

November 28, 1967

Re: Permit No. 20411  
John J. Bell

Charles H. Creason  
Creason & Creason  
Attorneys at Law  
Rupert, Idaho 83350

Dear Mr. Creason:

We are in receipt of your letter of November 15, 1967 on the above referenced permit.

Please be advised that the application for amendment has been approved, and your assignment duly recorded. Enclosed is a copy of the approved amendment and the assignment. Also enclosed is the department's receipt No. 176 in the amount of \$5.00 to cover the application for amendment.

As soon as the department is in receipt of the required \$8.00 licensing fee, we shall proceed with the issuance of the license under this permit. Enclosed is a copy of the department's letter of September 13, 1957 requesting the fee.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:ks

Enclosure: Approved amendment copy  
Receipt No. 176 for \$5.00  
Copy of assignment  
Copy of September 13, 1957 letter

cc: John J. Bell of Jones & Bell  
Rupert, Idaho

*fee paid  
12-5-67  
mw*

*20411*

C  
O  
P  
Y

# 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  
AUG 20 1957  
Department of Reclamation

Examination for Beneficial Use

County - Minidoka -

21-7S.-24E.

Q2 3.2 ac's.

S = Well.

P.D. = SW. SE, Sec. 21, T. 7S. - R. 24E.

Use = Irrigation & Domestic

Filed - April 13, 1948

Sue - April 22, 1957

Q/W = 8-4-53

John Dietz  
Rupert, Idaho

Permit No. ,20411

Well 300+ x 20"

209' - pumping lift

Pump - Worthington #T1322-87

Discharge pipe 10"

Motor U.S. #852769 - P125

V-440

Amps 151

RPM - 1850

Meter - Housed & Locked.

No Housing.

Q = 80 Sec. for 300 C.S.  
= 3.75 C.F.S.  
= 187 1/2 Miners Incher

Went out at 6 AM. from  
Rupert with  
Mr. Roland Jones - the  
New owner

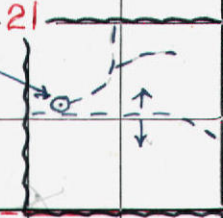
R-24E.

$$125 \times 110 \times 70 \times 550 = 62 \frac{1}{2}$$

220

T.  
7  
S.

P.D.



P.D.

27

26  
STATE HWY. No. 24  
TO MINIDOKA

Land Subdivisions 4  
Area Irrigated 160 Acres

Subdivisions = 4  
Area = 160 acres  
Q = 3.2 cfs

Quantity of water 187 1/2 Miners  
inches as measured with  
Sparling meter

\* 300 c.f. during 80 seconds.

Amend P.D.

RECEIVED  
APR 11 5 1957

Department of Reclamation

**The Minidoka County News**

RUPERT, IDAHO

**AFFIDAVIT OF PUBLICATION**

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

LARRY H. ROBINSON, being first  
duly sworn, deposes and says that he is the  
CO- 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 FOUR (4) consecutive weeks, commencing  
with the issue dated MARCH 15, 1957, and  
ending with the issue dated APRIL 4, 1957

Larry H. Robinson  
Subscribed and sworn to before me this

5th day of April, 1957

Sheep Hand Notary Public

Cost of Publication .....

Notary Fee .....

Total Cost .....

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

Notice is hereby given that at  
10:00 A.M. on the 12th day of  
April, 1957, at Rupert, County of  
Minidoka, State of Idaho, before  
Elyod Fruit, Notary Public, proof  
will be submitted of the applica-  
tion to beneficial use of 3.2 cubic  
feet per second of the waters of  
Subterranean in accordance with  
the terms and conditions of Per-  
mit No. 20411 heretofore issued  
by the Department of Reclama-  
tion of the State of Idaho.

The name and postoffice ad-  
dress of the person or corpora-  
tion holding said permit is John  
D. Dietz, Rupert, Idaho.

The use to which said water  
has been applied is irrigation  
and domestic.

The amount applied to benefici-  
al use is 3.2 c.f.s.

The place where said water is  
used SE $\frac{1}{4}$ , Sec. 21, Twp. 7 S.,  
Rge. 24 E.B.M.

The name of the canal or ditch  
or other works by which said wa-  
ter is conducted to such place of  
use is deep-well turbine pump.

The right to take water from  
such works is based upon Permit  
No. 20411.

The source of supply from  
which such water is diverted is  
well in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21, Twp.  
7 S., Rge. 24 E.

The date of priority which said  
user is prepared to establish is  
April 13, 1948.

20411  
MARK R. KULP,  
State Reclamation Engineer  
No. 933 March 15-April 4

20411

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RE: Permit No. 20411  
John D. Dietz % Floyd Trust

First public Mar. 15<sup>th</sup>

Date: March 8, 1957

Minidoka County News  
Rupert, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **April 12th, 1957** the date set for proof, the expense of the publication to be paid by the applicant, **John D. Dietz** of **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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:vem  
Encl. (1)

20411

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

RECEIVED  
MAR 7 1957  
Department of Reclamation

Notice is hereby given that at 10 A. M. on the 12th day of April, 1957,  
at Rupert, County of Minidoka, State of Idaho, before  
Floyd Fruit, Notary Public, proof will be submitted of the  
application to beneficial use of 3.2 cubic feet per second of the waters of subterranean  
source in accordance with the terms and conditions of Permit No. 20411  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are  
John D. Dietz, Rupert, 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 place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-one (21), Township  
Seven (7) South, Range Twenty-four (24) E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

deep-well turbine pump

The right to take water from such works is based upon Permit No. 20411

The source of supply from which such water is diverted is subterranean in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 21,  
T. 7 S. - R. 24 E.

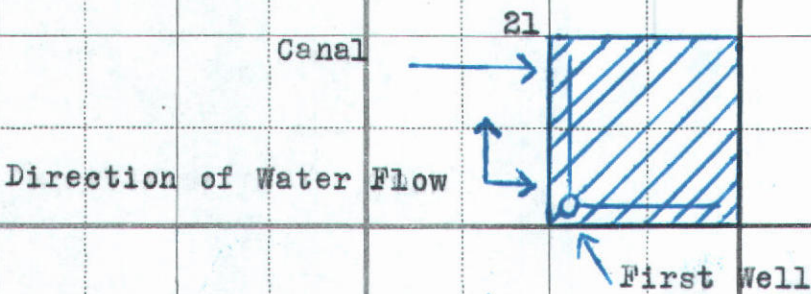
The date of priority which said user is prepared to establish is April 13, 1948

State Reclamation Engineer.

20411

R 477

Area irrigated located in the South-east  
Quarter (SE $\frac{1}{4}$ ) of Section Twenty-one (21),  
Township Seven (7) South, Range Twenty-  
four (24) East of the Boise Meridian.



Canals from Well:

- 6' at bottom (width)
- 10.5' at water line (width)
- 2.5' depth of water
- 3' depth of banks

Permit Map No. 20411  
As Approved  
APR 22 1948  
MARK R. KULP  
State Reclamation Engineer

20411

RECEIVED

NOV 29 2001

Department of Water Resources

NOV 27 11 07

11033

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 36-02067                    |
|                | ) |                                         |
|                | ) | ORDER AMENDING IRRIGATION PERIOD OF USE |
|                | ) | ELEMENT IN PARTIAL DECREE and           |
| Case No. 39576 | ) | INCORPORATING INTO PARTIAL DECREES AN   |
|                | ) | EXPRESS STATEMENT REGARDING GENERAL     |
|                | ) | PROVISIONS, <i>NUNC PRO TUNC</i>        |

A *Partial Decree* was entered for the above-captioned irrigation water right on June 18, 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 August 2, 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

NOV 11 2002

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

#### **RULE 54(b) CERTIFICATE**

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

Dated November 27, 2001.



