeks, commencing
with the issue date January 25, 1962, and
ending with the issue dated February 15, 1962.

Wayne D. Bell

Subscribed and sworn to before me this
14th day of February, 1962

Floyd Fruit Notary Public

Cost of Publication

Notary Fee

Total Cost

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

Notice is hereby given that
at 10 A. M. on the 16th day of
February, 1962, at Rupert,
County of Minidoka, State of
Idaho, before Floyd Fruit, Ru-
bert Abstract Co., proof will be
submitted of the application to
beneficial use of 3.2 cubic feet
per second of the waters of sub-
terranean flow in accordance
with the terms and conditions
of Permit No. 21949 heretofore
issued by the Department of
Reclamation of the State of
Idaho.

The name and post office ad-
dress of the person or corpora-
tion holding said permit Arth-
ur McClellan, Paul, Idaho.

The use to which said water
has been applied is Irrigation
& domestic.

The amount applied to bene-
ficial use is 3.2 cubic feet per
second.

The point of diversion of
said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
16, T. 9 S., R. 22 E., B. M.

The place where said water
is used S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16,
Twp. 9 S., Rge. 22 East, Boise
Meridian.

The date of priority which
said user is prepared to estab-
lish is February 20, 1951.

Geo. N. Carter
State Reclamation Engi-
neer.

No. 399 Jan. 25 - Feb. 15

21949

NAME OF APPLICANT

Howard Maffat

Form No. 0

Twp. 9.S. R. 22.E.

16

Point of Diversion, Well.

21949
Permit Map No. 21019
As Approved
FEB 24 1951
MARK R. KULP
State Reclamation Engineer

This
Right has been
Decreed in the
SRBA.

MICROFILMED

10N 0 3 2002

2001 DEC -3 PM 4: 29

FILED
TWIN FALLS CO., IDAHO
SRBA

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 36-02110
	)	
Case No. 39576	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	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 December 29, 1997. 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 09 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 3, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

1997 DEC 29 PM 4:55

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02110

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: JIMMY D TUCKNESS
LAVONE L TUCKNESS
RT 2 BOX 2420
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 3.08 CFS
616.0 AFY

PRIORITY DATE: 02/20/1951

POINT OF DIVERSION: T09S R22E S16 NWSEW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.08 CFS 616.0 AFY

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T09S R22E S16	SWSW 38	SESW 39	SWSE 39	SESE 38
	154 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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02110

MICROFILMED

NOV 03 2002

PAGE 1
DEC-17-1997

8712 +
12

Copy in new folder 36-2110

State of Idaho
License and Certificate of Water Right

Water License No. 21949 Amount 3.16 c.f.s.
Water District No. Priority February 20, 1951

THIS IS TO CERTIFY that HOWARD W. MOFFAT -Assignee ARTHUR McCLELLAN
of Paul, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 20, 19 51 ; that Permit No. 21949
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.16 second feet, was issued thereunder on September 20, 19 56, showing that said works
were completed on the 25th day of August, 19 56 ; and that on the 16th
day of February, 19 62, ARTHUR McCLELLAN

of Paul, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well,
a tributary of subterranean flow, for the purpose of irrigation and
domestic use, under Use Permit No. 21949 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 8712, on the 20th day of March, 19 67 ;
The right hereby confirmed dates from February 20, 19 51 ;

The Point of Diversion is located
in the SE 1/4 SW 1/4, Sec. 16, Tp. 9 S., R. 22 E., B. M., / Minidoka 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 3.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	22 E.	16	SW 1/4 SW 1/4	160	160

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
20th day of March, 19 67 .

s/ R. Keith Higginson
State Reclamation Engineer.

(SEAL)

8711
810

State of Idaho

License and Certificate of Water Right

Water License No. G-28255Amount 1.78 c.f.s.

Water District No. Priority December 30, 1959

THIS IS TO CERTIFY that KENNETH HARVEY of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 5, 1959; that Permit No. G-28255 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.78 second feet, was issued thereunder on March 20, 1967, showing that said works were completed on the 31st day of December, 1964; and that on the 31st day of December, 1964, KENNETH HARVEY

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-28255 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 8711, on the 20 day of March, 1967; The right hereby confirmed dates from December 30, 1959;

The Point of Diversion is located in the NW 1/4 SW 1/4, Sec. 19, Tp. 5 N., R. 1 W., B. M., Ada 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 1.78 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	1 W.	19	SW 1/4 NW 1/4	40	20
			NW 1/4 SW 1/4	40	39
	2 W.	24	SE 1/4 NE 1/4	40	13
			NE 1/4 SE 1/4	40	38
			Total number of acres to be irrigated:		110

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 20th day of March, 1967.

(SEAL)

s/ R. Keith Higginson
State Reclamation Engineer.

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29673
PERMIT No. 21949
DISTRICT No.

1. Name of Applicant: HOWARD W. MOFFAT

Postoffice address: C/o Chamber of Commerce, Twin Falls County: Twin Falls State: Idaho

I. If applicant is a corporation, give:

- (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:

2. Quantity of water claimed: 160 inches or 3.2 cubic feet per second.

3. Source of water supply: Subterranean flow from a well which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 16 , T. 9 S. , R. 22 E. , B.M., County of Minidoka

5. Water is to be used for Irrigation and domestic uses.

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

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

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 8,500.00

8. Kind of works: Well, pump, and ditches or sprinkler system.

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: See Permit No. 20311

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

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

HOWARD W. MOFFAT *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 12:00 M. February 20, 1951

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21949

Recorded in Book 78 Page 21949 Approved February 24, 1951

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 **April 24, 1951** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 24, 1953

The whole of said work to be completed on or before **February 24, 1956**

Beneficial use of water appropriated in accordance herewith, to be made on or before **February 24, 1962**

WITNESS My hand this 24th day of February, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, 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 24th
day of February, 1951.
STATE OF IDAHO

Countersigned: _____
(SEAL) By **IRA H. MASTERS** _____
Secretary of State.

By _____
LEN JORDAN _____
Governor.

REMARKS:

14.

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 $\frac{1}{4}$	
9 S.	22 E,	16					160
In the Matter of Permit No. Provisions of Idaho Code.	of the Reinstatement 21949 Under the Section 42-311, Idaho Code.	))))					
STATE OF IDAHO DEPARTMENT OF RECLAMATION							
ORDER REINSTATING PERMIT							
WHEREAS, Permit No. 21949 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: February 24, 1956; and,							
WHEREAS, On the 13th day of July, 1956, notice to show cause why said permit should not be canceled, under the provisions of Section 42-311 Idaho Code, was duly served on the holder of said Permit; and,							
WHEREAS, On the 18th day of July, 1956, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,							
WHEREAS, On the 6th day of September, 1956, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the Permit; and,							
WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21949, and that the holder has acted in good faith;							
IT IS THEREFORE, Hereby Ordered that said Permit No. 21949 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.							
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 20th day of September, 1956.							
(SEAL)							
							MARK R. KULP State Reclamation Engineer

Permit No. 21949 +
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HOWARD W. MOFFAT of Twin Falls, County of Twin Falls, and State of Idaho, the holder of Permit No. 21949, issued upon Application No. 29673 bearing date of priority of February 20, 1951, authorizing the diversion of 3.2 second feet of the waters of subterranean flow from a well; County of Minidoka State of Idaho, for irrigation and domestic 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 3.2 second feet of the waters of subterranean flow from said well; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 9 South, Range 22 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: S $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, Township 9 South, Range 22 East, B.M.

Witness my hand this 20th day of September A. D. 1956.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made August 25, 1956
Certificate of Completion of Works issued September 20, 1956.

LICENSE ISSUED FOR 316 SEC. FT.
LICENSE PAG. NO. 8712

A S S I G N M E N T ✓

✓ For value received, the undersigned hereby assign all their right, title and interest in and to Permit No. 21949 to appropriate the public waters of the State of Idaho to Arthur D. McClellan, which permit pertains to the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$) of Section Sixteen (16), Township Nine (9) South, Range Twenty-two (22) East of the Boise Meridian, Minidoka County, Idaho.

DATED this 11th day of February, 1954.

s/ HOWARD W. MOFFAT
s/ ALICE M. MOFFAT

STATE OF IDAHO)
County of Twin Falls) ss. .

On this 11th day of February, 1954, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Howard W. Moffat and Alice M. Moffat, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

s/ LEONARD H. JACOB
Notary Public for Idaho
Residing at Twin Falls, Idaho
My commission expires May 15, 1956

(seal)

This
Right has been
Decreed in the
SRBA.

