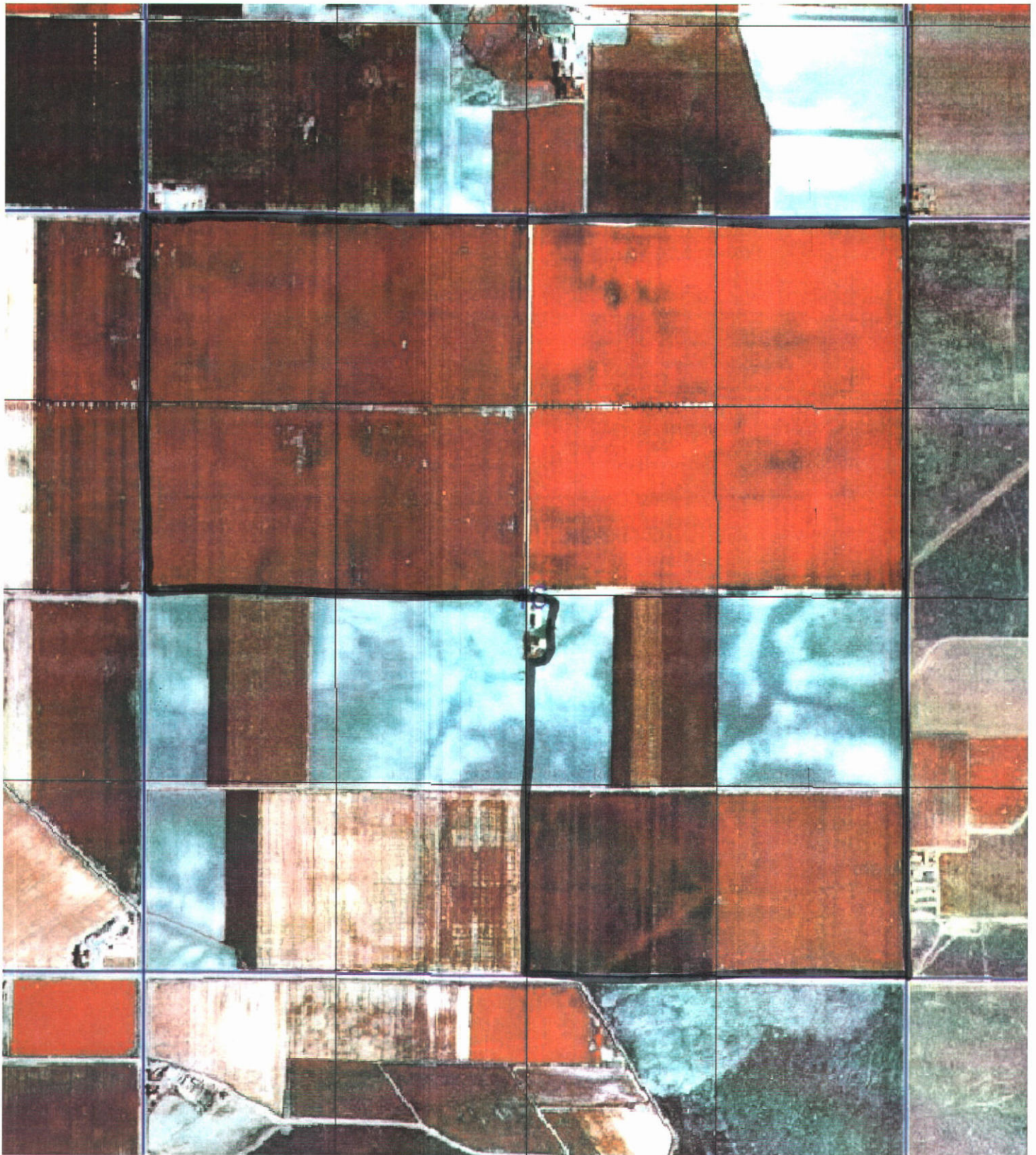




1320 0 1320 2640 Feet

Draw property boundaries
after proposed change.
Identify well locations that
will provide water to that land.