---

ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

MICROFILMED  
JUN 11 2002

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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO 1997 JUN 18 PM 3:55  
I.R.C.P. 54(b) FOR

Water Right 36-02067 DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME & ADDRESS: MAGIC VALLEY FOODS FARM  
PO BOX 475  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 3.2 CFS  
640.0 AFY

PRIORITY DATE: 04/13/1948

POINT OF DIVERSION: T07S R24E S21 SNWSE

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE  
IRRIGATION

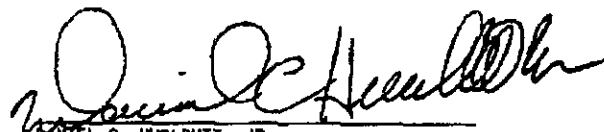
PERIOD OF USE  
Irrigation Season

QUANTITY  
3.2 CFS  
640.0 AFY

PLACE OF USE: IRRIGATION  
T07S R24E S21  
160.0 ACRES TOTAL

Within MINIDOKA County  
NESE 40.0 NWSE 40.0 SWSE 40.0 SESE 40.0

DATED: JUN 18 1997

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

RULE 54(b) CERTIFICATE

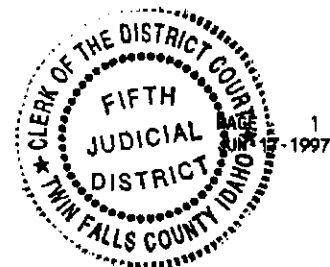
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

DATED: JUN 18 1997

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 36-02067

State of Idaho -  
County of Twin Falls ss.  
I hereby certify the foregoing to be a full,  
true and correct copy of the original on  
file in the above entitled action.  
ROBERT S. FORT  
CLERK OF THE DISTRICT COURT



MICROFILMED

JUN 11 2002

This  
Right has been  
Decreed in the  
SRBA.

State of Idaho

## License and Certificate of Water Right

Water License No. 20411 Priority April 13, 1948 Amount 3.2 c.f.s.

THIS IS TO CERTIFY that JOHN D. DIETZ- Assignee JONES & BELL, a co-partnership of Lodi, California, made application for a permit to appropriate the public waters of the State of Idaho, dated April 13, 1948; that Permit No. 20411 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.2 second feet, was issued thereunder on August 4, 1953, showing that said works were completed on the 27th day of July, 1953; and that on the 12th day of April, 1957 JOHN D. DIETZ - Assignee JONES & BELL, a Co-partnership of Rupert, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation and domestic use, under Use Permit No. 20411 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~~ of Licenses, at Page XXX, on the 8th day of March, 1968.

The right hereby confirmed dates from April 13, 1948.

The Point of Diversion is located

in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 21, Twp. 7S, R. 24 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 3.2 cubic feet per second.

Description and location of use:

| Twp. | Range | Section | Forty-Acre Tract                       | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|---------|----------------------------------------|-------------------------------|------------------------------|
| 7 S. | 24 E  | 21      | NE $\frac{1}{4}$ SE $\frac{1}{4}$      | 40                            | 40                           |
|      |       |         | NW $\frac{1}{4}$ SE $\frac{1}{4}$      | 40                            | 40                           |
|      |       |         | SW $\frac{1}{4}$ SE $\frac{1}{4}$      | 40                            | 40                           |
|      |       |         | SE $\frac{1}{4}$ SE $\frac{1}{4}$      | 40                            | <u>40</u>                    |
|      |       |         | Total number of acres to be irrigated: |                               |                              |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 8th day of March, 1968.

*R. Keith Higgins*  
State Reclamation Engineer.

36 2067

20411  
36-2067

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho *36-2067*

APPLICATION No 28052  
 PERMIT No. 20411  
 DISTRICT No.

Lawrence H. Duffin  
 Box 61, Rupert, Idaho

1. Name of Applicant: JOHN D. DIETZ

Postoffice address: Lodi

County:

State: California

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:

Assigned to

*James Bell*  
*Rupert, Idaho*  
 MTC: John Hamilton Ins.

II. The financial resources of the applicant are:

- (a) Cash on hand: \$15,000.00
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources: Personal property: \$5,000. Real property: \$25,000.00

2. Quantity of water claimed: 3.2

cubic feet per second.

3. Source of water supply: Subterranean (well)

which is a tributary of

4. Location of point of diversion: 50 feet distant from the Southwest  
 of SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
 corner of Section 21, T. 7 S., R. 24 E., B.M., and is in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
 of Section 21, T. 7 S., R. 24 E., B.M., County of Minidoka

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: \$ 6,000.00

8. Kind of works: Wells- 20" to depth of 400'- sufficient to furnish three and one-fifth second feet of water

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 Est. 21" feet; height Est. 21" feet.

11. Ditch: Width at bottom 6 feet; width at water line 10.5 feet; depth of water 2.5 feet;  
 dimensions of flume: None  
 Diameter of pipe None inches; length of conduit One miles.  
 Average grade per mile Two 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 Four (4) 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?      No                      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.

JOHN D. DIETZ                      Applicant.

By                                              Agent.

Date of first receipt at Department of Reclamation: 9:45 A. M. April 13, 1948

Returned to applicant for correction:

Corrected application received: \_\_\_\_\_

Approval of State Reclamation Engineer

The number of this permit is 20411  
Recorded in Book 73      Page 20411      Approved April 22, 1948  
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 June 22, 1948                      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 October 22, 1950  
The whole of said work to be completed on or before April 22, 1953  
Beneficial use of water appropriated in accordance herewith, to be made on or before April 22, 1957

WITNESS My hand this 22nd day of April, 1948  
  
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 22nd day of April, 1948.  
STATE OF IDAHO  
Countersigned:  
(SEAL) By J. D. "CY" PRICE Secretary of State.  
By C. A. ROBINS Governor.

REMARKS:

14.

| Twp. | Range | Sec. | NE¼                                                                                                                                                                                                                                                                        |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼                        |     |     |     | Totals |
|------|-------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------------------------|-----|-----|-----|--------|
|      |       |      | NE¼                                                                                                                                                                                                                                                                        | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼                        | NW¼ | SW¼ | SE¼ |        |
| 7 S. | 24 E. | 21   |                                                                                                                                                                                                                                                                            |     |     |     |     |     |     |     |     |     |     |     | 40                         | 40  | 40  | 40  | 160    |
|      |       |      | STATE OF IDAHO<br>DEPARTMENT OF RECLAMATION                                                                                                                                                                                                                                |     |     |     |     |     |     |     |     |     |     |     |                            |     |     |     |        |
|      |       |      | ORDER REINSTATING PERMIT                                                                                                                                                                                                                                                   |     |     |     |     |     |     |     |     |     |     |     |                            |     |     |     |        |
|      |       |      | WHEREAS, Permit No. 20411 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: April 22, 1953; and,                                                                                 |     |     |     |     |     |     |     |     |     |     |     |                            |     |     |     |        |
|      |       |      | WHEREAS, On the 15th day of July, 1953, 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 22nd day of July, 1953, 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 28th day of July, 1953, 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. 20411, and that the holder has acted in good faith; |     |     |     |     |     |     |     |     |     |     |     |                            |     |     |     |        |
|      |       |      | IT IS THEREFORE, Hereby Ordered that said Permit No. 20411 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 4th day of August, 1953.                                                                                                                           |     |     |     |     |     |     |     |     |     |     |     |                            |     |     |     |        |
|      |       |      |                                                                                                                                                                                                                                                                            |     |     |     |     |     |     |     |     |     |     |     | MARK R. KULP               |     |     |     |        |
|      |       |      |                                                                                                                                                                                                                                                                            |     |     |     |     |     |     |     |     |     |     |     | State Reclamation Engineer |     |     |     |        |

## PERMIT NO. 20411

## CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that John D. Dietz of Rupert, County of Minidoka and State of Idaho, the holder of Permit No. 20411, issued upon application No. 28052 bearing date of priority of April 13, 1948, authorizing the diversion of 3.2 c.f.s. of 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 said well; that the point of diversion of said waters is 50 feet distant from the SW Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, T 7 S., R 24 E., B.M. and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section; and that the lands proposed to be irrigated by the use of said water are described as follows: to wit: Southeast Quarter Section 21, Township 7 South, Range 24 East, B.M.