REPORT OF WELL DRILLER

State of Idaho

WR# 36-2110

None

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Art McEllanAddress 1250W-350NPaul, IdahoOwner's Permit No. 21949NATURE OF WORK (check): Replacement well ☐New well ☐ Deepened ☒ Abandoned ☐Water is to be used for: IrrigationMETHOD OF CONSTRUCTION: Rotary ☐ Cable ☒Dug ☐ Other ☐

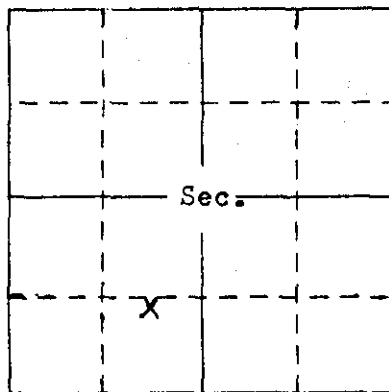
(explain)

CASING SCHEDULE: Threaded ☐ Welded ☐10 3/4"Diam. from 322 ft. to 384 ft."Diam. from ft. to ft."Diam. from ft. to ft."Diam. from ft. to ft.Thickness of casing: 250 wall Material:Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☐ No ☒ Type of perforator used: Size of perforations: " by "perforations from ft. to ft.perforations from ft. to ft.perforations from ft. to ft.perforations from ft. to ft.WAS SCREEN INSTALLED? Yes ☐ No ☒Manufacturer's name Type Model No. Diam. Slot size Set from ft. to ft.Diam. Slot size Set from ft. to ft.CONSTRUCTION: Well gravel packed? Yes ☐No. ☒ size of gravel Gravelplaced from ft. to ft. Surface sealprovided? Yes ☐ No ☐ To what depth? ft. Material used in seal: Did any strata contain unusable water? Yes ☐No. ☒ Type of water: Depth of strata ft. Method of sealingstrata off: Surface casing used? Yes ☒ No. ☐Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County MinidokaSE 1/4 SW 1/4 Sec. 16 T. 9 S. R. 22 E.

Use other side for additional remarks

Size of drilled hole: 13 1/2"-10"-8" Total
depth of well: 495 Standing water
level below ground: 246' Temp.
Fahr. ° Test delivery: gpm
or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

Length of time of test: Hrs. Min.Drawdown: ft. Artesian pressure: ft.above land surface Give flow cfsor gpm. Shutoff pressure:Controlled by: Valve ☐ Cap ☐ Plug ☐No control ☐ Does well leak around casing?Yes ☐ No ☐

DEPTH	MATERIAL	WATER
FROM	TO	YES OR NO

FEET FEET

Reamed & deepened well380 418 Dark gray lava - solid Yes418 473 Gray & light brown clay - sandy No473 484 Dark gray lava - solid No484 495 Brown clay & some sand NoCleaned out 8" hole - 343-380Drilled new 8" hole - 380-390Reamed to 13 1/2" hole - 316-384Installed 10 3/4" OD liner 322-384 w/6" slotReamed to 10" hole 384-390Drilled 10" hole from 390-473Installed 8 5/8" OD liner 353-473Drilled 8" hole from 473-495Pulled all 8 5/8" OD linerWork started: April - 1 - 1966Work finished: April 25 - 1966

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: Commons Drilling Co.Address: Box 126 - Rupert, Ida.Signed by: Ray L. CommonsLicense No. 46 Date: Sept 29, 1967

RECORDED

35-2167 JUN 30 1993

21449

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21949

REPORT ON PROOF OF Beneficial Use

Arthur D. McClellan, Rt. #2, Paul, Idaho

36 2110

R-22/E

T.
9
S.

16

PD

39

38

30

३९

155	Acres
-----	-------

9 - 14 - 67 DRL

TO HAZELTON

Subdivisions 4

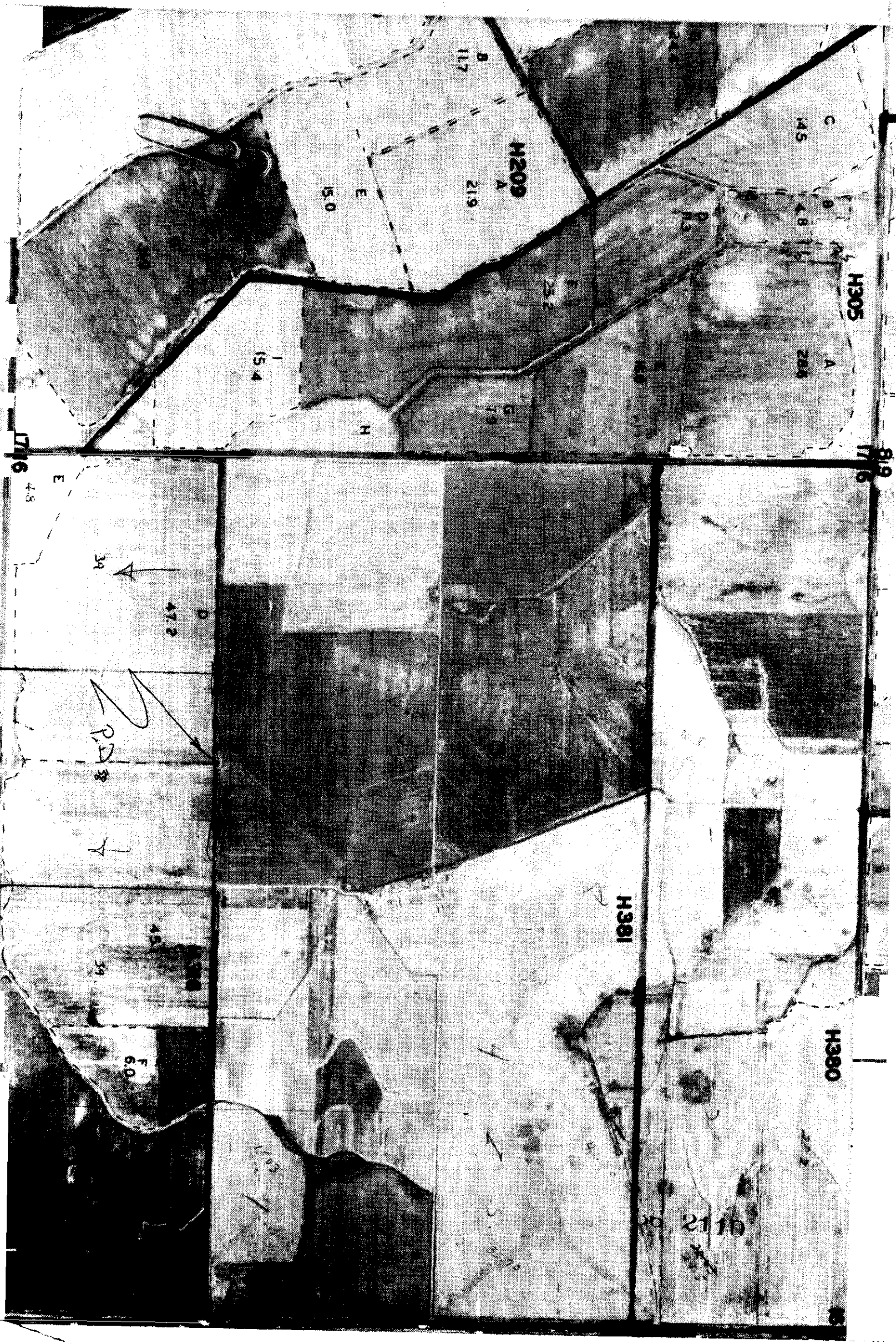
AREA

155 ACRES

TO PAUL

Q

244 CFS OR 122 inches



H305

H209

H381

H380

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

Permit No. 21949

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Arthur D. McGlellan

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SE 1/4 of Section 16

T. 9 S. R. 22 E.B.M. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same: 100 HP U.S. Motor #905426 F.M. pump # PM 3815 8" discharge into concrete tower 3'x18' 10" discharge into open ditch. 10" x 270' column 21" x 20' casing 18" x 310' hole reduced to 8" x 70' hole h: 247' O.D. 251' well depth 380'

5. Water is used for: irrigation and domestic

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):

SE 1/4 Sec. 16., Twp. 9 S., Rge. 22 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: Mr Arthur McGlellan along

Measurement was made with Cippolletti weir
244 C.F.S. on 122 inches

.787 "/A

licensed

NOTE: right 20311

This examination was made on the

24th

day of

May

1962

(Signed)

Ron Heberger

Examiner.

This appears to be a duplicate exam REPORT 2-20-69
36 2110

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
MAY 28 1962

Department of Reclamation

38 2110

wed Arthur D. McClellan
100 O'clock Route #2
Paul, Idaho
HE 8-2416 Permit No. 21949

Examination for Beneficial Use

County Minidoka

Sec. 16 T. 9 S R. 22 E B.M.

Quantity: 3.2 a.f.s.

Source: Well

P.D.: SE. SW., Sec. 16, T. 9 S. - R. 22 E B.M.

