

Boyd Porter foreman

Loni Foster = bookkeeper

206' x 20"

160'-170' lift

no drawdown

Mark Pomeroy

Hansen - Pres.

312 to 316 nozzles now in use
Aug 19-54

19 lines 16 joints

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
SEP 9 1954

Department of Reclamation

Produce Shippers, Inc.

Burley, Idaho

A.R. Hinzinger Burley, 598

Permit No. 21128

Harry Benoit J. Fales Ph=253 T.F.

Examination for Completion of works
and Beneficial Use

County Blaine

S.16-85-26E (2 wells)

Ph.=986 Loni Foster Sr.=mgr

Q=12.8 cfs Ph=368 W-

S= Wells

P.D.= center N $\frac{1}{2}$ Sec. 16, T.8S.-R.26E.
" S $\frac{1}{2}$ " " " "

Use = Irrigation & Domestic

P.D. = NE SW S16.

Sprinkler

Room 207 Gen Bldg. Burley

acres for Albertson's

9 A.M. Aug 20-54.

266" = max with no pipe friction the pump

Priority = March 18, 1950

Due = March 28, 1953

Call attention
in report

Concrete platform approx 6x6'
shed type roof only

200 hp U.S. motor 929729

440V. 1800 rpm 240amp

Layne Pump. 21123

Westinghouse & G.E. Control

Pneum. 4' to W. of pump

Well 15' to E of Pump bank

1" to E. thru 10" steel pipe
into mains.

16 3/4 7/16 supported to

10 5/8 1/2 T=59 1/2 F

160 operating 1/8 x 3/16 1/8 x 13/16 29" per

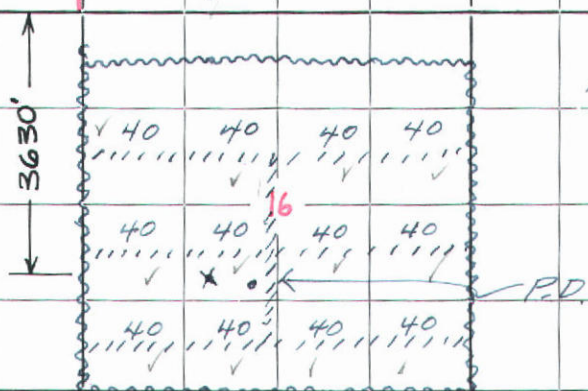
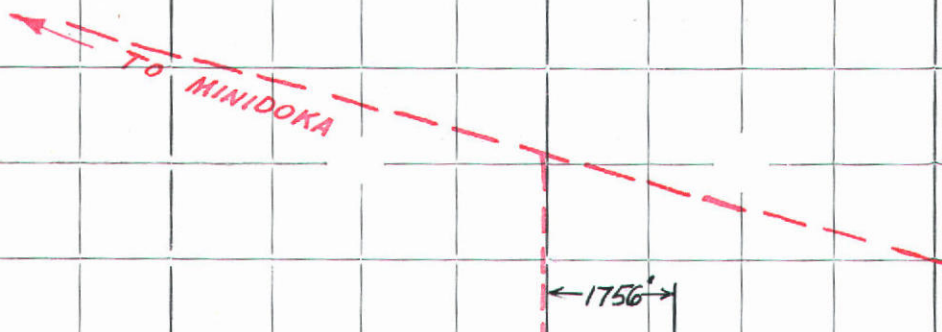
225' x 255' 225' 490 acres

most lines dropped from

the pump

by way 986

Hansen
J.D. Robinson



|||| = Main lines

x = power bank location. obtained fr. Idaho Power by Judd Rose.

$$T = 59\frac{1}{2}^{\circ}F.$$

Area = 480 acres. irrigated

256 — 8.52 gpm from $\frac{3}{4} \times \frac{3}{16}$ nozzles reasonable
= 242" or 1500' inches per day.

$$Q = 242 \text{ inches}$$

P.D. location is approximate.

It is 15' East of the Power bank.

Power banks are located quite accurately by survey.

Affidavit of Publication

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

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

Notice is hereby given that at Two o'clock, P. M., on the 3rd day of March, 1953, at Bank & Trust Bldg., Twin Falls, County of Twin Falls State of Idaho, before Edward L. Benoit, a Notary Public, proof will be submitted of the completion of works for the diversion of 12.80 cubic feet per second of the waters of subterranean water, wells, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21428 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice, address of the person or corporation holding said permit are Produce Shippers, Inc., Burley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 12.80 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 12.80 cubic feet per second.

4. The place where said water is used is Section 16, Township 3 South, Range 26, E. B. M. Blaine County, Idaho.

5. The date of priority which said user is prepared to establish is 3:15 P. M. March 28, 1950.

MARK R. KULP
State Reclamation Engineer
Pub. Jan 29 to Feb. 19

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

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

29th day of January, 1953
and ending with the last publication thereof on the

19th day of February, 1953

Cost of this publication is \$ 14.40

Berwyn Burke
BERWYN BURKE, Publisher.

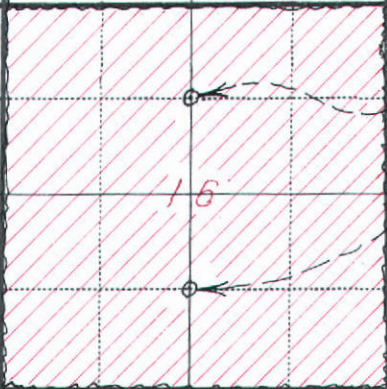
Subscribed and sworn to before me, this 20th day
of February - , 1953.

R. H. McLaughlin
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

21428

T. 8 S., R. 26 E.

17



16

15

Points of Diversion -
2 Wells

Permit Map No. _____
As Approved
MAR 28 1950
MARK R. KULP
State Reclamation Engineer

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02089

1997 DEC -4 AM 10:24
DISTRICT COURT -
TWIN FALLS, IDAHO

NAME & ADDRESS: RICHARD F POTEET
SHERMA F POTEET
788 EAST 800 NORTH
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.84 CFS
1700.0 AFY

PRIORITY DATE: 03/28/1950

POINT OF DIVERSION: T08S R26E S16 SWNESW Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 4.84 CFS 1700.0 AFY
-------------------------------	------------------------------	------------------------------------	------------------------------------

PLACE OF USE:	IRRIGATION T08S R26E S16	Within BLAINE County			
		SWNE 25	SENE 25	NENW 32	NWNW 40
		SWNW 40	SENW 40	NESW 40	NWSW 40
		SWSW 5	SESW 4	NESE 37	NWSE 37
		SWSE 25	SESE 35		
	425 ACRES TOTAL				
CONSUMPTIVE USE:	1275.0 AFY				



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

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

This
Right has been
Decreed in the
SRBA.