WITNESS MY HAND THIS 4th day of August, 1953.

MARK R. KULP  
State Reclamation Engineer

Proof of Completion of Works made July 27, 1953  
Certificate of Completion of Works issued August 4, 1953.

## A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, Permit No. 20411 to Jones and Bell, a Co-partnership, address: Rupert, Idaho.

/s/ JOHN D. DIETZ, Permit Holder

/s/ REGINA DIETZ, Wife of Permit Holder

State of Idaho )  
 ) ss  
County of Minidoka )

On this 10th day of November, 1967, before me, a Notary Public for the State of Idaho, residing at Rupert, Idaho, personally appeared John D. Dietz and Regina Dietz, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

/s/ HELEN CLARK,  
Notary Public residing at Rupert, Idaho

(S E A L)

My commission expires: October 1, 1970.

## APPLICATION FOR AMENDMENT

Comes now John J. Bell, one of the partners of Jones and Bell and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No 20411 and requests that the permit be changed as follows:

1. Place of use or land to be irrigated: SE $\frac{1}{4}$  - Section 21, T 7 S., R 24 E., B.M.
2. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, T 7 S., R 24 E., B.M.

That no one will be injured by such change and that such change will be made at Permit Holder's own risk.  
Signed at Rupert, Idaho this 15th day of November, 1967.

/s/ JONES AND BELL, BY JOHN J. BELL.

Date of Receipt at office of Department of Reclamations: November 17, 1967.

## ACTION OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for Permit 20411.

Witness my hand this 21st day of November, 1967.

/s/ R. KEITH HIGGINSON  
State Reclamation Engineer

LICENSE ISSUED FOR 3.2 SEC. FT.  
LICENSE PAGE NO. 20411

dj

This  
Right has been  
Decreed in the  
SRBA.

MICROFILMED

JUN 4 1982

March 20, 1968

Re: Permit No. 20411

Mr. John J. Bell  
Jones & Bell  
Rupert, Idaho 83350

Dear Mr. Bell:

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

Departmental Receipt No. 210, together with a copy of  
this letter is being forwarded to Charles Creason, Attorney at  
Rupert, Idaho, who mailed in the fees.

Very truly yours,

C. STEPHEN ALLRED, Assistant  
State Reclamation Engineer

CSA:kd

cc: Charles H. Creason  
Attorney at Law  
Rupert, Idaho 83350

Enc. receipt

Enc. License

36-2067  
20411

Hold 30 days

20411

November 28, 1967

Re: Permit No. 20411  
John J. Bell

Charles H. Creason  
Creason & Creason  
Attorneys at Law  
Rupert, Idaho 83350

Dear Mr. Creason:

We are in receipt of your letter of November 15, 1967 on the above referenced permit.

Please be advised that the application for amendment has been approved, and your assignment duly recorded. Enclosed is a copy of the approved amendment and the assignment. Also enclosed is the department's receipt No. 176 in the amount of \$5.00 to cover the application for amendment.

As soon as the department is in receipt of the required \$8.00 licensing fee, we shall proceed with the issuance of the license under this permit. Enclosed is a copy of the department's letter of September 13, 1957 requesting the fee.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McElowney  
Water Rights Clerk

DWM:ks

Enclosures: Approved amendment copy  
Receipt No. 176 for \$5.00  
Copy of assignment  
Copy of September 13, 1957 letter

cc: John J. Bell of Jones & Bell  
Rupert, Idaho

36-2067  
20411

CREASON & CREASON  
ATTORNEYS AT LAW  
RUPERT, IDAHO 83350

H. V. CREASON  
C. H. CREASON

December 1, 1967

RECEIVED

DEC 4 1967

Department of Reclamation  
BOX 335  
436 4121

Donald W. McEldowney,  
Water Rights Clerk,  
Department of Reclamation,  
Boise, Idaho 83701

Re: Permit No. 20411  
John J. Bell

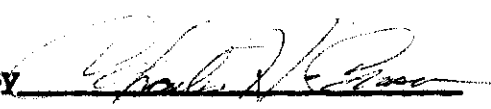
Dear Mr. McEldowney:

Pursuant to your letter of November 28th we  
enclose herewith our check in the amount of \$8.00  
for license fee.

Very truly yours,

CREASON & CREASON

CHC:mmm  
Enc.

By 

D

36-2067  
20411

CREASON & CREASON  
ATTORNEYS AT LAW  
RUPERT, IDAHO 83350

H. V. CREASON  
C. H. CREASON

November 30, 1967

BOX 335  
436-4131

R. Keith Higginson,  
State Reclamation Engineer,  
State House,  
Boise, Idaho 83701

Att: Mr. M. Russell Bosch

Re: Permit 20411  
Jones & Bell

Dear Mr. Bosch:

It is my understanding that inspection has been made on the above permit and all that was necessary was that amendment and change of point of diversion be made, which has been done.

Would you kindly issue a license for the same, or if some further steps must be taken prior to this time, would you kindly advise us.

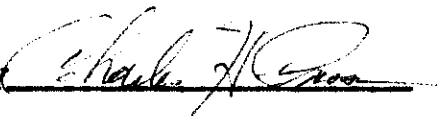
Thank you for your consideration.

Very truly yours,

CREASON & CREASON

CHE:mm

By



20411  
36-2067

November 28, 1967

Re: Permit No. 20411  
John J. Bell

Charles H. Creason  
Creason & Creason  
Attorneys at Law  
Rupert, Idaho 83350

Dear Mr. Creason:

We are in receipt of your letter of November 15, 1967 on the above referenced permit.

Please be advised that the application for amendment has been approved, and your assignment duly recorded. Enclosed is a copy of the approved amendment and the assignment. Also enclosed is the department's receipt No. 176 in the amount of \$5.00 to cover the application for amendment.

As soon as the department is in receipt of the required \$8.00 licensing fee, we shall proceed with the issuance of the license under this permit. Enclosed is a copy of the department's letter of September 13, 1957 requesting the fee.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:ks

Enclosure: Approved amendment copy  
Receipt No. 176 for \$5.00  
Copy of assignment  
Copy of September 13, 1957 letter

cc: John J. Bell of Jones & Bell  
Rupert, Idaho

*filed paid  
12-5-67  
nw*

*20411*

November 22, 1967

RE: Permit 20411

Jones and Bell  
Rupert, Idaho 83350

Gentlemen:

Enclosed herewith is the assignment on the above referenced permit which has been recorded in this office. Also enclosed is amendment to land list and point of diversion which has also been entered on our records.