Use: Irrigation & Domestic

Filed: Feb. 20, 1951

Due: Feb. 24, 1962

Extension:

Completion of Works: 9-20-56

Other Rights: P-20311

Driller - Eaton & Sons

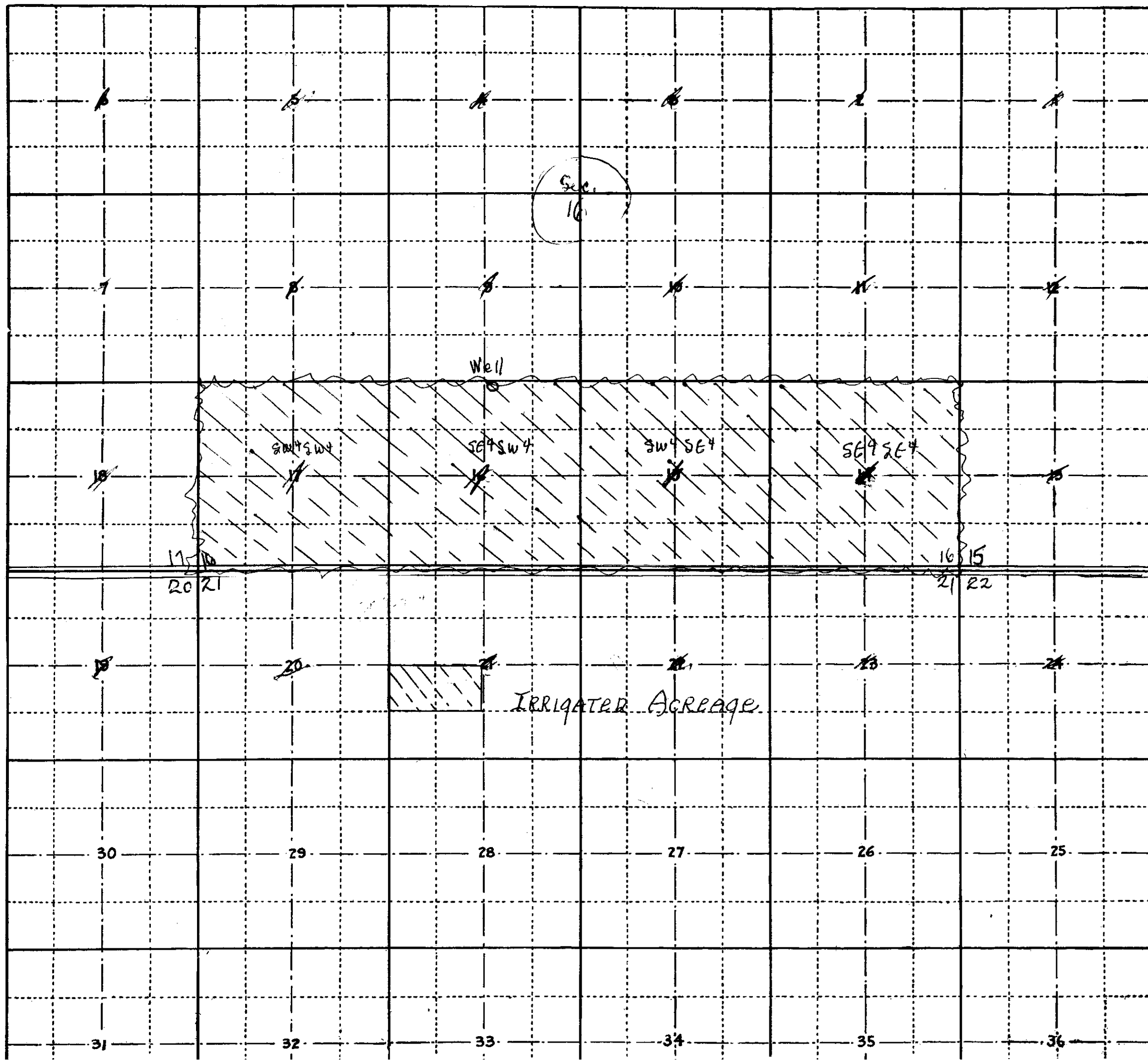
220-69

DUPLICATION OF EXAM
REPORTS.

DRR

DISREGARD

942 my



March 20, 1967

Re: Permit No. 21949

Arthur McClellan
Route # 2
Paul, Idaho 83347

Dear Mr. McClellan:

Enclosed is the License and Certificate of
Water Right on the above numbered permit and
departmental receipt No. 33646 in the amount of
\$8.00 covering the fees.

Thank you.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:dj

Enc.: certificate
receipt for \$8.00

21949

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. 21949

To Arthur McClellan

Paul, Idaho

Source of Supply Well, tributary
of subterranean flow

Minidoka County

Amount 3.16 Sec. Ft.

Point of Diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16,

T. 9 S., R. 22 E., B.M.

Place of Use S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, T. 9 S.,

R. 22 E., B.M.

Purpose Irrigation and domestic

Date of Priority February 20, 1951

Recorded March 20, 1967

in Book 14 of Licenses, Page 8712

Nº 33646

Boise, Idaho, Feb. 16, 1967

RECEIVED

FROM

Arthur Mc Cellar of Paul Hako \$ 8.00
Eight Dollars and no 700 — DOLLARS

RENCE H. DUFFIN
OF BOUNCEL

FOR

Garey Act Trust Fund	- - -	\$		
Application for Permit No.	- - -	\$		
Proofs	<i>C/W. B/W.</i>	\$	<i>8</i>	<i>00</i>
Certified Copy	<i>21949</i>	\$		
Recording Deed	- - - - -	\$		
Certificate	- - - - -	\$		
TOTAL	- - -	\$	<i>8</i>	<i>00</i>

State Reclamation Engineer

By

Mr. Donald J. Watts, Engineer
Department of Reclamation
107 Statehouse
Boise, Idaho 83701

In re: Permit No. 21949

Dear Mr. Watts:

In accordance with your letter of February 6, 1967,
enclosed please find Mr. Arthur McClellan's check
for \$8.00 for license fee.

Would you please issue the license pursuant to your letter, for 3.16 c.f.s. to irrigate the land indicated in said letter.

Very truly yours,

Larry R. Duff

LRD:LS
Encl.

21949

Duffin and Duff

ATTORNEYS AT LAW
FREMONT AND "B" STREETS
BOX 61
RUPERT, IDAHO 83350
435-4774

LARRY R. DUFF

LAWRENCE H. DUFFIN
OF COUNSEL

February 15, 1967

RECEIVED
FEB 16 1967

Department of Reclamation

Mr. Donald J. Watts, Engineer
Department of Reclamation
107 Statehouse
Boise, Idaho 83701

In re: Mermit No. 21949

Dear Mr. Watts:

In accordance with your letter of February 6, 1967,
enclosed please find Mr. Arthur McClellan's check
for \$8.00 for license fee.

Would you please issue the license pursuant to your
letter, for 3.16 c.f.s. to irrigate the land indicated
in said letter.

Very truly yours,

Larry R. Duff

Larry R. Duff

LRD:LS

Encl.

21949

OK
m

February 6, 1967

Re: Permit No. 21949

Duffin & Duff
Attorneys at Law
Rupert, Idaho 83350

Gentlemen:

In reply to your phone call of February 6, 1967, we find that a license can be issued under permit 21949 for 3.16 c.f.s. to irrigate S1/2S1/2, Sec. 16, T. 9 S, R. 22 E, B.M. upon payment of the \$8.00 license fee.

Very truly yours,

Donald J. Watts
Engineer

DJW:nw

21949

January 27, 1964

Re: Permit No. 21949 - Arthur D. McClellan
" " 20322 - Mesa Land Co.
License No. 20311 - Howard W. Moffat

W. H. Shillington
P. O. Box 201
Rupert, Idaho

Dear Mr. Shillington:

Inspection of Works under Permit No. 21949 shows well in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, produces 2.44 c.f.s. to irrigate 160 acres in S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16, T. 9 S., R. 22 E.

Water License No. 20311 was issued to Howard W. Moffat June 9, 1952, for 4.42 c.f.s. from a well in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, to irrigate 305 acres in S $\frac{1}{2}$, said Sec. 16, with priority of February 3, 1948. The water right under this Water License must be transferred off of the S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, before the water license under Permit No. 21949 can be issued to Mr. McClellan.

Permit No. 20322 in the name of the Mesa Land Co. is ready for issuance of certificates of water rights upon payment of the fees totaling \$21.00. Amount of water 0.62 c.f.s, from well under License 20311 in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, for irrigation of 480 acres in N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, T. 9 S., R. 22 E. You reported you could not obtain the assignment of this permit. You may pay the fees and the certificates will be made in the name of Mesa Land Co. and will be sent to you.