T9S R22E

JAN 09 2002



NOT TO SCALE

B12

NOT HEL

5

57.1

6

14.8

NOT

7

37.2

NOT HEL

3

55.5

9.10
16.15

T79
1788
TRACT-NOT HEL

38

PD

39

B-2
PD

38

38

B-1

38

B-1

39

40

B-2

38

1
154.8

2
150.5

3-3

38

B-3

PD

Pump

35

38

3
159.0

T95
58

Triple Ace Inc
Transfer Application

NOT HEL

2

52.8

NOT HEL

3

77.8

NOT HEL

4

38.8

NOT HEL

1

39

16

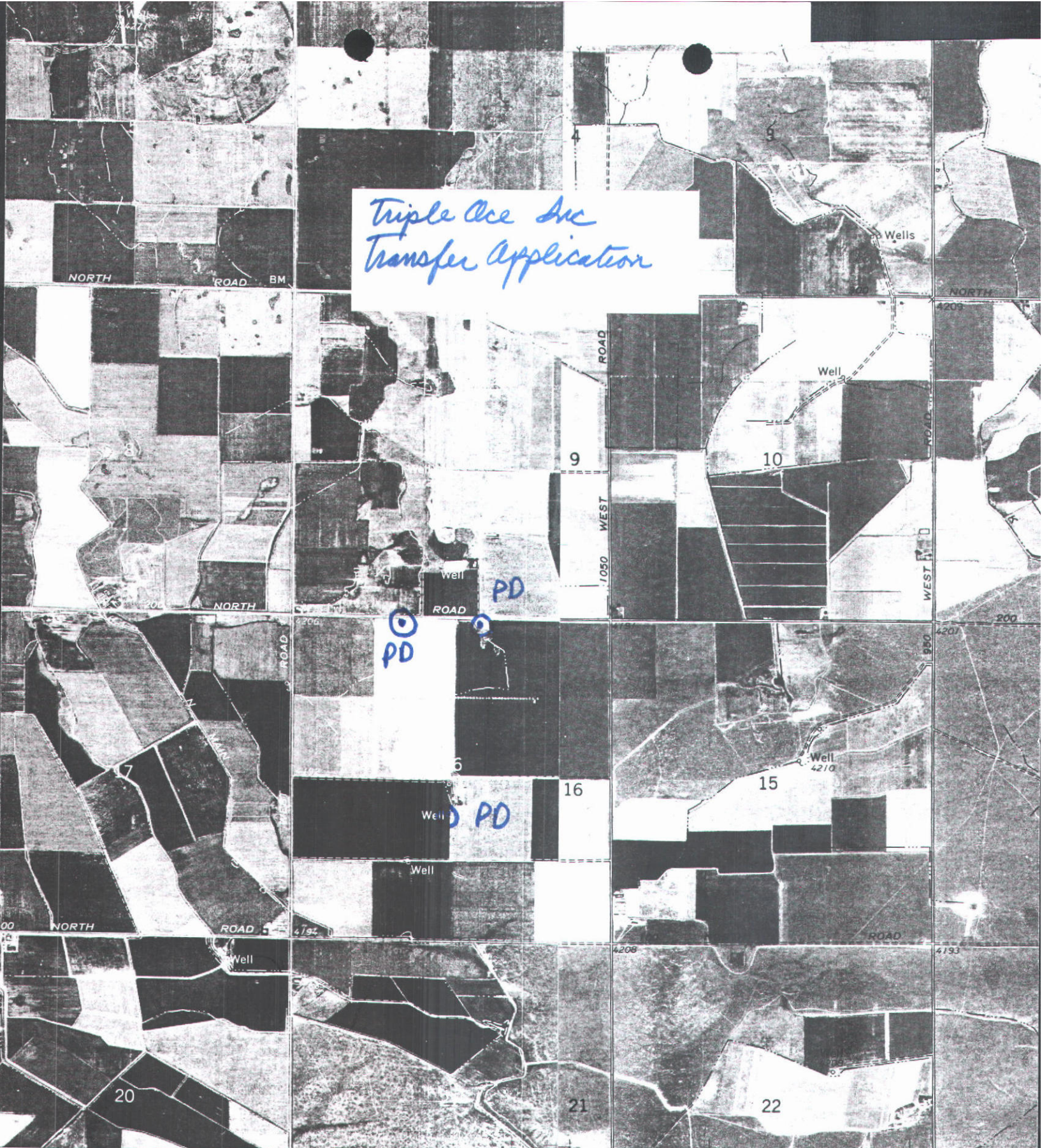
21

16.15
21.22

AUG 26 1992

T #4079
36-2060
36-2558

Triple Ace Inc
Transfer Application



AUG 26 1993

Produced by the Geological Survey
in cooperation with the State of Idaho

Orthophotograph prepared from 1:80,000-scale aerial
photographs taken September 9, 1984