Departmental Receipt No. 176 in the amount of \$5.00 was given to your attorney at the time he was in our department. This amount covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH  
Office Manager

MRB:ejw

Encl: Assignment  
Amendment

20411

CREASON & CREASON  
ATTORNEYS AT LAW  
RUPERT, IDAHO 83350

H. V. CREASON  
C. H. CREASON

BOX 335  
436-4131

November 15, 1967

State of Idaho  
Department of Reclamation  
107 State House  
Boise, Idaho

Re: Permit No. 20411  
Jones & Bell

Gentlemen:

We enclose herewith Assignment of John D. Dietz and Regina Dietz of Permit No. 20411, together with application for Amendment.

Undoubtedly you have been advised some several years ago, Mr. Dietz conveyed this property to Jones & Bell. The water right had been perfected, however, it is my understanding that while final proof has been made, the well was not located at the place set forth in the original application.

We are enclosing our check in the sum of \$5.00 and if there should be additional publication made on this, please advise me.

Yours very truly

CREASON & CREASON



Charles H. Creason

CHC:hc  
Encls.

20411

A S S I G N M E N T

NOV 19 1967

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, Permit No. 20411 to Jones & Bell, a Co-partnership

Address: Rupert, Idaho

\*

John D. Dietz  
Permit Holder

Regina Dietz  
Wife of Permit Holder

STATE OF IDAHO )  
County of Minidoka ) ss

On this 10th day of November, 19 67, before me, a Notary Public for the State of Idaho, residing at Rupert, Idaho personally appeared John D. Dietz and Regina Dietz, husband and wife, known to me to be the person s whose name s <sup>are</sup> ~~xxx~~ subscribed to the within instrument and duly acknowledged to me that the y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

John Clark  
Notary Public  
Residing at Rupert, Idaho

My commission expires: Oct. 1, 1970

Note:

\* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

20411

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

APPLICATION FOR AMENDMENT

Permit No. 20411

Comes now John J. Bell, one of the partners of Jones & Bell  
and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State  
of Idaho, No. 20411, and requests that the permit be changed as follows:

1. Place of use or land to be irrigated: SE 1/4 - S. 21 - T. 7S R. 24E

2. Point of diversion: NW 1/4 SE 1/4, Sec. 21, T. 7S, R. 24E, B.M.  
Other points of diversion \_\_\_\_\_

3. Period and nature of use:

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates incl.)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates incl.)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates incl.)

4. Other: \_\_\_\_\_

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

Signed at Rupert, Idaho this 15 day of November, 19 67

James L. Bell By John J. Bell  
(signature)

Date of receipt at office of Department of Reclamation November 17, 19 67

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of  
Idaho, hereby approve the above application for amendment for Permit 20411.

Witness my hand this 21st day of November, 19 67.

R. Keith Higginson  
State Reclamation Engineer

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

Notice is hereby given that at 10:00 A.M. on the 12th day of April, 1957, at Rupert, County of Minidoka, State of Idaho, before Flyod Fruit, Notary Public, proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of Subterranean in accordance with the terms and conditions of Permit No. 20411 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is John D. Dietz, Rupert, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 3.2 c.f.s.

The place where said water is used SE $\frac{1}{4}$ , Sec. 21, Twp. 7 S., Rge. 24 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is deep-well turbine pump.

The right to take water from such works is based upon Permit No. 20411.

The source of supply from which such water is diverted is well in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21, Twp. 7 S., Rge. 24 E.

The date of priority which said user is prepared to establish is April 13, 1948.

7 MARK R. KULP,  
State Reclamation Engineer  
No. 933 March 45-April 4

September 13, 1957

Re: Permit No. 20411  
John D. Dietz

Mr. Lawrence H. Duffin  
Attorney At Law  
Rupert, Idaho

Dear Mr. Duffin:

Our field engineer's report on the inspection of application of water to beneficial use under the terms of Permit No. 20411, John D. Dietz, 320 Watson, Lodi, California, shows that his well is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21 and is capable of conveying 160 miner's inches (3.2 c.f.s.) of water for irrigation of 160 acres. The record of the permit shows the well to be in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, therefore, it is necessary that it be amended. We have enclosed a form "Application for Amendment" for this purpose and ask that you complete and return it.

Upon receipt of the amendment, mentioned above, and the statutory fee of \$8.00 (based at the rate of two dollars for each 40-acre subdivision) we will issue to Mr. Dietz the License and Certificate of Water Right confirming the right with priority of April 13, 1948, to his use of 3.2 second feet of subterranean water, with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, for irrigation of 160 acres in the SE $\frac{1}{4}$  of Section 21, Township 7 South, Range 24 East, B.M.

*also must be re-amended.*

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls  
Enc.

20411

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

Permit No. 20411This proof is for Beneficial Use

In Water District No. \_\_\_\_\_

1. Name of applicant John D. Dietz2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the NW 1/4 of Section 21T. 7 S. R. 24 E., B.M. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 300' x 20"  
Water level with pump on 209' - Pump: Worthington #T1332287 - Dis. pipe 10"  
Motor U.S. #852769 IP-125-V440-Rmps 151-RPM 1800 - Meter-housed &  
sealed  
Plant is not housed.

5. Water is used for: Irrigation6. 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 of Sec. 21., Twp. 7 S., Rge. 24 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: \_\_\_\_\_

Excellent improvements and Crops

The inspection was made in the presence of Roland Jones -  
the new owner who is a potato dealer located in Rupert, Idaho  
He was advised of the need to amend because of P.D. location

This examination was made on the 1st day of August, 1957

(Signed) James H. Marx

Examiner.

20411

6-4262  
John Dietz  
Rupert, Idaho  
Permit No. 20411

Examination for Beneficial Use

County - Minidoka -  
21-7S.-24E.

Q2 3.2 a.f.s.

S- Well

P.D. - SW. SE. Sec. 21, T. 7S. - R. 24E.

Use - Irrigation & Domestic

Filed - April 13, 1948  
Due - April 22, 1957

o/w = 8-4-53

Well 300' x 20"

209' - pumping

Pump - Norton 10" x 10" T 1332-87

Discharge pipe 10"

Misc. 113, #852769 - P 125

V-440

AWAS 151

April - 1850

5

Meier-Housed - Inland

No Housing

Q = 80 sec. for 300 c.s.  
= 3.75 c.f.s.  
= 187 1/2 Miners Inland

5

Went out at 6 A.M. from  
Rupert with  
Mr. Roland Jones - The  
New Pioneer - The

# 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  
AUG 20 1957

Department of Reclamation

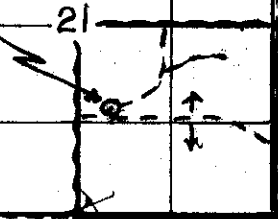
T.  
7  
S.

R-24E.

$$\frac{125 \times 110 \times 70 \times 550}{220} = 62 \frac{1}{2}$$

P.D.

21



27

26  
STATE HWY. 162A  
TO MINIDAKA

Land Subdivisions 4  
Area Irrigated 160 Acres

Subdivisions = 4  
Area = 160 acres  
Q = 3.2 cfs

Quantity of water 187 1/2 Miners  
inches as measured with  
Spalling meter

\* 300 c.f. during 80 seconds

Amend P.D.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 20111

REPORT ON PROOF OF Beneficial Use

John Dietz, Rupert, Idaho

|       |         |
|-------|---------|
| app.  | 3.2 cfs |
| cfm   | 3.2 cfs |
| Sub.  | 4       |
| acres | 160     |

3.2 cfs  
mark

April 15, 1957

RE: Permit No. 20411  
John D. Diets

Rupert Abstract Company  
Rupert, Idaho

ATTENTION: Mr. Floyd J. Fruit

Dear Mr. Fruit:

We acknowledge receipt of the depositions of Mr. Diets, the holder of the Permit, the two witnesses, also affidavit of publication in The Minidoka County News, all submitted in proof of beneficial use on Permit No. 20411.