If you prefer, you may send photo copies or certified copies of your deeds to N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, T. 9 S., R. 22 E., with fees, and the land will be restricted to S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, said Section 16, on the certificate. This is contingent on your submission of application for transfer of water right under License No. 20311 to the same land. That will remove all overlapping of water rights under the four water rights from the three wells in the section.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

21949

June 1, 1962

Re: Permit No. 21949 - Arthur D. McClellan
License No. 20311 " "

Creason Creason
Attorneys at Law
Box 98, Rupert, Idaho

Attn: C. H. Creason

Dear Mr. Creason:

Enclosed is Form 20, Application to Transfer Water Right.

We have the report of our field engineer on the works under Permit No. 21949. The well was producing 2.44 cubic feet per second as measured over a Cipolletti weir, to irrigate 160 acres in the S¹/₄ Sec. 16, T. 9 S., R. 22 E.

Water License No. 20311 has been issued for 4.42 c.f.s. from a well in the NE¹/₄ Sec. 16, to irrigate 305 acres in the S¹/₄ Sec. 16, T. 9 S., R. 22 E. of which 2.18 cubic feet per second is apportioned to 150 acres in the S¹/₄ Sec. 16.

Your letter of January 12, 1962 indicates that the water right under Water License No. 20311 will be transferred from the S¹/₄ Sec. 16, in order that the license under Permit 21949 can be issued for the full amount of the water from the well. Upon completion of the transfer, we will be in a position to issue said license.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Form 20
cc: Arthur D. McClellan
Paul, Idaho

21949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21949
~~20988~~

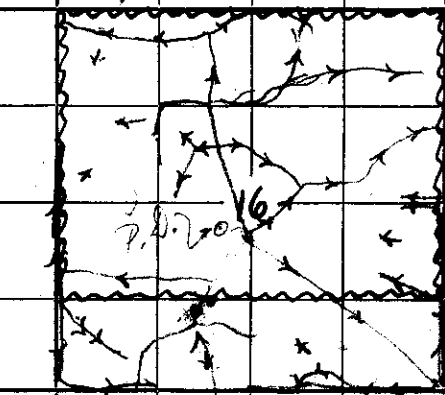
REPORT ON PROOF OF Beneficial Use

MESA LAND COMPANY, Lewiston, Idaho

due Feb 24 - 1962

R-22E.

T.
9
S.



$Q = 158''$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 21949

Arthur W. E. Allen
Paul E. Allen
100555
write letter to,

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Howard W. Moffatt, 145 Fair Creek, Pocatello
Neer Land Company, Lewiston, Idaho. (See above)

2. Source of water supply: Subterranean from a well.

3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 16

T. 9 S. R. 22 E. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same: Well specifications unknown. Lift is 240', 250' of 10" column. 4 stage 14" bowls. No protection concrete curbing 8' by 8'. 100 hp U. S. Motor Serial No. 905426. Fairbanks Morse deep well turbine pump serial no. PM 3815. 8" delivery to the North into a 15" stand pipe connected to a pipe line that conducts the water to the high spots in the center of the farm. From that it goes to all fields by gravity.

5. Water is used for: Irrigation and domestic purposes.

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):

North Half, and North Half of the South Half, Section 16, Twp. 9 South,
Range 22 East, B. M.

See the map

water from wells was being intermingled and used on
whole Section 16.

(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 is actually an inspection on the south well
made in 1954. There was a 2nd permit on the
north well #20322. License was issued on 20311

This inspection is for 21949.

Aug 27-1954 inspection made by E. W. J.

This examination was made on the _____ day of _____, 19____

(Signed) _____ Examiner.

200 by U.S. patent

#8666572

Washington
71369174

Roland Roth
Paul J. Lee
Box 273.

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.

Mesa Land Company,
Lewiston, Idaho
W. Andrew Jean, President, (see within)
Permit No. ~~4999~~ 21949

Examination for Beneficial Use

County Minidoka

16-9S-22E.

S = 6.4 c.f.s.

S = Well

P.D. = NE. SW. Sec. 16, T9S. - R. 22E

Use = Irrigation & Domestic

Arthur McCallum 2123

Paul, Idaho

2 wk N of the store

C/w issued Sept 20-1958

for 3.2 yr P.D. = 5830.516

for 5'45"1/2

Priority = Feb. 27, 1948

Due = March 5, 1959

21949 due Feb 24-1962

P/W = 9-1553

300' of in 1 M. 40' - 1

60
101 1/2

148"

158"

D = 158"

3.16 1/4

Well =

Depth = 240'

250' x 10" cal.

Level = 14" x 4 stage

100 up 1.5 motor

44' 1.1. 1.22. 121.2mp.

705426

PM 3815 - F. Mance

A.B. Smith

Washington Control

8' del to 1.5' into

1.5' stand pipe 3'

No protect

cone, web 8' 8"

P-20322 6.4 a.f.s. Well,
W. Andrew Jean Prio. = Feb. 27, 1948
For West End Co. Due = March 5, 1959
O/W: 9-1-53 P.D. = NE.SW., S. 16-95-22E

P-20311 L.p. 4927. - 4,42 a.f.s. Well
Howard W. Maffatt Prio. = Feb. 3, 1948
for S $\frac{1}{2}$ S 16. Due = Feb. 23, 1957
P.D. = NE.SW., S. 16-95-22E

P-21949
Howard W. Maffatt 3.2 a.f.s. - Well
Prio. = Feb. 20, 1951
Due = Feb. 24, 1962
P.D. = SE.SW., S. 16-95-22E

write to

A. Mc Clellan

re this

21949

074605

4 N $\frac{1}{2}$ S $\frac{1}{2}$

20322 for N $\frac{1}{2}$ S16-95-22 E.

P.D.s = SENE NW NW SENW.

changed to NESW.

C/W says in NESW. S. 16. (certificate)

OK to license

After Inspection.

Water under 20311 has
been transferred by
Order No. 1064.

DW

20311 now appurtenant
to ~~to~~ $5\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ $5\frac{1}{2}$ Sec 16
T 9S - R 22E

21949

License for this well cannot be issued until a definite determination is made in regard to the location of the well. The well is very close to the line between the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 9 South, Range 22 East B.M.

Arthur McClellan Box 555, Paul, Idaho, says that he has purchased the 4 40's on the South of the Section including the well which he claims is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ from Mr. Moffat.

It is not exactly clear to me as to why Mr. Jean filed on this well unless he thinks it is on his place. Mr. McClellan is leasing the rest of the place and so the whole place is farmed as a unit.

21249

Re: Permit No. 21949

Arthur D. McClellan
Route #2
Paul, Idaho

Dear Mr. McClellan:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Blaine County News, all submitted in proof of ~~beneficial use~~ beneficial use on Permit No. 21949.

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,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

21949

ESTABLISHED 1913

F. J. FRUIT
R. L. BALCH

RUPERT ABSTRACT COMPANY
TITLE INSURANCE

*Member of the American Title Association
and Idaho Land Title Association*

RUPERT, IDAHO

LOANS
INSURANCE

FEB 12 1962

Department of Reclamation

February 16, 1962

State Reclamation Engineer
Department of Reclamation
Boise, Idaho

In re: Permit 21949

Dear Sir:

We enclose the following in connection with the
above water permit:

Affidavit of Publication;
Testimony of Holder - Arthur McClellan;
Testimony of Witness- Leonard Wren;
Testimony of Witness- Leonard H. Duff;
Map of property.

Yours very truly,

RUPERT ABSTRACT COMPANY

BY Eileen Hollinger

eh
encls.

21949

FEB 19 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 21949

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Arthur McClellan, RFD #2, Paul, Idaho Farming

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

Ans. - - -

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

Ans. Permit #21949, Priority date is Feb. 20, 1951

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

Ans. Subterranean stream SE 1/4 SW 1/4, Sec. 16, T. 9 S., R. 22 E BM.

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

Ans. Deep well, 3.2 cu. ft., ditches & pipeline. Well is 370' deep, Casing to 20 ft., 21-in. casing, Depth to water is 250 ft. State Reclamation Engineer measured it by error one time and stated it delivered 146 inches.

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

Ans. Used irrigation on S 1/4 Sec. 16, T. 9 S., R. 22 E BM. Cultivated land. Leveling - \$3,000.00; ditches & structures - \$1000.00; pipeline \$2000.;

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. C. B. Eaton & Sons, Wendell, Idaho

21949

AB

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

Ans. - - -

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

Ans. - - -

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

Ans. Originally issued to Howard Moffat. Purchased land & permit from him in 1954.

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

Ans. 1954 used full capacity of pump and have been doing so every year since that time.

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

Ans. Have not used water from any other source.

(Sign)

Arthur M. C. Lellan

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 Rupert, County of Minidoka

State of Idaho, on this 16th day of February, A. D. 1962.