MICROFILMED

147 3 8 1971

State of Idaho

License and Certificate of Water Right

Water License No. 21428

Amount 4.84 second feet

Water District No.

Priority March 28, 1950

THIS IS TO CERTIFY that VANNESS ANDERSON and RAY ANDERSON
of Burley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 28, 1950; that Permit No. 21428
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.84 second feet, was issued thereunder on October 1, 1954, showing that said works
were completed on the 3rd day of March, 1953; and that on the 3rd
day of March, 1953,

PRODUCE SHIPPERS, INC., Assignee,

of Burley, 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
~~underground~~ (subterranean flow), for the purpose of irrigation and domestic
use, under Use Permit No. 21428 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
9 of Licenses at page 5365, on the 1st day of October, 1954;

The right hereby confirmed dates from March 28, 1950;

The Point of Diversion is located

in the NE 1/4 SW 1/4 Sec. 16, Tp. 8 S., R. 26 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.84 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	26 E.	16	NE 1/4 NE 1/4	40	--
			NW 1/4 NE 1/4	40	--
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	--
			NW 1/4 NW 1/4	40	--
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	40

Number of Acres Actually Irrigated - 480

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
1st day of October, 1954.

MARK B. KIRK

State Reclamation Engineer.

(SEAL)

36 2084

N^o 21428
36-2089

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

APPLICATION No. 29123
PERMIT No. 21428
DISTRICT No.

Vanness Anderson
Burley, Idaho

Assigned to

1. Name of Applicant: VANNESS ANDERSON and RAY ANDERSON

Postoffice address: Burley

County: Cassia

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 12.80

cubic feet per second.

3. Source of water supply: Subterranean flow (two wells)

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 center of the North Half and South Half
of Section 16 , T. 8 S. , R. 26 E. , B.M., County of Blaine

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

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: \$ 75,000.00

8. Kind of works: Wells, pumps and 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 Three (3) years.

13. The time required for the complete application of the water to the proposed use is None

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: None

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.

VANNESS ANDERSON & RAY ANDERSON

Applicant.

By

Vanness Anderson

Agent.

Date of first receipt at Department of Reclamation: 3:15 March 28, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21428

Recorded in Book 77 Page 21428 Approved March 28, 1950

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 May 28, 1950 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 September 28, 1951

The whole of said work to be completed on or before March 28, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before March 28, 1953

WITNESS My hand this 28th day of March, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of March, 1950.

Countersigned:

(SEAL)

By J. D. "CY" PRICE
Secretary of State.

By C. A. ROBINS
Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8 S.	26 E.	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

ASSIGNMENT OF APPLICATION FOR PERMIT

We, the undersigned, VANNESS ANDERSON and VERDA ANDERSON, husband and wife, of Burley, Cassia County, Idaho, RAY ANDERSON and MARGENE ANDERSON, husband and wife, of Burley, Cassia County, Idaho, for and in consideration of the sum of \$100.00 (one hundred dollars) and other good and valuable consideration, do hereby assign unto PRODUCE SHIPPERS, INC., a corporation, all our right, title, and interest in and to the within application for permit to appropriate the public waters of the State of Idaho, said permit, number being 21428, and we hereby grant and give unto the said Produce Shippers, Inc., a corporation, any and all rights that we, the undersigned, may have gained by reason of said application for permit as above described.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 22nd day of November, 1951.

STATE OF IDAHO)

: ss.

County of Cassia)

VANNESS ANDERSON (SEAL)
VERDA ANDERSON (SEAL)
RAY ANDERSON (SEAL)
MARGENE ANDERSON (SEAL)

On this 22nd day of November, 1951, before me, the undersigned, a Notary Public in and for said State, personally appeared VANNESS ANDERSON and VERDA ANDERSON, husband and wife, and RAY ANDERSON and MARGENE ANDERSON, 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 in this certificate first above written.

My commission expires
Feb. 20, 1954.

(SEAL)

A. H. NIELSON
Notary Public in and for Idaho, residing at Burley therein.

Received and filed for record in the office of the State Department of Reclamation at Boise, Idaho, August 19, 1952.

MARK R. KULP
State Reclamation Engineer

Permit No. 21428

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that PRODUCE SHIPPERS, INC. of Burley, County of Cassia, and State of Idaho, the holder of Permit No. 21428, issued upon Application No. 29123 bearing date of priority of March 28, 1950, authorizing the diversion of 12.80 second feet of the waters of subterranean flow from wells County of Blaine, 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 4.84 second feet of the waters of one well; that the point of diversion of said waters is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 8 South, Range 26 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All of Section 16, Township 8 South, Range 26 East, B. M.

Witness my hand this 1st day of October, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made March 3, 1953.
Certificate of Completion of Works issued October 1, 1954.

LICENSE ISSUED FOR 4.84 SEC. FT.

Pg. 5365

This
Right has been
Decreed in the
SRBA.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2001

Richard Poteet
788 East 800 North
Rupert, ID 83350

Re: Notice of Violation and Cease and Desist Order; Diversion of Water not in
Conformance with a Valid Water Right

Dear Mr. Poteet,

Enclosed is a Notice of Violation and Cease and Desist Order regarding your diversion of
ground water to an unauthorized place of use. Please note all civil penalties and
compliance dates stipulated in the attached order. Please also note your opportunity to
request a compliance conference concerning this matter as well as the time frame and
manner in which such a request must be made.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Tim Luke'.

Tim Luke
Water Distribution Section Manager

Encl.

Cc: Allen Merrit, Southern Region Manager
Cindy Hodges, Southern Region

MICROFILMED

JAN 03 2002

Original Order

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF DIVERSION)
OF WATER BY RICHARD POTEET)
NOT IN CONFORMANCE WITH)
VALID WATER RIGHTS)

**NOTICE OF VIOLATION
AND CEASE AND DESIST ORDER**

The Director of the Department of Water Resources (department), being charged with the duty of protecting vested water rights, enforcing certain statutes of the state of Idaho and the rules of the department, and being authorized to order the cessation of violations or attempted violations of the provisions of the law relating to appropriation and distribution of water, has investigated the use of water by Richard Poteet (herein referred as Poteet).