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. Diets 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

EPR  
cc: Mr. John D. Diets  
Rupert, Idaho

20411

RECEIVED  
MAY 1 1957  
Department of Reclamation

**The Minidoka County News**  
RUPERT, IDAHO

**AFFIDAVIT OF PUBLICATION**

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

..... **LARRY H. ROBINSON** ....., being first  
duly sworn, deposes and says that he is the  
CO- 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 **FOUR (4)** consecutive weeks, commencing  
with the issue dated **MARCH 15** ....., 1957, and  
ending with the issue dated **APRIL 4** ....., 1957.

*Larry H. Robinson*  
Subscribed and sworn to before me this  
day of *April* ....., 19*57*  
*Mark R. Kulp* Notary Public

Cost of Publication .....

Notary Fee .....

Total Cost .....

Notice is hereby given that at  
10:00 A.M. on the 12th day of  
April, 1957, at Rupert, County of  
Minidoka, State of Idaho, before  
Flyod Fruit, Notary Public, proof  
will be submitted of the applica-  
tion to beneficial use of 3.2 cubic  
feet per second of the waters of  
Subterranean in accordance with  
the terms and conditions of Per-  
mit No. 20411 heretofore issued  
by the Department of Reclama-  
tion of the State of Idaho.

The name and postoffice ad-  
dress of the person or corpora-  
tion holding said permit is John  
D. Dietz, Rupert, Idaho.  
The use to which said water  
has been applied is irrigation  
and domestic.

The amount applied to benefi-  
cial use is 3.2 c.f.s.

The place where said water is  
used SE1/4, Sec. 21, Twp. 7 S.,  
Rge. 24 E.B.M.

The name of the canal or ditch  
or other works by which said wa-  
ter is conducted to such place of  
use is deep-well turbine pump.

The right to take water from  
such works is based upon Permit  
No. 20411.

The source of supply from  
which such water is diverted is  
well in SW1/4SE1/4, Sec. 21, Twp.  
7 S., Rge. 24 E.

The date of priority which said  
user is prepared to establish is  
April 13, 1948. **20411**

**MARK R. KULP**,  
State Reclamation Engineer  
No. 933 March 15-April 4

20411

min delon

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

**RECEIVED**  
APR 15 1957  
Department of Reclamation

Permit No. 20411

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

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

**Ans.** John D. Dietz

Reupert, 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.** \_\_\_\_\_

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

**Ans.** Permit No. 20411, dated April 13th 1948 → April 22, 1948

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

**Ans.** Subterranean well, located about 50 feet distant from the southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 21, Township 7 South, Range 24 E B.M.

**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.** Drilled well, 16 inch casing, depth 304 feet deep, pumping head 220 feet, discharge 3.2 second feet

**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.** Irrigation of lands in Southeast Quarter Section 21, Township 7 South, Range 24 East B.M.

20411

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

Ans. Irrigation only - no power

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

Ans. 3.2 second feet

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.

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

Ans. Irrigation has been in operation past 6 seasons, and have used full output of well being 3.2 second feet for irrigation

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. no other source of irrigation water

(Sign)

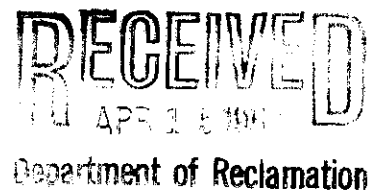
John D. Dietz

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 12th day of April, A. D. 1957.

My commission expires Feb. 16th 1960

20411

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO



Permit No. 20411

**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. Rolland D. Jones, age 47, residing at Rupert, produce dealer  
and farmer, Idaho

Ques. 2. Are you acquainted with John D. Dietz, the  
holder of Permit No. 20411? How long have you known him and where does  
he reside?

Ans. 6 years, applicant now residing at Lodi, California

Ques. 3. Have you read or heard read said Permit No. 20411, 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. Subterranean well, about 304 feet deep, pumping head  
220 feet, irrigation by surface and adjoining lands to well

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. 3.2 second feet and have observed well in production

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. 3.2 feet, estimate by experience and by discharge at pump

20411

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. Well is used exclusively for irrigation and for lands adjacent and adjoining well

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. Heavy loan soil approximately 160 acres and it will require full capacity of well of 3.2 second feet to properly irrigate lands.

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

Ans. Have interest in works and land by contract to purchase.

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 witnessed the operation of this well and the application of irrigation during past 6 seasons.

(Signed)

*Rolland D. Jones*  
Rolland D. Jones

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 12th day of April, A. D. 1957.

*Walter D. Smith*  
Notary Public.

My commission expires Feb. 16th 1960

20411

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
APR 15 1957  
Department of Reclamation

Permit No. 20411

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. John J. Bell, age 42, residing at Rupert, Idaho, farmer  
by occupation

Ques. 2. Are you acquainted with John D. Dietz, the  
holder of Permit No. 20411? How long have you known him and where does  
he reside?

Ans. Have known Mr. Dietz, 6 years, presently residing at  
320 Watson St., Lodi, California

Ques. 3. Have you read or heard read said Permit No. 20411, 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. Subterranean well, located in southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 21, Township 7 South, Range 24 E.B.M., irrigation for  
lands in said SE $\frac{1}{4}$  and adjoining well

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. 3.2 second, have worked on premises past two years and  
assisted in operation of well and irrigation

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. ~~3.2~~ 3.2 second feet, estimate thru discharge pipe of  
10 inches.

20411

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 entirely for irrigation of adjoining lands

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

Ans. Well is used for irrigation exclusively

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. Heavy loam soil, 160 acres, and estimate quantity of water required to irrigate land at full capacity of well, or approximately 3.2 second feet

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

Ans. Have a contract to purchase interest in 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. Have assisted in operation of farm lands and well during the past two irrigation seasons

(Signed)

John J. Bell

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 12th day of April, A. D. 1957.

Notary Public.

My commission expires Feb. 16th 1960

20411

ESTABLISHED 1913

F. J. FRUIT  
R. L. BALCH

ABSTRACTS  
LOANS  
INSURANCE

**RUPERT ABSTRACT COMPANY**

TITLE INSURANCE

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

RUPERT, IDAHO

April 12th 1957

Re: Permit No. 20411

**RECEIVED**  
APR 15 1957

Department of Reclamation

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

Sir:

Herewith the following papers in connection with  
beneficial proof for use of water in this case, to-wit:

Affidavit of Publication  
(Minidoka County News)

Deposition of Holder - John D. Dietz

Deposition of Witness- John J. Bell

Deposition of Witness- Rolland D. Jones

I trust you will find these in order.

Yours very truly

  
Floyd J. Fruit  
Rupert, Idaho

20411

March 25, 1957

RE: Permit No. 20411  
John D. Dietz

Minidoka County News  
Rupert, Idaho

Gentlemen:

On March 8, 1957, we mailed you a Notice for publication in connection with Permit No. 20411 of John D. Dietz, with the request that you acknowledge receipt of same and send us a copy of your first issue containing same. This Notice was to have been published once a week for four weeks prior to April 12th, 1957.

We received your acknowledgment stating the first publication would be March 15th, 1957, but to date we have not received a copy of your paper containing this notice.

Please send us a copy in order that we may check the same,  
Thank you.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

KPR:vem

20411

A Brief  
MESSAGE

RECEIVED  
MAR 14 1957  
The Minidoka County News

Department of Reclamation

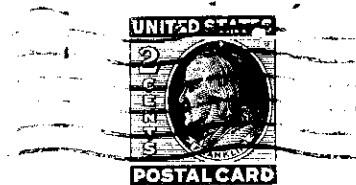
March 13, 1957

We are in receipt of legal notice of proof  
for ~~John~~ Dietz - First publication will  
be Friday, March 15 - and since we  
have placed your office on our mailing  
list, you will receive the Friday issue.