W. Lloyd Smith

My commission expires 2-16-64

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21949

Proof of Application of Water to Beneficial Use
Deposition of Witness

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

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

Ans. Leonard H. Duff, age 32, 3 miles West of Paul, Idaho;
occupation: farming; P.O. address: R.F.D. # 1, Paul, Idaho.

Ques. 2. Are you acquainted with Arthur McClellan, the
holder of Permit No. 21949? How long have you known him and where does
he reside?

Ans. yes - have known him 12 yrs. - he resides 10 miles Northwest
of Paul, Idaho

Ques. 3. Have you read or heard read said Permit No. 21949, and are you
familiar with its provisions and conditions?

Ans. yes

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

Ans. Deep well, tapping subterranean flow, well is located on the
north side of SE 1/4 SW 1/4 Sec. 16, T. 9 S. R. 22 E. DM. surface irrigation on adjoining lands.

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

Ans. 150 inches

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount? 150 inches

Ans.

21949

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

Ans. water is used solely for irrigation on the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16
T 9 S R 23 E B M; cultivates about entire 160 acres, row crops
and alfalfa hay;

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

Ans. irrigation only

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

Ans. Has entire tract under cultivation, excepting roads and ditch
right of way; requires full capacity of well to produce a profitable
crops

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

Ans. none

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

Ans. Farmed a portion of the premises in 1959 and have been in the
area during the years 1960 & 1961 and seen application of water
on the lands

(Signed)

Leonard H. Ruff

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 Rupert
County of Minidoka, State of Idaho, on this 16th day of February
A. D. 1962.

Roy J. Hunt

Notary Public.

My commission expires Feb. 16th 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 21949

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Leonard Wren, age 37, residence Route # 2 Paul, farmer
Route # 2 Paul, Minidoka County, Idaho

Ques. 2. Are you acquainted with Arthur McClellan, the
holder of Permit No. 21949? How long have you known him and where does
he reside?

Ans. 5 years, Route # 2 Paul, about 12 miles Northwest of Paul
Minidoka County, Idaho

Ques. 3. Have you read or heard read said Permit No. 21949, and are you
familiar with its provisions and conditions?

Ans. yes

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

Ans. deep well, located on north line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16
T 9 S. R 22 E. B. M., depth of well approximate 300 feet, pumping
depth 150 feet; taps subterreannen water flow; used for
surface irrigation on S $\frac{1}{2}$ S $\frac{1}{2}$ 16-9-22

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

Ans. 146 inches

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

Ans. pump produces 146 inches, and have worked on this property
during past two years.

21949

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

Ans. Water is used solely for irrigation on the S¹/₄S¹/₄ 16-9-22⁵E farms 160 acres in unit, row crops and about 70 acres of alfalfa Hay; Well and pump cost about \$15000/\$16000.; other improvements consisting of carryall levelling and ditches and irrigation structures;

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

Ans. irrigation only

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

Ans. Has about 160 acres under irrigation and soil being heavy

it will require about full capacity of well, or 146 inches to properly irrigate same

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

Ans. none

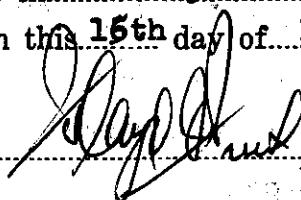
Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have worked on the premises past two years and have worked with the irrigation of the land and seen application of water to the unit.

(Signed)

Leonard Owen

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 Rupert, County of Minidoka, State of Idaho, on this 15th day of February, A. D. 1962.



Notary Public.

My commission expires Feb. 16th 1964

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Wayne D. Bell

....., being first
duly sworn, deposes and says that he is the
Manager.....publisher of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News

for 4..... consecutive weeks, commencing
with the issue date January 25, 1962, and
ending with the issue dated February 15, 1962.

Subscribed and sworn to before me this
10th day of February, 1962

Wayne D. Bell
Notary Public

Cost of Publication

Notary Fee

Total Cost

TO THE HONORABLE CLERK
Notice is hereby given that
at 10 A. M. on the 10th day of
February, 1962, the Minidoka
County of Idaho, State of
Idaho, being filed with the
Rupert Abstract Co., Inc. will be
submitted of the application to
beneficial use of water for
the purpose of irrigation of
land in the County of Idaho
with the terms and conditions
of Permit No. 21548 issued by
the Department of
Termination of the State of
Idaho.

The name and best office ad-
dress of the person or persons
holding said water right is
McConnell, Paul, Idaho.

The law to which said water
has been applied is Idaho
Constitution.

The amount of water in bene-
ficial use is 32 cubic feet per
second.

The place of application of
said water is 1000000, Sta-
tion 10, T. 33 N. R. 11 E. S. 34.

The water which said water
is used 3143 1/2 of Section 10,
T. 33 N. R. 11 E. S. 34.

The name of person to which
the water is applied is Paul
McConnell.

21949

January 23, 1962

Re: Permit No. 21949
Howard W. Moffat

Creason & Creason
Attorneys at Law
Rupert, Idaho

Gentlemen:

Enclosed is the assignment of Permit No. 21949 from
Howard W. Moffat to Arthur D. McClellan, which has been
recorded in this office.

Also enclosed is departmental receipt No. 30916 in
the amount of \$0.50 covering the fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. assignment
receipt

cc: Arthur D. McClellan
Paul, Idaho

21949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

January 22, 1962

Re: Permit No. 21949
Arthur McClellan

Creason & Creason,
Attorneys at Law,
Box 98,
Rupert, Idaho.

Attention: Charles H. Creason

Gentlemen:

This acknowledges the Notice of Proof of ~~Completion of Construction~~ Application of Water to Beneficial Use under Permit No. 21949, in the name of Arthur McClellan. Final Proof is to be made before Floyd Fruit as Notary on the 16th day of February, 1962, at 10:00 o'clock A.M., at Rupert Abstract Co., Idaho.

As of this date we have mailed the Notice to the Minidoka County News 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,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule
(Mrs.) Edna P. ~~McCluskey~~
Chief Clerk

Encl.
EPR:Pk
cc: Applicant
Notary

21949

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 21949
Arthur McClellan

Date: Jan. 22, 1962

Minidoka County News,
Rupert, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 16, 1962** the date set for proof; the expense of the publication is to be paid by the applicant's attorney

Creason and Creason of **Box 98, Rupert, 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,



GEO. N. CARTER
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

Encl.

21949

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

January 18, 1962

RECEIVED
JAN 19 1962
DEPARTMENT OF RECLAMATION
BOX 98
HE 6-4131

State Department of Reclamation,
Boise, Idaho.

Attention: Mr. Ralph W. Thomas

Re: Permit No. 21949
Howard W. Moffatt

Dear Mr. Moffatt:

It is our understanding that we could submit this proof but we do not desire to have the license issued until after transfer of water rights has been made, and we are in the process of attempting to get these transfers made.

We are also enclosing fifty cents for recording of assignment as per your letter of January 17th.

I wish further to advise you that I have contacted the Rupert Abstract Company and they inform me that any date set will be fine with them.

Very truly yours,

CREASON & CREASON

By Charles H. Creason

CHC:mm

21949

January 17, 1962

RE: Permit No. 21949
Howard W. Moffatt

C. H. Creason
Attorney at Law
Box 98
Rupert, Idaho

Dear Mr. Creason:

We received two forms 10, notice of proof of beneficial use of water, showing Arthur McClellan as owner.

The date for making the proofs is blank. We can insert any date; however we do not wish to pull one out of the air as we do not know when the Notary Public will be in his office. Please advise.

As noted in our letter to Mr. McClellan, there is a fee of \$0.50 for recording an assignment which must be paid before Mr. McClellan becomes the holder of the permit.

Your letter of January 12 indicates, in the last sentence of the third paragraph, that you expect this office to issue a water license, No. 21949, in the name of Mr. McClellan, and then you would change the place of use. Under present conditions the most that could be allowed on a water license to irrigate the $\frac{1}{2}$ of said Section 16 would be 1.02 cubic feet per second as that land is covered by Water License No. 20311, which is the water license which should change the place of use. I presume you have our letter to Mr. McClellan dated January 3, 1962, or possibly 1961 if the year was not corrected. The fourth paragraph of that letter shows the conflict in land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

21949

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

January 12, 1962

BOX 98
HE 6-4131

RECEIVED
JAN 14 1962

Department of Reclamation

George N. Carter,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho

Re: Permit No. 21949

Dear Mr. Carter:

We are enclosing herewith completed Form 10, leaving the date for proof in this matter blank, and wish to advise you as follows:

That Arthur McClellan is the owner of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec. 16, Twp. 9 S., Rge. 22 E.B.M., and legal title to the N $\frac{1}{2}$ S $\frac{1}{2}$ of Sec. 16, Twp. 9 S., Rge. 22 E.B.M. is held by Ramseyer, and equitable title by Goff Brothers. Title to this land is in litigation on a foreclosure proceedings and the two wells are connected together.