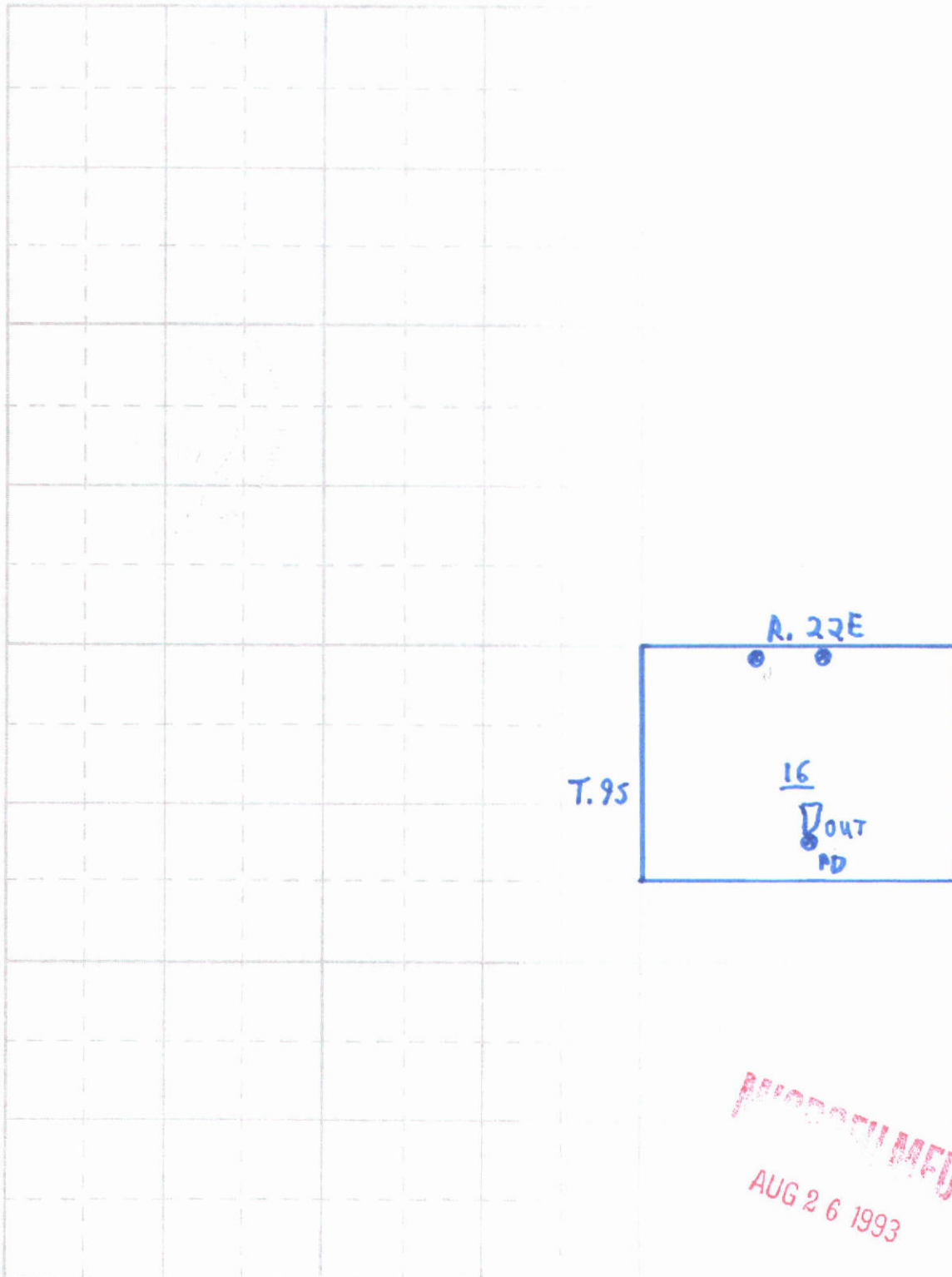
Projection and 100-foot grid ticks
Idaho coordinate system, central zone
Transverse Mercator

1:100,000-scale aerial photograph and ticks
Idaho coordinate system, central zone