20411



THIS SIDE OF CARD IS FOR ADDRESS



State of Idaho  
Burley Rec  
Attn: Edna P. Rutledge  
Boise, Idaho

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

Notice is hereby given that at 10:00 A. M. on the 12th day of April, 1957,  
at Rupert, County of Minidoka, State of Idaho, before  
Floyd Fruit, Notary Public, proof will be submitted of the  
application to beneficial use of 3.2 cubic feet per second of the waters of Subterranean  
in accordance with the terms and conditions of Permit No. 20411  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is

John D. Dietz, Rupert, Idaho

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

The amount applied to beneficial use is 3.2 c.f.s.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

SE 1/4, Sec. 21, Twp. 7 S., Rge. 24 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

deep-well turbine pump

The right to take water from such works is based upon Permit No. 20411

The source of supply from which such water is diverted is well in SW 1/4, Sec. 21, Twp. 7 S.,

Rge. 24 E.

The date of priority which said user is prepared to establish is April 13, 1948

MARK R. KULP

State Reclamation Engineer.

20411

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RE: Permit No. 20411  
John D. Dietz % Floyd Hunt

*First public Mar. 15<sup>th</sup>*  
Date: March 8, 1937

Minidoka County News  
 Rupert, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **April 12th, 1937** the date set for proof, the expense of the publication to be paid by the applicant, **John D. Dietz** of **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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

KRM:ven  
Encl. (1)

20411

March 8, 1957

RE: Permit No. 20411

Mr. John D. Dietz  
Rupert, Idaho

Dear Mr. Dietz:

We acknowledge receipt of Notice in proof of Beneficial Use on Permit No. 20411 to be made April 12th, 1957, before Floyd Fruit, Notary Public.

We shall send a copy of the Notice to the Minidoka County News with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. Fruit, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

KPR:vem

Encl. (3)

cc. Floyd Fruit  
Rupert, Idaho

20411

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

**RECEIVED**  
MAR 7 1957  
Department of Reclamation

Notice is hereby given that at 10 A. M. on the 12th day of April, 1957,  
at Rupert, County of Minidoka, State of Idaho, before  
**Floyd Fruit, Notary Public**, proof will be submitted of the  
application to beneficial use of 3.2 ☒ cubic feet per second of the waters of subterranean  
source in accordance with the terms and conditions of Permit No. 20411  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are  
John D. Dietz, Rupert, 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 place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)  
the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-one (21), Township  
Seven (7) South, Range Twenty-four (24) E.R.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is  
deep-well turbine pump

The right to take water from such works is based upon Permit No. 20411

The source of supply from which such water is diverted is subterranean in SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec 21,  
T. 7 S. - R. 24 E.

The date of priority which said user is prepared to establish is April 13, 1948

State Reclamation Engineer.

20411

R 477

RECEIVED  
MAR 7. 1957

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE  
Department of Reclamation

(Date) March 6, 1957  
(P. O.) Rupert, 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.

JOHN D. DIETZ

BY: *Lawrence A. Hight* Attorney

(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.

20411

February 19, 1957

Re: Permit No. 20411

Mr. John D. Dietz  
320 Watson  
Lodi, California

Dear Mr. Dietz:

We acknowledge your letter of February 11, 1957, in which you said that your records indicated that a Certificate of Completion of Works in reference to Permit No. 20411 was recorded in the County of Minidoka on August 17, 1953 in Book 4 of Water Contracts Page 671.

We agree that a Certificate of Completion of Works was issued by this department in connection with this permit, however, it is necessary under the terms of the permit that you make a beneficial use proof, which is the final proof showing that the water has been completely applied for irrigation or for whatever purpose it is intended.

Notice of such proof must be published for four consecutive weeks in a county newspaper (the county in which the land is located) at your expense. At the time set for proof, depositions are to be executed by you and two disinterested witnesses for proof of such beneficial use.

We find in our records that you have previously been furnished with the necessary forms for publication. This notice should be made in duplicate on Form 10, setting the time and place and naming the notary public before whom the proof is to be made. The proofs may be made at any place convenient for you and your two witnesses but the date must be set far enough ahead to allow for four weeks publication.

Both copies of Form 10 are to be returned to this department together with Form 11, which is your authorization for us to have the notice published at your expense in the designated county newspaper. We shall then send a copy of the

20411

Mr. John D. Dietz

-2-

February 19, 1957

notice to the newspaper with instructions in regard to publishing and shall send you the forms of deposition to be executed by you and two disinterested witnesses in making these proofs.

Your permit is in good standing at the present time. You may delay your proof of beneficial use if you wish by extending the date of priority to coincide with the time you may be late in making said proofs.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

RWT:nls

20411

RECEIVED  
FEB 13 1957  
Department of Reclamation

Mr. John Dietz  
320 Watson  
Lodi, California

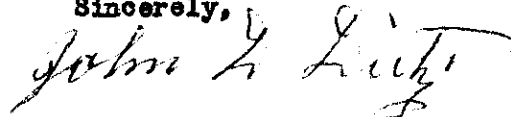
February 11, 1957

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

Dear Mr. Kulp:

This will answer your letter of February 1, 1957 concerning the proof of application under my permit No. 20411. A review of my records indicates that Certificate of Completion of Works referring to my permit No. 20411 was recorded in the County of Minidoka on August 17, 1953 in Book 4 of Water Contracts Page 671. If this does not constitute the necessary proof to which you refer in your letter, please inform me at once.

Sincerely,



John Dietz

cc: Mr. Lawrence H. Duffin

20411

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

February 1, 1957

Re: Permit No. 20411  
John D. Diets

J

Lawrence H. Daffin  
Box 51  
Rapert, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 20411. 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 April 22, 1957, 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

Copy of Notice sent to John D. Diets

Forms sent to Lawrence H. Daffin - Att'y

20411

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**

In the Matter of the Reinstatement )  
of Permit No. 20411 Under the )  
Provisions of Section ~~5594~~ Idaho )  
~~Compiled Statutes~~ 42-311, Idaho Code )  
..... )

**ORDER REINSTATING PERMIT**

WHEREAS, Permit No. 20411 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: April 22, 1953; and,

WHEREAS, On the 15th day of July, 1953, ~~192~~ notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~ Idaho Code ~~42-311, Idaho Code~~ Idaho Code, was duly served on the holder of said permit; and,

WHEREAS, On the 22nd day of July, 1953, ~~192~~ 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 28th day of July, 1953, ~~192~~ 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, State

Engineer WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 20411, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 20411 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 4th day of August, 1953, ~~192~~

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

By \_\_\_\_\_  
Assistant

20411

✓  
August 7, 1953

RE: Permit No. 20411

Messrs. Creason & Creason  
Box 98  
Rupert, Idaho

ATT: Mr. H. V. Creason

Dear Mr. Creason:

We enclose Certificate of Completion of Works issued on Permit No. 20411 in the name of John D. Dietz, for the diversion of 3.2 second feet of water from a well in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 21, Township 7 South, Range 24 East, B.M., for irrigation and domestic use on the SE $\frac{1}{4}$  of said section.

We also enclose departmental receipt No. 26116 for the \$5.00 fee in connection therewith.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg  
Enc.