It is McClellan's desire to make proof on the well located on the S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec. 16, Twp. 9 S., Rge. 22, E. B. M., and we have contacted the attorney for Goff Brothers and requested that they join in transferring the license pursuant to your letter. However, before this is done it is my understanding that proof must be made on application to beneficial use and we desire to go ahead in this matter.

Any help in completing this will be greatly appreciated. Also enclosed is check of \$2.00 for certified copy of License and Certificate of Water Right.

Very truly yours,

CREASON & CREASON

By 

CHC:mmm
Encs.

21949

JAN 3 1962

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 1, 1962

(P. O.) Paul, 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
Minidoka County News of Rupert, Idaho published in
the county in which the works are situated.

Arthur M. Lellan ✓

(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.

21949

RECEIVED
JAN 15 1962

Department of Reclamation

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

Notice is hereby given that at 10 A.M. on the 16th day of February, 1962,
at Rupert, County of Minidoka, State of Idaho, before
Floyd Fruit, Rupert Abstract Co., proof will be submitted of the
application to beneficial use of 3.2 cubic feet per second of the waters of
subterranean flow in accordance with the terms and conditions of
Permit No. 21949 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit _____

✓ Arthur McClellan, Paul, Idaho

The use to which said water has been applied is Irrigation & Domestic

The amount applied to beneficial use is 3.2 cubic feet per second.

The point of diversion of said water is SE 1/4 SW 1/4, Sec. 16, T. 9 S., R. 22 E., B.M.

The place where said water is used (LEGAL DESCRIPTION) S 1/2 S 1/2 of Section 16,

Twp. 9 S., Rge. 22 East, Boise Meridian,

The date of priority which said user is prepared to establish is February 20, 1951

Geo. H. Carter
State Reclamation Engineer

21949

2/
January 3, 1961

RE: License No. 20311
Permit No. 21949
Howard W. Moffat

Arthur McClellan
Paul, Idaho

Dear Mr. McClellan:

Enclosed is Form 10, legal notice of intention to make proof of beneficial use of water with one of the Form 36 you submitted to this office. Also enclosed is Form 20, transfer of water right, and form to amend the land list.

The change in form is necessary as the Certificate of Completion of Works has been issued to Mr. Moffat for 3.2 cubic feet per second.

You sent us the assignment of the permit signed by Mr. Howard W. Moffat and wife. There is a fee of \$0.50 for recording the assignment.

Water License No. 20311 has been issued for 4.42 cubic feet per second to irrigate 305 acres in the S $\frac{1}{2}$ of Section 16, Township 9 South, Range 22 East. That license would include 109 miner's inches to irrigate 150 acres in the S $\frac{1}{2}$ S $\frac{1}{2}$ of said Section 16. We are limited, by Statute, to allowance of one miner's inch per acre of land without due proof that more water is necessary to irrigate the land. That would limit the amount we can license under Permit No. 21949 to 51 miner's if all 160 acres are irrigated.

Our file shows that you were operating the well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ under License No. 20311, and the well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ under Permit No. 21949 to irrigate all of Section 16, and that you own the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16.

We do not know ownership of the lands so cannot offer what we think would be the better solution to the problem. The place of use of the water under License No. 20311 can be changed to all of Section 16, or the N $\frac{1}{2}$ and the N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16, and the land under your permit No. 21949 can be left as it is for the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16 or for all of Section 16, depending upon how the License is changed.

21949

Arthur McClellan, continued
Page 2

The owner of the well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 should complete the Form 20. Upon receipt of that form, this office will prepare a legal notice which must be published in two successive weekly issues of a paper in the county, at the expense of the owner of the well. If no valid protests are received in regard to transfer of the water right, this office will issue the transfer certificate upon payment of the \$1.00 fee.

There is a fee of \$1.00 to record an amendment to permit which should accompany the amendment when submitted to this office.

Note that the date to make the proofs under Permit No. 21949 has been omitted from Form 10 to allow for some delay in return while you determine the land list. The transfer of water right need not be completed before you make these proofs; however the transfer must be completed before the license can be issued if the amount diverted from the well under Permit No. 21949 is over 51 miner's inches.

Kindly return the forms at your earliest convenience.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. Form 10 2
36 1
20
Amendment to land list

21949



TWIN FALLS

CHAMBER OF COMMERCE

U.S. 30

TELEPHONE RE 3-3974

160 SECOND AVENUE NORTH

TWIN FALLS, IDAHO

Dec. 21, 1961

Re: Permit No. 21949

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
Dept. of Reclamation
Boise, Idaho

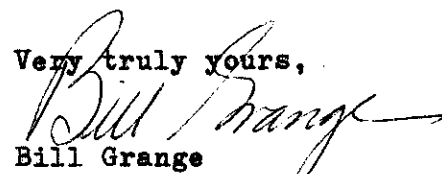
Dear Mr. Thomas,

Thank you for your reply to our inquiry re the above permit. We have written Mr. Moffat in an effort to determine the involvement, if any, of the Twin Falls Chamber of Commerce in the permit.

Although we wrote two weeks ago, we have received no reply from Mr. Moffat, and assume he has cleared the matter with your office. I feel that the above permit was probably private business of Mr. Moffat's, with the Chamber of Commerce address, from the time he was manager of the Chamber here.

If there is evidence that this assumption is in error, and the Chamber does have obligations re the above, please advise.

Very truly yours,



Bill Grange
Secretary-manager

BG/dp



-- IDAHO'S MAGIC CITY --

21949

December 5, 1961

Re: Permit No. 21949
Howard W. Moffat

Bill Grange, Sec.-Manager
Chamber of Commerce
160 Second Ave. North
Twin Falls, Idaho

Dear Mr. Grange:

Permit No. 21949 in the name of Howard W. Moffat claims 3.2 c.f.s. of water from a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, for irrigation of S $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 9 S., R. 22 E.

The Certificate of Completion of Works has been issued and the proof of beneficial use of the water is due February 24, 1962.

Only the holder of the permit can make the proof. The present owner of the land can make the proof if he can furnish this office sufficient evidence, or obtain an assignment of permit from Mr. Moffat.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

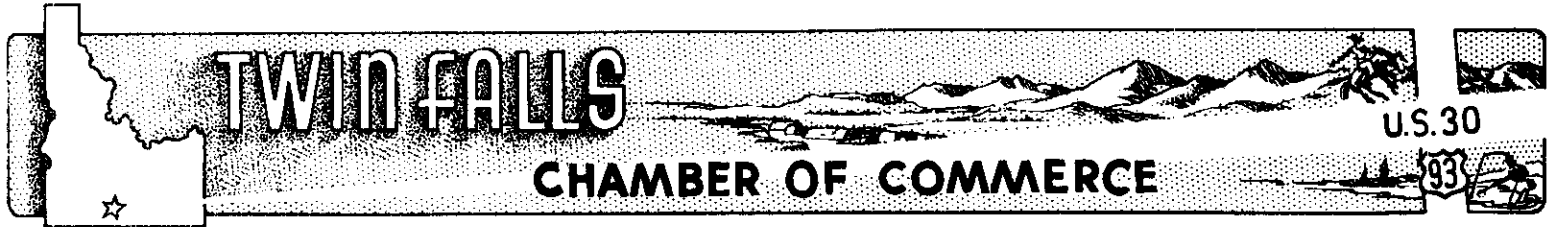
By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

cc: Howard Moffat
145 Trail Creek
Pocatello, Idaho

21949



TWIN FALLS

CHAMBER OF COMMERCE

U.S. 30

TELEPHONE RE 3-3974

160 SECOND AVENUE NORTH

TWIN FALLS, IDAHO

DEC 5 1961

Dec. 4, 1961 Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
State of Idaho
Dept. of Reclamation
Boise, Idaho

Re: Permit # 21949

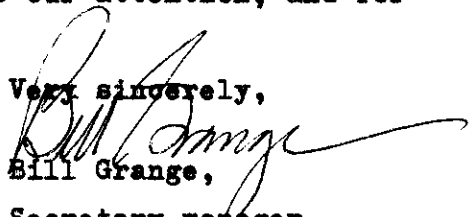
Dear Mr. Carter,

In regard to the notice Form 10-A dated Dec. 1, could we have some additional information regarding this application. Mr. Howard Moffat, to whom it is addressed, has not been the Chamber manager for several years, and we fail to find papers in our files to clarify this matter.

Before authorizing publication of the notice, we need to have more information as to the location of lands on which the water is being used, etc.

Thank you for calling this matter to our attention, and for sending the additional information.

Very sincerely,


Bill Grange,

Secretary-manager

BG/dp



21949

-- IDAHO'S MAGIC CITY --

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Permit No. 21949

Date: Dec. 1, 1961

Howard W. Moffat
c/o Chamber of Commerce
Twin Falls, Idaho

Dear Mr. Moffat:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21949 is due not later than February 21, 1962. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof 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.