Based on the department's investigation and understanding of the law, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. On June 14, 2001 a department representative inspected irrigated lands located in T8S, R26E, Section 16, NE1/4. The department examiner confirmed the existence and use of a center pivot irrigation system located in the NE1/4 of Section 16 and that approximately 40 acres of land under this pivot were being irrigated without a valid water right. The field examiner noted that the approximate 40 acres had been planted in grain during 2001.
2. On July 2, 2001, the department sent correspondence to Poteet advising him that the department could find no valid water rights appurtenant to approximately 40 acres of irrigated land in the NE1/4 of T8S, R26E, Section 16. The correspondence asked Poteet to respond to the Department within ten days to provide evidence of valid water rights or pursue the acquisition of a valid right. Poteet was also asked to cease or discontinue irrigation of the approximate 40 acres.
3. On July 13, 2001, Poteet contacted the department representative who investigated the irrigation use in the NE1/4 of Section 16, T8S, R26E on June 14, 2001. Poteet acknowledged an expansion of irrigated acreage in the NE1/4 of Section 16 but advised the department representative that he thought the additional land in question was covered by valid water rights. He explained that he had believed that water right filings made in the Snake River Basin Adjudication (SRBA) resolved the expansion. The

MICROFILMED

department representative advised Poteet to make an appointment with the department's regional office to discuss resolution of this problem.

4. Aerial photographs on record with the department indicate that the approximate 40-acre expansion in the NE1/4 of Section 16, T8S, R26E was not accomplished prior to November of 1987, or the commencement of the Snake River Basin Adjudication. It is unlikely therefore that a water right would have been recommended by the department or decreed in the SRBA if the expansion did not exist prior to November of 1987.

5. Upon additional review of aerial photographs and satellite images on record with the department, department staff found an additional eight acres of land that appeared to be irrigated without a valid water right in the NWNE and SWNE of Section 16, T8S, R26E. The eight acres in question appear to be an expansion of an irrigation system used in the west half of Section 16. The land in the west half of Section 16 is included under a valid water right.

6. Department staff made a second field visit of the Poteet property in Section 16 on August 30, 2001. The examiner confirmed that the grain irrigated earlier in the season by the pivot system in the NE1/4 of Section 16, including the 40-acre expansion, had been harvested. The examiner also confirmed that the eight-acre expansion located in the NWNE and SWNE of Section 16 was planted in sugar beets and irrigated during 2001.

7. As of September 4, 2001, Poteet has not taken any action that might bring his water use into compliance with valid water rights.

CONCLUSIONS OF LAW

1. Idaho Code 42-1701B(6)(a) states, in pertinent part:

...that persons determined to be in violation of section 42-351, Idaho Code, shall be liable for a civil penalty not to exceed:

(ii) For irrigation uses, three hundred dollars (\$300) annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

2. A field investigation by the department on June 14, 2001 confirmed that ground water was diverted and used on approximately 40 acres of land owned by Poteet in T8S, R26E Section 16, NE1/4 without a valid water right.

3. A second field examination by the Department on August 30, 2001 confirmed that ground water was diverted and used on an additional eight acres of land owned by Poteet in T8S, R26E Section 16, NE1/4 without a valid water right. This same field inspection confirmed that a crop had been harvested from the other 40-acre expansion that was first investigated on June 14, 2001

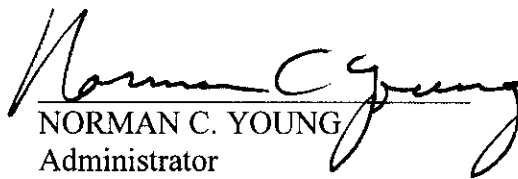
4. The director should issue a Notice of Violation instructing Poteet to cease and desist from diversion and use of water in the NE1/4 of Section 16, T8S, R26E.

ORDER

IT IS HEREBY ORDERED as follows:

1. Poteet shall cease and desist diverting water to approximately 48 acres of land in the NE1/4 of Section 16, T8S, R26E.
2. For failure to comply with the law and any authorized water rights, Poteet shall pay a twelve thousand-dollar (\$12,000.00) civil penalty to the department. The penalty shall be paid by October 1, 2001.
3. For any future diversion of ground water or application of ground water that is not in compliance with valid water rights, or by subsequent order and decision by the department, Poteet shall pay a civil penalty of three hundred dollars (\$300) annually per acre for each acre irrigated not in conformance with valid water rights.
4. Poteet is entitled to a **Compliance Conference** if Poteet submits a written request for a conference to the department within fourteen (14) days of receipt of the Notice of Violation.
5. Poteet shall have the opportunity to enter into a **Consent Agreement** with the Department to remedy the violation and to assure future compliance with the laws of the State of Idaho.

DATED this 6TH day of September, 2001.


NORMAN C. YOUNG
Administrator
Water Management Division

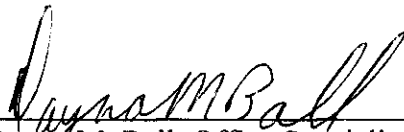
Attachment A

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 7th day of Sept., 2001, the attached Notice of Violation and Cease and Desist Order was served upon the following individuals by placing a copy of the same in the United States Mail, postage prepaid, certified with a return receipt and properly addressed as follows:

Gem Valley Farms
C/O Chad Neibaur
1550 Central Rd.
Bancroft, Id 83217

Cert Mail 7099 3220 0006 268 8 0259



Dayna M. Ball, Office Specialist II
Water Distribution Section

MICROFILMED
OCT 09 2002

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

October 4, 1954

RE: Permit No. 21428

Produce Shippers, Inc.
Burley
Idaho

Gentlemen:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. 21428 confirming your right to the use of 4.84 second feet of water from a well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 8 South, Range 26 East B.M. with priority of March 28, 1950 for irrigation and domestic use on the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ W $\frac{1}{4}$, S $\frac{1}{2}$ of said Section.

We also enclose departmental receipt No. 26949 for \$29.00 paid in connection with completion of works and beneficial use proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

21428

TELEPHONE

Produce Shippers, Inc.