20411

**CREASON & CREASON**

**ATTORNEYS AT LAW**

**RUPERT, IDAHO**

**H. V. CREASON  
C. H. CREASON**

August 6, 1953

**Box 98  
Phone 35**

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

Re: Permit No. 20411  
John D. Dietz

Dear Mr. Kulp

We enclose herewith check in the amount of \$5.00 from  
Mr. Dietz in accordance with your letter of August 5.

Thanking you very kindly for your consideration in this  
matter, I beg to remain,

Yours very truly

CREASON & CREASON

*H. V. Creason*

H. V. Creason

*hc*

HVC:hc

Encl.

**RECEIVED**  
AUG 7 1953  
Department of Reclamation

20411

✓  
August 5, 1953

RE: Permit No. 20411

Messrs. Creason & Creason  
Box 98  
Rupert, Idaho

ATT: Mr. H. V. Creason

Dear Mr. Creason:

We duly received your letter of July 27, 1953, enclosing depositions of John D. Dietz and two witnesses in proof of completion of works on Permit No. 20411.

The permit has accordingly been reinstated and Certificate of Completion of Works will be issued upon payment of the statutory fee of \$5.00.

Meanwhile, we enclose departmental receipt No. 26091 for the \$1.00 fee for making a copy of Permit No. 20411.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg  
Enc.

20411

PERMIT NO. 20411

# Proof of Completion of Works

## DEPOSITION OF HOLDER

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

Ans. John D. Dietz, Rupert, Idaho, farmer, Box 574 Rupert, 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.

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

Ans. 20411, April 22, 1948, 3.2 cubic feet per second, subterranean (well) - 50 feet distant from the SW corner of SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Sect. 21, T. 7 S., Rge. 24 E.B.M., 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 and domestic purposes, 110 acres, the Southeast Quarter of Section 21, Township 7 South, Range 24 E., B.M. Minidoka County, Idaho

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. Yes, June 4, 1950 full capacity

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. Fully completed June 4, 1950 and comply in all respects with permit

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.

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

Ans. Depth of well 304 feet, casing diameter 16 inches; water lifted with 125 h.p. motor, powered with electric energy delivered into laterals. Water pumped into sump and delivered to various laterals from sump. Total cost of well and pump \$9,016.00. Water was applied for irrigation of crops during 1950-main production 1950 110 acres planted in potatoes, wheat & (Sign here.) John D. Dietz, 1952 & peas. All crops are watered from well and wheat, potatoes & hay being grown in 1953. Full output of well used for beneficial use of growing above crops.

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 27th day of July A. D. 1953

Notary Public.

My Commission expires Feb. 20, 1954

20411

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

Permit No. 20411

**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Edward Flocher, Rupert, Idaho, farmer, R.F.D., Rupert, Idaho

Ques. 2. Are you acquainted with John D. Dietz, the holder of Permit No. 20411, authorizing the diversion of 3.2 second-feet of the waters of deep well at 50 feet distant from the SW corner, ~~at~~ of SW ~~1/4~~ SE ~~1/4~~ of Sec. 21, Twp. 7 S., Rge. 24 E.B.M., Minidoka County, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. 30 years and he resides at Rupert, Idaho

Ques. 3. Have you read or heard read said Permit No. 20411, 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. The land is arid in character but the applicant by use of deep well which was completed on June 4, 1950, pumps approximately 3.2 second-feet of water, irrigates 110 acres of land and in years of 1952 and 1953 the entire area is in the production of crops. I have used the pump from date of completion, June 4, 1950. At this time the pump was pumping complete capacity and applicant was pumping water (cont. on back)

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?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The diversion works consist of a deep well depth of 304 feet, casing diameter 16 inches and water is lifted with 125 hp motor, powered with electric energy delivered into laterals from the sump.

(Sign here.)

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 27th day of July, A. D. 1953.

*[Signature]*  
Notary Public for Idaho  
Residing at Rupert, Idaho

My Comm. expires: Feb. 20, 1954

20411

4. continued: into ditches, and laterals that he had constructed. The lands were all brought into full cultivation and production of crops and 110 acres were fully cropped, producing potatoes, peas, and wheat. In 1953 the land is planted to hay, wheat and potatoes. The above described pump which delivers water into the sum and from which point all waters are diverted. All waters from this well which was completed on June 4, 1950, have been applied to the land for production of crops.

20411

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

Permit No. 20411

## Proof of Completion of Works

### DEPOSITION OF WITNESS

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

Ans. Albert Flocher, Rupert, Idaho, farmer, R.F.D., Rupert, Idaho

Ques. 2. Are you acquainted with John D. Dietz, the holder of Permit No. 20411, authorizing the diversion of 3.2 second-feet of the waters of deep well, at 50 feet distant from SW corner of SW 1/4 SE 1/4 21-7-24 for irrigation purposes? How long have you known him, and where does he reside?

Ans. 40 years and he resides Rupert, Idaho

Ques. 3. Have you read or heard read said Permit No. 20411, 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. The land is arid in character but the applicant by use of deep well which was completed on June 4, 1950, pumps approximately 3.2 cubic feet of water, irrigates 110 acres of land and in years of 1951, 1952 and 1953 the entire area is in the production of crops. I have used the pump from date of completion, June 4, 1950. At that time the pump was pumping complete capacity and applicant was pumping water (cont

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?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The diversion works consists of a deep well depth of 304 feet, casing diameter 16 inches and water is lifted with 125 h.p. motor, powered with electric energy delivered into laterals from the sump.

(Sign here.) *Albert Flocher*

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 27th day of July, A. D. 1953.

*Mason*  
Notary Public for Idaho  
Residing at Rupert, Idaho

My Comm. expires: Feb. 20, 1954

20411

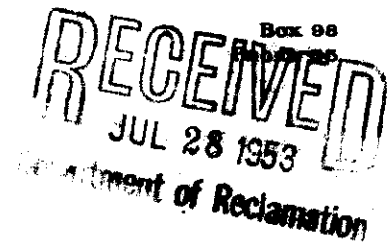
4. continued: into ditches, and laterals that he had constructed. The lands were all brought into full cultivation and production of crops and 110 acres were fully cropped, producing potatoes, peas, and wheat. In 1959 the land is planted to hay, wheat and potatoes all crops are the result of the application of irrigation water from the above described pump which deliveres water into the sump and from which pont all waters are diverted. All waters from this well which was completed on June 4, 1950 have been applied to the land for production of crops.

20411

CREASON & CREASON  
ATTORNEYS AT LAW  
RUPERT, IDAHO

H. V. CREASON  
C. H. CREASON

July 27, 1953



State of Idaho  
Department of Reclamation  
Boise, Idaho

Re: Permit No. 20411  
John D. Dietz

Dear Mr. Kulp

Enclosed herewith Proof of Completion of Works by John D. Dietz together with deposition of two witnesses and trust this will meet with your approval and that we can proceed to make further proof of completion of work.

Also enclosed herewith our check in the sum of \$1.00 for payment of the fee for making a copy of Permit No. 20411.

May we thank you for your consideration in this matter and we are at a loss to understand why Proof of Completion of Works has not heretofore been made.

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

Encl.3

20411  
one

✓  
July 23, 1953

RE: Permit No. 20411

Messrs. Creason & Creason  
Box 98  
Rupert, Idaho

Att: Mr. H. V. Creason

Dear Mr. Creason:

We have your two letters of July 22, 1953, in regard to the above numbered permit in the name of John D. Dietz which is being held for cancellation for failure to make proof of completion of works on or before April 22, 1953, as required under the terms of the permit.

We note your statement that these works were completed long ago and the permit may be reinstated upon receipt of the enclosed depositions, signed by Mr. Dietz and two witnesses, describing the works and stating definitely that they were completed prior to April 22, 1953.