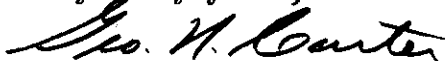
We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated - by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed 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 Forms 10.

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 and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 - 11

21949

October 2, 1956

RE: Permit No. 21949

Messrs. Bellwood & Goodman
Attorneys at Law
Rupert, Idaho

ATTENTION: Mr. Sherman J. Bellwood

Dear Mr. Bellwood:

We have reinstated Permit No. 21949 in the name of Howard W. Moffat and enclose Certificate of Completion of Works issued on this Permit for the diversion of 3.2 second feet of water from a well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 9 South, Range 22 East, B.M., with priority of February 20, 1951, for irrigation and domestic purposes on the S $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 9 South, Range 22 East, B.M.

We also enclose departmental receipt No. 28153 for the \$5.00 completion of works fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

21949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 21949 Under the
Provisions of Section ~~5594, Idaho~~
~~Compiled Statutes~~
42-311, Idaho Code.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 21949 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: February 24, 1956; and,

WHEREAS, On the 13th day of July, 1956 notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~ 42-311, Idaho Code, ~~Compiled Statutes of Idaho,~~ was duly served on the holder of said permit; and,

WHEREAS, On the 18th day of July, 1956 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 6th day of September, 1956 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of Reclamation~~ State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21949, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21949 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 20th day of September, 1956.

Mark R. Kulp
~~Commissioner of Reclamation~~
State Reclamation Engineer

By _____
Assistant

21949

BELLWOOD & GOODMAN

ATTORNEYS AT LAW

RUPERT, IDAHO

SHERMAN J. BELLWOOD

WILLIAM T. GOODMAN

September 5, 1956

RECEIVED
SEP 6 1956

Department of Reclamation

Department of Reclamation
State House
State of Idaho
Boise, Idaho

Gentlemen:

Enclosed herewith are the following documents
with reference to Permit No. 21949, Howard W. Moffat:
Affidavit of Holder, Deposition of Holder, two Deposi-
tions of Witnesses.

Also enclosed are \$5.00 for the fee on Proof of
completion of works.

Very truly yours,

BELLWOOD & GOODMAN

By:

Sherman J. Bellwood

SJB:nc

enc. 5

21949

Permit No. 21949

STATE OF IDAHO

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
SEP 6 1956
Department of Reclamation

STATE OF IDAHO

County of Bannock

ss.

HOWARD W. MOFFAT, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 21949, and that his postoffice address is 237 West Center Pocatello,

State of Idaho

Second: That the name of the stream from which said water is to be diverted is subterranean source.

Third: That the point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 16, Township 9 South, Range 22 East of Boise Meridian.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 24, 1956.

Fifth: That the use for which said water is intended is for irrigation purposes.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(xxxxxx)~~ fully completed and consisted of the following:

I. Kind of works: Fairbands-Morse Pump with 100 HP Electric motor, along with ditches. (Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line (State whether ditch, flume or pipe)

 feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use

3.2 ~~second foot of water~~ cubic feet per second.

Eighth: That water appropriated under said permit is available for 160

acres of land described as follows: S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16, Twp 9 South,

Range 22 E.B.M., in Minidoka County, Idaho.

Ninth: Remarks: That all of said land has been cleared of sagebrush, is under cultivation and subterranean water surfaced by a pump powered by a 100 HP Electric motor, and disbursed over area by means of ditches. All work was completed prior to February 24, 1956.

(Sign Here)

Subscribed and sworn to before me this 15th day of August, 1956.

My commission expires June 19, 1959

 Notary Public.
Residing at Pocatello.

21949

PERMIT NO. 21949

Proof of Completion of Works

DEPOSITION OF HOLDER

RECEIVED
SEP 6 1956
Department of Reclamation

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

Ans. Howard W. Moffat, 145 Trail Creek, Pocatello, Idaho

Manager-Operator - Bannock Cable Television, Pocatello, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Self.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. #21949 - 2/24/1951 - 3.2 cubic feet per second - ^{SE SW} $\frac{1}{4}$ $\frac{1}{4}$ of
Section 16, Twp 9 South, Range 22 E.B.M., in Minidoka County, Idaho

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation - 160 acres as noted in Ques. #3. ^{S² SW + S² SE}

^{Sec. 16 - T. 9 S. R. 22 E}

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water placed in use according to requirements approximately
May 1, 1952 to the extent of application.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. All requirements have been met. Works completed prior to Feb. 24, 1956.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Fairbanks-Morse Pump with 100 HP motor along with all ditches
necessary to distribution. - \$8500.00

(Sign here.)

H. W. Moffat

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 Pocatello,

County of Bannock, State of Idaho, on this 25th
day of August A. D. 1956.

My Commission expires

June 19, 1959

Notary Public.

Robert H. Jones
Arley P. Smith

21949

nmf

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. **21949**

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. **Scott McClellan, Route 2, Rupert, Idaho, farmer**

Ques. 2. Are you acquainted with **HOWARD W. MOFFAT**, the

holder of Permit No. **21949** authorizing the diversion of **3.2** second-feet of the waters
of **subterranean sources** at **SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 9 S., R. 22 EBM Minidoka County, Idaho**
for **irrigation** purposes? How long have you known him, and where does he reside?

Ans. **Yes. 4 $\frac{1}{2}$ years; 145 Trail Creek, Pocatello, Idaho**

Ques. 3. Have you read or heard read said Permit No. **21949**, and are you familiar with its terms and conditions?

Ans. **Yes.**

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. **Yes; 1 mile long, 80 rods wide, rolling, and I estimate 160 inches of water is required for its profitable irrigation, and cultivation**

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. **Yes, prior to February 24, 1956.**

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. **Deep well with electric pump, the capacity of which is 160 inches.**

(Sign here.)

Scott McClellan

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

Minidoka, State of Idaho, on this **5th** day of **September**, A. D. 1956.

My Commission expires **8-1-58**

Sherman J. Bellward
Notary Public.

21949

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. **21949**

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. **Arthur McClellan, Route 1, Paul, Idaho, farmer**

Ques. 2. Are you acquainted with **HOWARD W. MOFFAT**, the

holder of Permit No. **21949** authorizing the diversion of **3.2** second-feet of the waters
of **subterranean sources** at **SE 1/4, Sec. 16, T. 9 S., R. 28 EBM Minidoka County, Idaho**
for **irrigation** purposes? How long have you known him, and where does he reside?

Ans. **Yes, 4 1/2 years; 145 Trail Creek, Pocatello, Idaho.**

Ques. 3. Have you read or heard read said Permit No. **21949**, and are you familiar with its terms and conditions?

Ans. **Yes.**

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. **Yes; 1 mile long, 80 rods wide, rolling, and I estimate 160 inches of water is required for its profitable irrigation, and cultivation**

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. **Yes, prior to February 24, 1956.**

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. **Deep well with electric pump, the capacity of which is 160 inches.**

(Sign here.)

Arthur M. McClellan

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

Minidoka

State of Idaho, on this **5th** day of **September** A. D. 19**56**

My Commission expires **8-1-58**

Shuman J. Williams
Notary Public

21949

DELIVERING
EMPLOYEE

- ☐ Deliver ONLY to addressee
☐ Show address where delivered

Received from the Postmaster the Registered or Insured Article, the number
of which appears on the face of this return receipt.

1

(Signature or name of addressee)

2

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery JUL 17 1956, 19

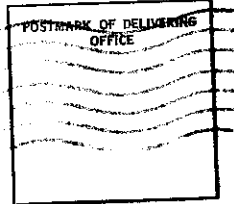
Form 3811
Rev. 4-54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-3

21549

Post Office Department
OFFICIAL BUSINESS
NO. 19410
RETURN RECEIPT REQUESTED

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



Return to STATE OF IDAHO
(NAME OF SENDER)
Street and Number, }
or Post Office Box, } DEPARTMENT OF RECLAMATION
REGISTERED ARTICLE BOISE, IDAHO

No. _____
INSURED PARCEL

BOISE,

IDAHO.

No. _____

21849

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 10, 1956

Re: Permit No. 21949

To Howard W. Moffatt

c/o Chamber of Commerce, Twin Falls, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21949
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of Works proof was due February 24, 1956

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 21949
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21949 claims the use of 3.2 cubic feet per second of the
waters of Subterranean flow from a well with point of diversion located
SE 1/4 SW 1/4 of Sec. 16., Twp. 9 S., Rge. 22 E., B.M., and
was approved February 24, 1951

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
13th day of July, 1956

Mark R. Kulp
State Reclamation Engineer.

By _____ Assistant.