TELETYPE

GROWERS *Potatoes - Onions* SHIPPERS

P. S. I BRAND

U. S. Ones

P. S. BRAND

U. S. Ones

CIRCLE P BRAND

Utilities

TENS • QUARTERS • FIFTIES • HUNDREDS

OFFICES BURLEY, IDAHO

283 GEN BUILDING

Minidoka, Idaho

PHONE 986

P. O. BOX 459

Burley, Idaho. Sept. 24, 1954.

State of Idaho.
Department of Reclamation,
Boise, Idaho.

Re permit 21428

Gentlemen:

Per your letter of Sept. 18th, please issue us a
Certificate of Completion of Works and a License covering the
above permit.

We are enclosing our check # 174 in the amount of 29.00
to cover the Certificate fee and the License fee at 2.00 per 40 acre
sub-division.

Thanking you again, we are

Yours very truly,

PRODUCE SHIPPERS INC.,

By *Hester*

RECEIVED
SEP 27 1954
Department of Reclamation

500
2400

2900

21428

✓
September 18, 1954

RE: Permit No. 21428

Produce Shippers, Inc.
Butley
Idaho

Gentlemen:

The report of our field engineer on examination for completion of works and beneficial use on your Permit No. 21428 shows that your well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 8 South, Range 26 East B.M. will deliver 242 inches of water which has been used to irrigate 480 acres in the S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ of Said Section.

A Certificate of Completion of Works and License can therefore be issued for that amount upon receipt of the statutory fees amounting to \$5.00 for Certificate of Completion of Works and \$24.00 license fee, the latter being at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21428

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

Permit No. 21428This proof is for Completion of works and Beneficial use in Water District No. _____1. Name of applicant Produce Shippers, Inc., A. R. Huizinga, Manager, Burley, Idaho (Box 429)2. Source of water supply: Subterranean flow from well.3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 8 S., R. 26 E., of Section 16T. 8 S. R. 26 E. County of Blaine4. Describe works as they exist, giving dimensions and capacities of same: Concrete base, approximately 6' x 6'. Shed type roof for protection. 200 h.p. U.S. motor No. 929829. Layne pump No. 21123. Westinghouse and G.E. controls. Delivery is to the East through 10" steel pipe into mainsfor a sprinkler system. Well is 15' to the East of the power pole. Nozzles were reported as being 3/32 by 3/16. Total of 256. Inspection showed various size nozzles were being used.Pressure at the pump was 29 lbs. The foreman said this was the regular operating pressure.T = 59 $\frac{1}{2}$ ° F. Sprinkler system.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):

All of Section 16, Township 8 South, Range 26 East, B. M., (except the N $\frac{1}{2}$ N $\frac{1}{2}$)See Map.

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

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

Remarks: This filing and proof was discussed with Mr. Huizinga, the manager of Produce Shippers on the evening of August 24. He stated that this proof had probably been made prematurely and was done upon the advice of an attorney who said it had to be done and they may as well get at it. He feels that the amount of water determined on this inspection is insufficient and not a true record of the possibility of the pump. He states that the year previous they had the whole place in potatoes and that the pump furnished ample water for the irrigation of same. He therefore requests permission to withdraw this proof and asks for sufficient time up to the amount allowed by law in order to develop as much as possible of the 12.8 c.f.s.

Talked to L. D. Robbins on Aug. 23-34. Advised O.K. to turn it in.

This examination was made on the 25th day of June, 1953.(Signed) E. M. Humphrey Examiner.

21428

Boyd Porter - foreman

Lon Foster - bookkeeper

206' x 20"

160'-170' lift

no drawdown

Mark Pomeroy

Hansen - Pres.

3/2 to 3/6 nozzles now in use
Aug 19-54

19 lines 16 joints

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
SEP 9 1954

Department of Reclamation

899 J
Reclamation Service, Inc.
Bureau of Reclamation
Washington, D.C.
Field No. 2122
Name of Project J. Foster
Beneficial Use
Completion of work
Beneficial Use

County Blaine
S. 16 - 85 - 26E (2 miles)
Ph. = 986 Lon Foster Sr. = ing
Q = 12.8 cfs Ph = 368W

S = Wells

~~PD = under S. 16, T. 26N, R. 26E
S. 16~~

Use - Irrigation & Domestic

PD = NE SW 5/16

Sprinkler

Room 207 from R. 26E, Blaine
average alluvium
99 m. Aug 20-53.

266" = map with no pipe from the pump

Priority = March 28, 1950
Due = March 28, 1953

Call on
in report

Concrete platform approx. 6' x 6'
shed type roof only

200 hp U.S. motor 929829
440V. 1800 rpm 240amp

Layne Pump. 21103

Westinghouse + G. E. Control

Pneumo 4' to W. of pump

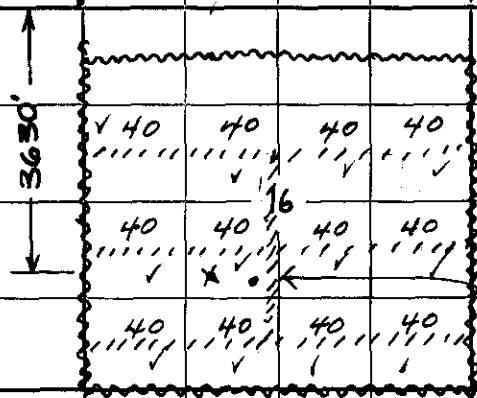
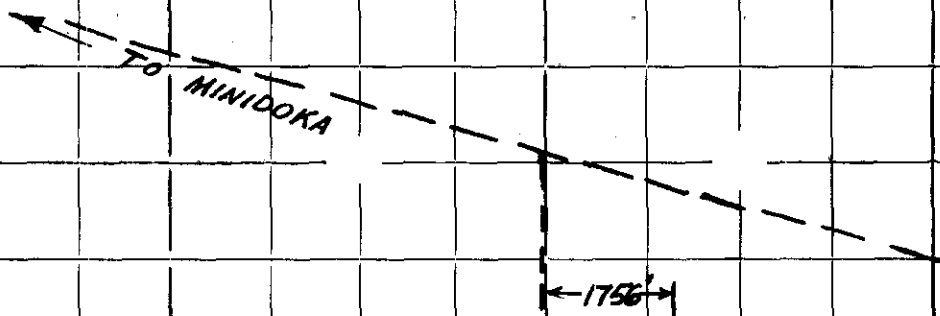
Well 15' to E. of pump
del. to E. thru 10" steel pipe
into mains

16
16
96
3/2 x 3/4 nozzle
T = 59 1/2 °F
100 operating
1/2 x 3/4 1/8 x 13/16 29"

7.85' x 256 223"
490 acres

most lines dropped from the pump

986 from 986
Hansen
Mr. Reclamation



||||| = Main lines

X = power bank location. obtained fr. Idaho Pwr by Judd Rose.