As requested, we enclose a copy of Permit No. 20411, the fee for making which is \$1.00. We direct your attention to the limitations and conditions set out in this permit, namely that completion of works proof was to be made on or before April 22, 1953, and beneficial use proof on or before April 22, 1957.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg  
Enc.

20411

**CREASON & CREASON**

ATTORNEYS AT LAW

RUPERT, IDAHO

H. V. CREASON  
C. H. CREASON

July 22, 1953

Box 98  
Phone 85

**RECEIVED**  
JUL 23 1953  
Department of Reclamation

State of Idaho  
Department of Reclamation  
Boise, Idaho

Re: Mr. John A. Dietz  
Permit No. 20411

Dear Mr. Kulp

I wish to advise you that Mr. Dietz is now living here and his notice of cancellation was sent to California and he just this date received the same.

I wish to further advise you that the works under the above permit have been completed long ago, in fact, the works were completed last year. Mr. Dietz did not know that he had to make application for proof of works.

In view of the above facts, could you advise me if it would now be possible for you to send me the necessary applications so that Mr. Dietz can make his proof.

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

20411

CREASON & CREASON

ATTORNEYS AT LAW

RUPERT, IDAHO

H. V. CREASON  
C. H. CREASON

July 22, 1953

Box 98  
Phone 35

RECEIVED  
JUL 23 1953  
Department of Reclamation

State of Idaho  
Department of Reclamation  
Boise, Idaho

Dear Mr. Kulp

Mr. John A. Dietz holder of permit N. 20411 has left his original permit in a safety deposit box in Lodi, California, and we have this day written your office for an application for proof of completion of works.

Would you be kind enough to have one of the members of your force prepare us a copy of the above permit and send it to us along with the application for making proof of completion of works.

Thanking you very kindly for your consideration, I beg to remain,

Yours very truly

CREASON & CREASON

*H. V. Creason*  
H. V. Creason

HVC:hc

20411

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 *Mr John D. Dietz*

(Signature or name of addressee)

2 *Mrs John Dietz*

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

Date of delivery *7-21*, 19*53*

20411

**Post Office Department**  
OFFICIAL BUSINESS

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

(GPO)

POSTMARK OF DELIVERING  
OFFICE



STATE OF IDAHO

DEPARTMENT OF TELEGRAPHY

Return to

BOISE, IDAHO  
(NAME OF SENDER)

Street and Number,  
or Post Office Box,

101 State House

REGISTERED ARTICLE

No. 87408

INSURED PARCEL

**BOISE,**

**IDAHO.**

No. \_\_\_\_\_

16-12421-1

16-12421-1

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

July 15, 1953, 194

Re: Permit No. 20411

To Mr. John D. Fietz  
Lodi, California

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20411  
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of work April 22, 1953

42-311  
you are hereby notified in compliance with Sec. 41-311 Idaho Code annotated that said Permit No. 20411  
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. 20411 claims the use of 3.2 cubic feet per second of the  
waters of a well (subterranean flow) with point of diversion located  
in the SW 1/4 SE 1/4 Section 21, Twp. 7 S., Range 2 E., B.M., and  
was approved April 22, 1948

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

15th day of July, 1953, 194

Mark R. Kulp

State Reclamation Engineer.

By Assistant.

20411

**State of Idaho**  
**DEPARTMENT OF RECLAMATION**  
**BOISE**

**INSTRUCTIONS**

PROOF OF COMPLETION OF WORKS

**Mr. John F. Dietz**  
**C/o Lawrence R. Duffin**  
**Fisher Bldg., Rupert, Idaho**

Boise, Idaho      **February 2, 1953**

Dear Sir:-

Under the terms of your Permit No. 20411 you are required to complete your diversion works on or before April 22, 1953. 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

20411

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

Permit No. 20411

Date April 28, 1948

Dear Sir:

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

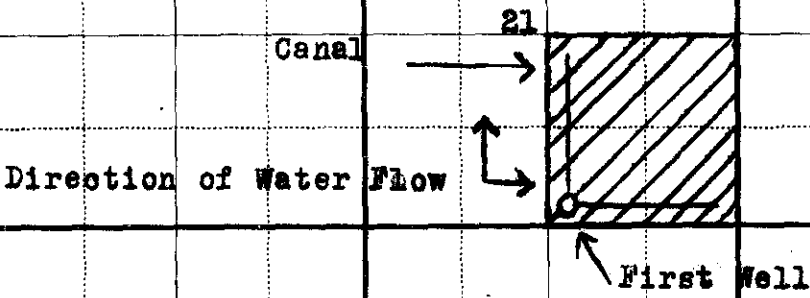
Mr. John D. Dietz  
c/o Lawrence H. Duffin  
Box 61  
Rupert, Idaho

MARK R. KULP  
State Reclamation Engineer

Enc. Departmental Receipt No. 20537

20411

Area irrigated located in the South-east  
Quarter (SE $\frac{1}{4}$ ) of Section Twenty-one (21),  
Township Seven (7) South, Range Twenty-  
four (24) East of the Boise Meridian.



Canals from Well:

- 6' at bottom (width)
- 10.5' at water line (width)
- 2.5' depth of water
- 3' depth of banks

Permit Map No. 20411  
As Approved  
APR 22 1948  
MARK R. KOLP  
State Reclamation Engineer

LAWRENCE H. DUFFIN

ATTORNEY AT LAW  
FISHER BUILDING  
RUPERT, IDAHO

April 16, 1948



State of Idaho  
Department of Reclamation  
Boise, Idaho

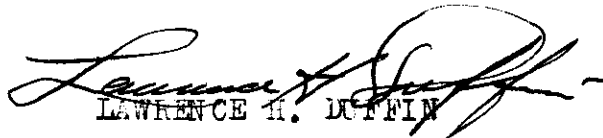
Attention: Jeanne L. Anderson, Chief Clerk

Dear Miss Anderson:

In reply to your letter of April 13, 1948, please file the applications on the date of receipt, but give them permit numbers in the order indicated, if possible.

The requests came to my office in that order, but were held by me until I received applications from you. I thought it might be unfair to the first that applied to have their applications filed after those that applied later. However, any way you can work this out will be satisfactory.

Very truly yours,

  
LAWRENCE H. DUFFIN

LHD:vfd

20411

April 13, 1948

Mr. Lawrence H. Duffin  
Box # 61  
Rupert, Idaho

Dear Mr. Duffin:

We acknowledge receipt of your letter of April 9th, which just reached us this morning, enclosing applications of John D. Dietz, W. P. and Clarence Schneider, Lester Zemke and W. F. Schneider.

Does your request that they be submitted in the order named mean that they are not all to have the same priority- that is, the date of receipt, but are to be given different priorities, in that order?

We await your further instruction in this matter.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

20411

LAWRENCE H. DUFFIN

ATTORNEY AT LAW  
FISHER BUILDING  
RUPERT, IDAHO

April 9, 1948



State of Idaho  
Department of Reclamation  
Mark R. Kulp--State Reclamation Engineer  
Boise, Idaho

Attention Jeanne L. Anderson; Chief Clerk

Dear Miss Anderson:

Enclosed herewith are four applications to appropriate the public water of the State of Idaho. Please submit them in following order:

John D. Dietz  
W. F. Schneider and Clarence Schneider--Co-partners  
Lester Zemke  
W. F. Schneider

Find also enclosed checks as follows:

John D. Dietz---\$5.75  
W. F. Schneider and Clarence Schneider---\$7.25  
Lester Zemke---\$6.50  
W. F. Schneider---\$7.25

Very truly yours,

LAWRENCE H. DUFFIN

LHD:vfd

Encl.

20411