*going to make of proof
was in office 7-18-56*

21949

March 13, 1956

Re: Permit No. 21949

Mr. Leonard H. Jacob
P. O. Box 426
Twin Falls, Idaho

Dear Mr. Jacobs:

We are in receipt of your letter of March 9, 1956, requesting the necessary form for making of proof of completion of work.

Proof of completion of works should be made on Form 6 enclosed, executed before a Notary Public and returned to this department with the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

RFR
Encl.

21949

LAW OFFICES
LEONARD H. JACOB
P. O. Box 426
TWIN FALLS, IDAHO

RECEIVED
MAR 12 1956
Department of Reclamation

March 9, 1956

Department of Reclamation
State Capitol
Boise, Idaho

Attention: Mrs. Jeanne L. Anderson

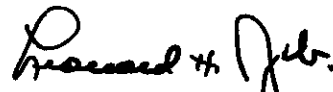
Re: Permit No. 21949

Dear Mrs. Anderson:

Would you please forward me the necessary papers
relative to the making of proof of completion of
works for captioned permit.

With best regards, I remain

Very truly yours,


Leonard H. Jacob

LHJ:m

21949

March 5, 1956

RE: Permits Nos. 21949 - 20311 - 20322

Mr. Leonard H. Jacob
P. O. Box 426
Twin Falls, Idaho

Dear Mr. Jacob:

Acknowledging your letter of February 13, 1956, stating that Mr. Moffat wishes to request an Extension of Time for one additional year in making Completion of Works proof on the above stated Permit. The status of the above captioned Permit is as follows:

Filed February 20, 1951; Completion of Works proof due, February 24, 1956; Beneficial Use proof due, February 24, 1962.

The time said Permit was filed the Applicant was given five years for Completion of Works which is the maximum time allowed on any Permit, therefore, we cannot allow you an Extension of one year on said Permit.

Providing the works were not completed on February 24, it will be necessary for you to refile on said water right. Providing the works are completed we would suggest that you make Completion of Works proof as quickly as possible.

We also wish to acknowledge receipt of the Affidavit sworn to by Arthur D. McClellan and the same will be filed with the records of Permit No. 21949.

The status of Permit No. 20322 filed in the name of Andrew Jean; Amount of filing, 6.4 cubic feet per second; Point of Diversion as amended, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Township 9 South, Range 22 East. Permit assigned to the Moss Land Company.

Permit No. 20311 Applicant, Howard W. Moffat, license issued for 4.42 cubic feet per second appurtenant to the S $\frac{1}{2}$ Section 16, Twp. 9 South, Rge. 22 East. The last above Permit is completed by this Department and if any changes are made transferring the water right from the land to which it is hereby appurtenant as stated in said License, transfer of water right will have to be consummated under statute 42-222, Idaho Code.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

T:cu

Roy W. Thompson, Office Manager

LAW OFFICES
LEONARD H. JACOB
P. O. Box 426
TWIN FALLS, IDAHO

RECEIVED
FEB 14 1956
Department of Reclamation

February 13, 1956

Department of Reclamation
State Capitol
Boise, Idaho

Attention: Mrs. Jeanne L. Anderson

Re: Howard W. Moffat Water
Permit No. 21949

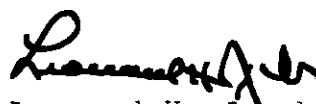
Dear Mrs. Anderson:

Enclosed herewith is an affidavit signed by Arthur D. McClellan, the assignee and purchaser of the Moffat property which is described in the enclosed affidavit. I believe everything is self-explanatory as set out in the affidavit.

Mr. McClellan is able to make proof of completion of works and beneficial use at this time. The other land involved as described in the affidavit is also being purchased under an option and it will be some time before the parties will be able to try and work out an arrangement whereby land owned by each will be traded. For this reason it is requested that the proof of completion of works be extended for one additional year.

If anything further is required, please advise.

Very truly yours,


Leonard H. Jacob

LHJ:m
Encl.

219 4/9

AFFIDAVIT

TO: Department of Reclamation

RE: Water Permit No. 21949

STATE OF IDAHO)
) ss.
County of Minidoka)

ARTHUR D. McCLELLAN, first being duly sworn, deposes and says:

That he is purchasing the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16, Township 9 South, Range 22 E.B.M., in Minidoka County, Idaho, under an Agreement of Sale, dated February 11, 1954, from the record owners, Howard W. Moffat and Alice M. Moffat, and that a copy of said agreement of sale is attached hereto; that there is presently water permit No. 21949 in existence covering said described real property which is in the name of Howard W. Moffat and which has been assigned to your deponent and wife; that an executed copy of said agreement of sale and the original assignment of water permit are in escrow at the Twin Falls Bank & Trust Company of Twin Falls, Idaho; that all payments to Howard W. Moffat are current and none are delinquent.

That there is also in existence water permit No. 20322 covering the north three-fourths of the above described section, and there is also in existence water license No. 20311 covering the S $\frac{1}{2}$ of said described real property with the well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section; that the north three-fourths of said section stands in the name of Homer F. Ramseyer who is selling the same on contract to Roland Goff.

That your deponent is presently negotiating with the record owners and the contract purchasers of the north three-fourths of said section relative to the transfer of certain lands embraced in

21949

said section, by which transfer your deponent would obtain certain of the lands located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said section and the other parties would obtain part of the land being purchased by your deponent in order that it might be more feasible to farm the entire section.

That it is to be noted that there is an overlapping of the two mentioned water permits and the water license and that some disposition should be made relative to the transfer of said permits and license; that it is not feasible at this time to make said transfers until such time as the parties definitely decide what transfers are to be made regarding the real estate involved as heretofore set out.

That your deponent has completed the works covering the S $\frac{1}{2}$ S $\frac{1}{2}$ of said section and can make proof of completion of works and beneficial use at this time, but that the same is not practicable because of the existence of water license No. 20311.

WHEREFORE, affiant prays that the time for making proof of completion of works be extended to February 24, 1957.

Arthur D. McCallan

SUBSCRIBED AND SWORN to before me this 20th day of January, 1956.

Reuben H. Jones
Notary Public for Idaho
Residing at Twin Falls, Idaho.

219-19

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

December 1, 1955

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Howard W. Moffat
C/o Chamber of Commerce
Twin Falls, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 21949 you are required to complete your diversion works on or before February 24, 1956. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

21949
~~21949~~

21949

November 21, 1955

Mr. Leonard H. Jacob
111 2nd Street West
Twin Falls, Idaho

Dear Mr. Jacob:

If there is no conflict of interest and all parties interested desire to obtain license for use of water on the lands on which it is needed and used, the procedure is as follows:

1. Under License No. 20311, make a transfer or change in place of use (see Idaho Statute 42-222) from the lands described in the license to the place where it is actually used or the N $\frac{1}{2}$ and the N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16, Township 9 South, Range 22 East, B.M.
2. Permit No. 20322, appears to be the same well as described in No. 20311 and as such unless more water has been developed in the well, there is no water available for purposes of license.
3. If a transfer is made as suggested in Number 1 above, it leaves Permit No. 21949 free to mature to license in normal manner.

You are correct in the assumption that there was a typographical error in the letter of May 27, 1955. The permit referred to was 21949. The place of use is the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16, rather than the whole S $\frac{1}{2}$.

In further clarification, will say that permits are accepted by this office without checking to see if there is conflict with other permits. In fact, it often occurs and many times intentionally.

Also, Completion of Works Certificates are issued on the sworn statements made on the proofs.

However, Licenses are not issued without an inspection and a careful check up. At that time conflicts are ironed out so that each license is correct, and full compliance with State law has been made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll
cc - Mr. Arthur McClellan

21949

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 21949

Date March 2, 1951

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Howard W. Moffat
C/o Chamber of Commerce
Twin Falls, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 23155.

21949

NAME OF APPLICANT.....Howard Maffat.....

Form No. 0

Twp. 9.S. R. 22.E.

16

Point of Diversion, Well.



21949
Permit Map No. ~~2019~~

As Approved
FEB 24 1951
MARK R. KULP
State Reclamation Engineer

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

Notice is hereby given that at 10 A. M. on the 16th day of February, 1962, at Rupert, County of Minidoka, State of Idaho, before Floyd Fruit, Rupert Abstract Co., proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of subterranean flow in accordance with the terms and conditions of Permit No. 21949 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Arthur McClellan, Paul, Idaho.

The use to which said water has been applied is Irrigation & domestic.

The amount applied to beneficial use is 3.2 cubic feet per second.

The point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 9 S., R. 22 E., B. M.

The place where said water is used S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 14, Twp. 9 S., Rge. 22 East, Boise Meridian.

The date of priority which said user is prepared to establish is February 20, 1951.

Geo. N. Carter

State Reclamation Engineer.

No. 399 Jan. 25 - Feb. 15