$T = 59\frac{1}{2}^{\circ}F$

Area = 480 acres. irrigated

256 - 8.529 pm from $\frac{3}{32} \times \frac{3}{16}$ nozzle reasonable
= 242" or 1505 inches, p.m.d.

Q = 242 inches

P.D. location is approximate.

It is 15' East of the Power bank.

Power banks are located quite accurately by survey

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21428

REPORT ON PROOF OF Completion of Works & Beneficial Use

PRODUCE SHIPPERS, Inc., Burley, Idaho

4.84 cfs
max

app 12,800 cfs

480 acres
12.40's

January 4, 1954

RE: Permit No. 21428

Produce Shippers Inc.
Burley
Idaho

Gentlemen:

We have received no reply to our letter to you of November 7, 1953.

When I talked with Mr. Huizinga, manager of Produce Shippers, on the evening of August 24th, he stated that this proof had probably been made prematurely. He feels further that the amount of water determined on this inspection is insufficient and not a true record of the possibility of the pump. He states that he feels certain that more water was pumped the previous year.

In as much as proofs were made before necessary, Mr. Huizinga said that he believed it would be best to withdraw the proofs and develop the amount of water asked for on the permit if possible before resubmitting proofs.

The letter written on November 7th stated in the second paragraph and I quote "It will be necessary for this department to have a letter from you requesting:

- (1) Permission to withdraw your proof of Completion of Works and Beneficial Use.
- (2) Requesting an extension of time for submitting such proofs.

The time for making proof can be extended until March 28, 1955.

If we do not hear from you regarding this in the very near future, I shall consider this report correct and submit same to the chief clerk for processing.

License under this report can be granted for an amount of 242 inches of water covering an area of 480 acres.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H/re

214 38

November 7, 1953

RE: Permit No. 21428

Mr. A. R. Huizinga
Box 429
Burley, Idaho

Dear Mr. Huizinga:

This letter is written in accordance with our conversation of August 24, 1953, in regard to Permit No. 21428 in the name of Produce Shippers, Inc.

It will be necessary for this department to have a letter from you requesting (1) permission to withdraw your proofs of completion of works and beneficial use and, (2) requesting an extension of time for submitting such proofs.

The letter should be addressed to Mark R. Kulp, State Reclamation Engineer and the enclosed form of application for extension of time should be used.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg
Enc.

21428

June 17, 1953

RE: Permit No. 21428

Produce Shippers Company
Burley
Idaho

Gentlemen:

Complying with state law, an inspection by a member of this department is required before license can be issued on your Permit No. 21428.

I hope to be in your area the latter part of the week of June 22, at which time I shall try to contact you in regard to the above inspection. I will probably want to make this inspection on the afternoon of June 25.

Will you please be prepared to accompany me on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21428

March 10, 1953

RE: Permit No. 21428

Messrs. Benoit & Benoit
Bank & Trust Building
Twin Falls, Idaho

ATT: Mr. Harry Benoit

Dear Mr. Benoit:

We have your letter of March 6, 1953, and note that the N $\frac{1}{2}$ NE $\frac{1}{4}$ and N- NW $\frac{1}{4}$ Section 16, Township 8 South, Range 26 East, B.M., was intentionally omitted from the proof of completion of works and beneficial use on the above numbered permit.

The affidavit of publication in the Hailey Times enclosed in your letter, completes the proof on this permit, but 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 Mr. Huizinga or some other representative of Produce Shippers at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21428

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

March 6, 1953

RECEIVED
MAR 9 1953
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

Re: Permit 21428

This will acknowledge receipt of your letter of
March 5th returning our check for \$5.00.

We intentionally did not include the N $\frac{1}{2}$ NE $\frac{1}{4}$ and
the N $\frac{1}{2}$ NW $\frac{1}{4}$ for the reason that said 160 acres was
not irrigated.

Enclosed herewith you will find affidavit of pub-
lication of notice in the Hailey Times that we
received today.

Very truly yours,

BENOIT & BENOIT

by

Harry Benoit

Harry Benoit.

hb:ec
Enc.

21428

Affidavit of Publication

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

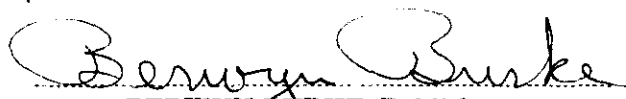
BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

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

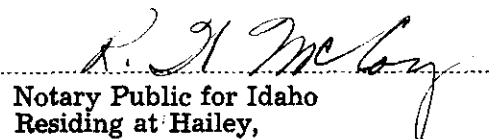
29th day of January, 1953
and ending with the last publication thereof on the

19th day of February, 1953

Cost of this publication is \$ 14.40


BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 20th day
of February - , 1953.


Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

21438

✓
March 5, 1953

RE: Permit No. 21428

Messrs. Benoit & Benoit
Bank & Trust Building
Twin Falls, Idaho

ATT: Mr. Harry Benoit

Dear Mr. Benoit:

We acknowledge receipt of your letter of March 3, 1953, enclosing depositions of A. R. Huizinga, for the Produce Shippers, and two witnesses in proof of completion of works and beneficial use on Permit No. 21428. Also your check for \$5.00.

We have not yet received the affidavit of publication and the Hailey Times was instructed to send it to the applicant together with the bill, and we suggest that the Produce Shippers take the matter up with that paper as the affidavit of publication is an essential part of the proof.

We note that while the permit describes all of Section 16, the proofs do not include the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$. Probably this was done intentionally, but we call it to your attention in case the omission was an oversight.

Since final action in regard to these proofs will not be taken until after a field inspection by an engineer from this department, the fees are not due at the present time so we return your check for \$5.00, submitted in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21428

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

March 3, 1953

RECEIVED
MAR 4 1953

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

Re: Permit No. 21428

Enclosed herewith you will find executed deposition of holder and two witnesses, which I hope will meet with your approval. We had written to the Hailey Times asking them to send the affidavit of publication, together with their bill. The last publication was February 19th, but I did not receive the affidavit. I assume that the same was sent to your office. Please let us know if this is correct, and if you have the bill kindly send it to us and we will see that the same is paid. *no -*

Enclosed is our check for \$5.00 in payment of your fee for certificate of completion of works. *action*

Very truly yours,

BENOIT & BENOIT

by

Harry Benoit
Harry Benoit.

hb:ec
Encs.

21428

All sent in permit

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 21428

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

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

Ans. A. R. Huizinga, Burley, Idaho, Farmer and Produce Business,
P. O. Box 459, Burley, Idaho

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

Ans. Acting on behalf of Produce Shippers, Inc., an Idaho corporation,
with principal place of business at Burley. My authority is
that I am vice president and manager of the corporation.

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

Ans. Permit No. 21428, dated March 28, 1950, priority date March 28, 1950

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

Ans. Subterreanean water from well located in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16,
Tp. 8 So., Rge. 26, E.B.M., Blaine County, Idaho.

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.

Ans. Water pumped from well with 200 H.P. motor, then carried in ten
inch pipe to sprinkling system consisting of 20 one-eighth mile
long lines of 3 inch sprinkling pipe, capable of conveying from
well to place of use 6 cubic feet per second. Well is 214 feet
deep with 169 feet of 16 inch casing and 76 feet and eight inches
of 18 inch casing, and water stands 185 feet from ground level;
Discharge of pump 300 miners' inches, measured and determined by
orifice plate method.

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 for irrigation of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; SE $\frac{1}{4}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$;
NW $\frac{1}{4}$ of SW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$; SW $\frac{1}{4}$ of SW $\frac{1}{4}$;
SE $\frac{1}{4}$ of SW $\frac{1}{4}$; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 16, Tp. 8 S. Rge. 26 E.
40 acres in each of above subdivisions actually irrigated. Land
cultivated and crops grown thereon during years 1950, 1951 and 1952.
Building and fence on said premises.

21428

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. 6 cubic feet per second

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. Purchased land from owner of permit and same was assigned by said owners.

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

Ans. The water has been used during the years 1950, 1951 and 1952 to irrigated the lands described under question 6 and crops have been grown upon said lands during said years, and the amount of water used is 6 cubic feet per second.

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. None

(Sign) *A. R. Hering*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 3rd day of March, A. D. 1953,

Edward L. Beroit
Notary Public, Twin Falls, Idaho

My commission expires June 1, 1955

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 21428

Proof of Application of Water to Beneficial Use

Deposition of Witness

and Completion of Works

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. T. D. Foster, 64, Burley, Bookkeeper, Burley, Idaho

Ques. 2. Are you acquainted with Produce Shippers, Inc., the holder of Permit No. 21428? How long have you known him and where does he reside?

Ans. I have known A. R. Huizinga, the Manager and Vice President of said corporation for two years. The principal place of business of the corporation and the residence of Mr. Huizinga is Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21428, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Subterranean water from well located in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, Tp. 8 So. Rge 26 E.B.M., Blaine County, Idaho. Water pumped from well with 200 H.P. motor, then carried in ten inch pipe to sprinkling system consisting of 20 one-eighth mile long lines of 3 inch sprinkling pipe.

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

Ans. 6 cubic feet per second.

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

Ans. I have during the years 1951 and 1952 seen enough water pumped from the well to irrigate 480 acres of land, sufficient to raise good crops thereon and have estimated the amount so pumped as six cubic feet per second, and have further estimated said amount from conversations had with the drillers of said well who made measurements by use of orifice plate method.

21428

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. ~~Used for irrigation of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; SE $\frac{1}{4}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; NW $\frac{1}{4}$ of SW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$; SW $\frac{1}{4}$ of SW $\frac{1}{4}$; SE $\frac{1}{4}$ of SW $\frac{1}{4}$; SW $\frac{1}{4}$ of SE $\frac{1}{4}$; SE $\frac{1}{4}$ of SE $\frac{1}{4}$; Sec. 16, Tp. 8 S. Rge 26 E.~~
~~40 acres in each of above subdivisions actually irrigated. Land cultivated and crops grown thereon during years 1951 and 1952.~~
~~Building and fence on said premises.~~

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

Ans. _____

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

Ans. ~~The land irrigated was arid land in sagebrush and has been reclaimed by use of said water and six cubic feet per second is required for its profitable cultivation.~~

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. ~~In the years 1951 and 1952 I have witnessed the application to beneficial use of water diverted under said permit to irrigate 480 acres of land upon which crops were raised and that there was sufficient water during said years to irrigate said lands for the growing of crops thereon.~~

(Signed) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____ Twin Falls _____,
County of _____ Twin Falls _____, State of Idaho, on this 3rd day of _____ March _____,
A. D. 1953 _____.

Edward L. Beant

Notary Public.
Twin Falls, Idaho

My commission expires June 1, 1955 _____.

21428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21428

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

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. Vanness Anderson, 40, Burley, Idaho, Farmer, Burley, Idaho

Ques. 2. Are you acquainted with Produce Shippers, Inc., the holder of Permit No. 21428? How long have you known him and where does he reside?

Ans. I have known A. R. Huizinga, the Manager and Vice President of said corporation for two years. The principal place of business of the corporation and the residence of Mr. Huizinga is Burley, Idaho

Ques. 3. Have you read or heard read said Permit No. 21428, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. Subterranean water from well located in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, Tp. 8 So. Rge 26, E.B.M., Blaine County Idaho.

Ans. Water pumped from well with 200 H.P. motor, then carried in ten inch pipe to sprinkling system consisting of 20 one-eighth mile long lines of 3 inch sprinkling pipe.

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

Ans. 6 cubic feet per second.

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

Ans. I farmed the 480 acres of land irrigated with water from said well in 1950, and have seen said lands irrigated in 1951 and 1952, and have seen the pump on said well deliver six cubic feet per second which I have estimated because of the number of acres irrigated and upon which crops were raised during said years and from my experience in irrigating for many years.

21428

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. Used for irrigation of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; SE $\frac{1}{4}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; NW $\frac{1}{4}$ of SW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$; SW $\frac{1}{4}$ of SW $\frac{1}{4}$; SE $\frac{1}{4}$ of SW $\frac{1}{4}$; SW $\frac{1}{4}$ of SE $\frac{1}{4}$; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 16, Tp. 8 S. Rge 26 E. 40 acres in each of above subdivisions actually irrigated. Land cultivated and crops grown thereon during years 1950, 1951 and 1952. Building and fence on said premises.

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

Ans. _____

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

Ans. The land irrigated was arid land in sagebrush and has been reclaimed by use of said water and six cubic feet per second is required for its profitable cultivation.

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, except that I am part owner of a mortgage covering said lands.

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. In the years 1950, 1951 and 1952 I have witnessed the application to beneficial use of water diverted under said permit to irrigate 480 acres of land upon which crops were raised and that there was sufficient water during said years to irrigate said lands for the growing of crops thereon.

(Signed) Harmon Anderson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this 3rd day of March, A. D. 1953.

Edward L. Benoit

Notary Public.
Twin Falls, Idaho

My commission expires June 1, 1955

21428

State of Idaho
ENGINEERING DEPARTMENT

BOISE

Re: Permit No. 21428
Produce Shippers

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Edward L. Benoit
Notary Public
Bank & Trust Bldg.
Twin Falls, Idaho

Boise, Idaho, **February 25, 1953**

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of ~~works~~ **and beneficial use** under Permit No. ~~21428~~-----

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On ----~~March 3, 1953~~----, the date set for proof of completion of works/**and beneficial use** the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at ----~~Twin Falls, Idaho, before Edward L. Benoit, Notary Public.~~-----

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

MARK R. KULP

Commissioner of Reclamation

21428

January 27, 1953

RE: Permit No. 21428

Mr. Harry Benoit
Bank & Trust Building
Twin Falls, Idaho

Dear Mr. Benoit:

In reply to your letter of January 26, 1953, in regard to Permit No. 21428 of the Produce Shippers, Inc.

It will make no difference if the notice describes more than is actually proved up on, because the license will be governed by the amount actually used.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21428

Date: January 22, 1953

Hailey Times

Hailey, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **March 3, 1953**, the date set for proof, the expense of the publication to be paid by the applicant, **Produce Shippers, Inc.**

of **Burley, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

21428

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

Notice is hereby given that at Two o'clock, P. M., on the 3rd
day of March, 19 53, at Bank & Trust Bldg., Twin Falls, County of
Twin Falls State of Idaho, before Edward L. Benoit,
a Notary Public,
proof will be submitted of the completion of works for the diversion of 12.80
cubic feet per second of the waters of subterranean water, wells, and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. 21428 heretofore issued by the Department of Reclamation
of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are Produce Shippers, Inc., Burley, Idaho.

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use, in accordance with the plans accompanying the appli-
cation for such permit, is 12.80 cubic feet per second.

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

4. The place where said water is used is Section 16, Township
8 South, Range 26, E. B.M., Blaine County, Idaho.

5. The date of priority which said user is prepared to establish is
3:15 P.M. March 28, 1950.

MARK R. KULP

State Reclamation Engineer

21428

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

RECEIVED
JAN 27 1953
Department of Reclamation

January 26, 1953

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir: Re: Permit 21428 - Produce Shippers, Inc.

My son handed to you the notice to be published. In the permit the amount of water set forth is 12.80 cubic feet for 640 acres and also state that there are two wells. In preparing the notice I followed the permit, but find that there is but one well and not that much water nor that many acres irrigated. I am wondering if that makes any difference insofar as the notice is concerned. I assume not as the license would provide only what is proved.

Please let me hear from you.

Very truly yours,

Harry Benoit

21428

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 21, 1952

(P. O.) Box 459, Burley, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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

Producers Shippers, Inc.

By A. R. Hargis
Vice President

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

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

Engineer.

21428

January 16, 1953

RE: Permit No. 21428

Messrs. Benoit & Benoit
Bank & Trust Building
Twin Falls, Idaho

ATT: Mr. Harry Benoit

Dear Mr. Benoit:

In reply to your letter of January 15, 1953, in regard to notice for proofs on Permit No. 21428.

The notice must be published in Blaine County, although the proof can be made at any place convenient for the applicant and his two witnesses.

We enclose the necessary forms of depositions to be used in making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21428

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

January 15, 1953

RECEIVED
JAN 16 1953

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Capitol Building
Boise, Idaho

Re: Permit 21428

Dear Sir:

Referring to your communication of January 2 advising that proof on the above permit must be made not later than March 28, 1953, it is my understanding that notice can be published in a paper in Twin Falls and the depositions taken here even though the property is located in Blaine County. Am I correct in this?

Will you be good enough to send me forms for the taking of the necessary depositions.

Very truly yours,

BENOIT & BENOIT

by

Harry Benoit

hb:g

8-26- Blaine -

needs

21428

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Produce Shippers, Inc.
C/o Mr. Harry Benoit
Bank & Trust Bldg.
Twin Falls, Idaho

Boise, Idaho

January 2, 1953

Dear Sir:

completion of works and

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21428. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than March 28, 1953, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21428

✓
August 20, 1952

RE: Permit No. 21428

Messrs. Benoit & Benoit
Bank & Trust Building
Twin Falls, Idaho

ATT: Mr. Harry Benoit

Dear Mr. Benoit:

We return the assignment of Permit No. 21428 from Vanness and Ray Anderson to Produce Shippers, Inc., which has been recorded in this department, and we also enclose departmental receipt No. 24792 for the 50 cents recording fee.

In reply to that part of your letter in regard to publication for proof of completion of works, will state that publication is required on all permits for over 6.4 cubic feet per second. This particular permit is for 12 second feet.

This proof can be made in Twin Falls even though, as you state, the publication will have to be made in Blaine County.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21428

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

August 18, 1952

RECEIVED
AUG 19 1952
Department of Reclamation

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Referring to our letter of August 14 and your reply thereto of August 15, we are enclosing herewith assignment of permit no. 21428 executed by Vanness Anderson and Ray Anderson and their wives to Produce Shippers, Inc. Please have this assignment recorded and return the same to us. Enclosed is our check for 50 cents payment of your fee.

We were not aware that it is now necessary to publish notice of hearing on proof for completion of works. Proof of completion of works and beneficial use will be made at the same time. Is it now your procedure to send to you the notice to be published with instructions for publishing the same? This property lies in Blaine County and a notice will have to be published in a newspaper in that county. However, can the hearing be had in Twin Falls?

Very truly yours,

BENOIT & BENOIT

by

Harry Benoit

hb:g
Enc. 2

21428

12-14-52

Permit 21428

August 15, 1952

Messrs. Benoit & Benoit
Bank & Trust Bldg.
Twin Falls, Idaho

Attention- Mr. Harry Benoit

Dear Mr. Benoit:

In reply to your letter of August 14th, in regard to the assignment of the above numbered permit in the name of Vanness and Ray Anderson:

No assignment of this permit has been recorded in this department.

Both proof of completion of works and beneficial use are due on this permit at the same time- March, 1953, and we are not sure from your letter which you wish, the form for both proofs or only for proof of completion of works.

Form 8 is the form for notice of completion of works, and Form 36 for both proofs. In either case the notice should be filled out in duplicate and returned to this department, with Form 11, which is authorization for us to have the notice published at permit holder's expense in the designated county newspaper.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Encls.

21428

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

August 14, 1952

RECEIVED
AUG 15 1952
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Re: Permit No. 21428,
Vanness and Ray Anderson.

Dear Mr. Kulp:

We have in our office the above application and attached thereto is an assignment to Produce Shippers, Inc., an Idaho corporation, dated November 22, 1951. We were not handling this matter at that time and we desire to know whether the assignment is a matter of record in your office. If not, we will send the same so that it may be recorded. md

Please send the necessary blanks for proof of completion of works.

Very truly yours,

BENOIT & BENOIT

By *Harry Benoit*

hb:gg

21428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21428

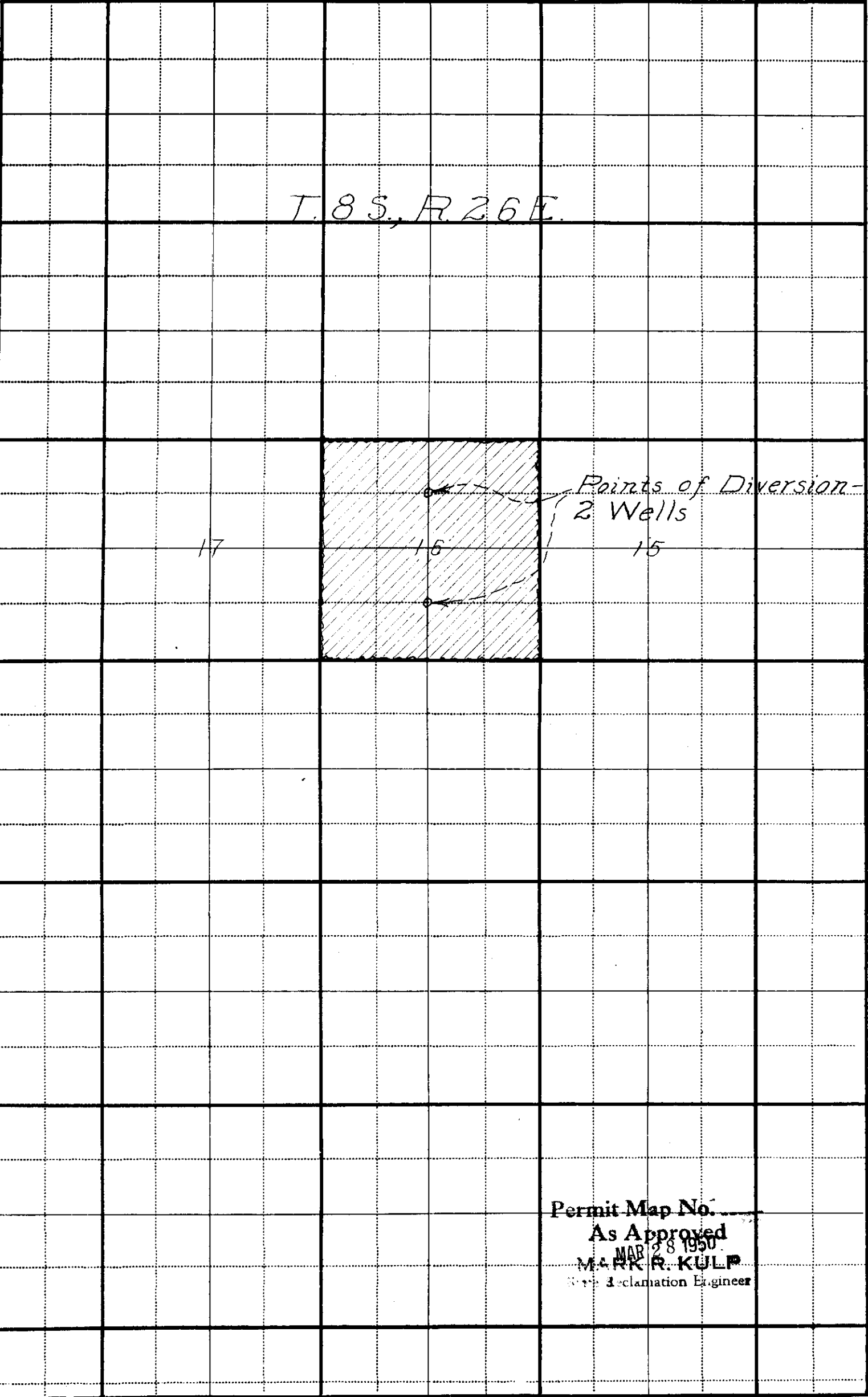
Date April 6, 1950

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.

Vanness Anderson & Ray Anderson
C/o Vanness Anderson
Burley, Idaho

MARK R. KULP
State Reclamation Engineer

21428



**NOTICE OF PROOF OF
COMPLETION OF WORKS AND
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at Two o'clock, P. M., on the 3rd day of March, 1953, at Bank & Trust Bldg., Twin Falls, County of Twin Falls State of Idaho, before Edward L. Benoit, a Notary Public, proof will be submitted of the completion of works for the diversion of 12.80 cubic feet per second of the waters of subterranean water, wells, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21428 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Produce Shippers, Inc., Burley, Idaho.

2 Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 12.80 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 12.80 cubic feet per second.

4. The place where said water is used is Section 16, Township 8 South, Range 26, E. B. M. Blaine County, Idaho.

5. The date of priority which said user is prepared to establish is 3:15 P. M. March 28, 1950.

MARK R. KULP
State Reclamation Engineer
Pub. Jan 29 to Feb. 19