T # 4079
36-2060
36-2558

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



APPROVED
AUG 26 1993



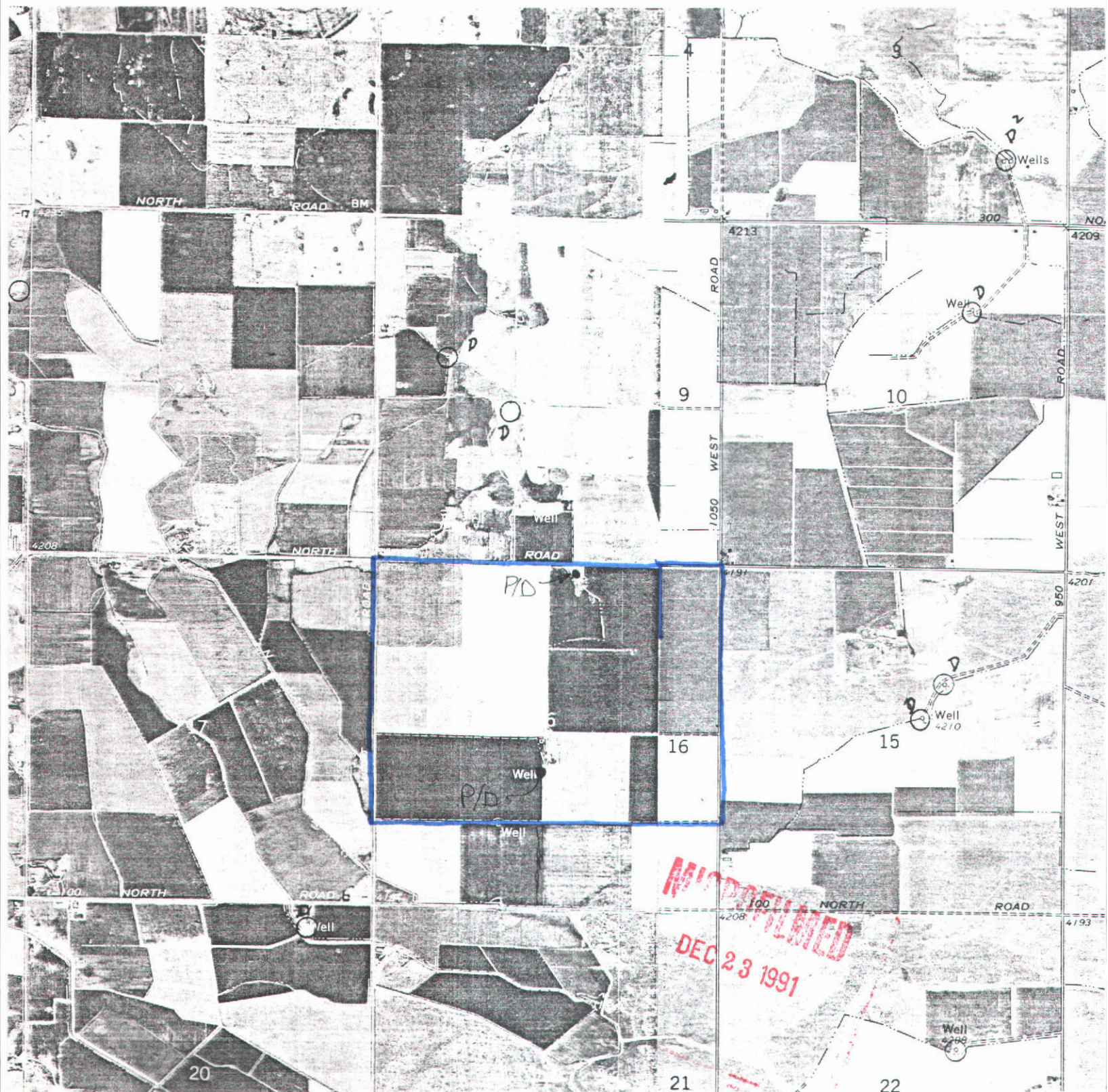
22E

22E

DEC 23 1951

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Curb = concrete approx.
7' x 7' sq. Motor rest on
concrete

Motor = U.S. 150 hp.
817 986 - 440V. - 1800 rpm
1800 rpm 3 ph - 60 cy.

Pump = Fairbanks Morse
PJ 6430

Water Line.

AB Panels with on
wood frame by pump

P.D. = transformers are
in line with pump
18 yds. N.

Temp = 55°F.

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.

Howard W. Moffatt
Rupert, Idaho

Permit No. 20311

Examination for Beneficial use

County Minidoka

16 (?) Wells
95-22E

AG, Lemay 66 R
7

Pond - N. for about 2 mi.
Th. on oil to edge of
prop. th. N. (at 2)

Th. on N. 2 mi. ±

5145
2
16.5
31
19

Probably on Rd.
10-25-48
S. 1 - W. 2

Th. right. 1 mi. to
End of Rd.

Q = 6 1/2 cfs.

Place = NE 1/4 SW 1/4 Sec 16

Acres = 305 = 5 1/2 Sec 16

143

333' = depth
Well 242 1/2' deep. X 20"
led 60' down. = h.

Pump sets 250'

Ray Commons, Rupert
drilled well.

10" column 12" pump 5 stages

Frank Bodenhamer
Eden, Ida.
Ph 2267 Eden.

Return between 20 Sept - 10 Oct.

Wait until larger pump in

in office on

Fue. Feb 20 - 57
Fe 27 - 57

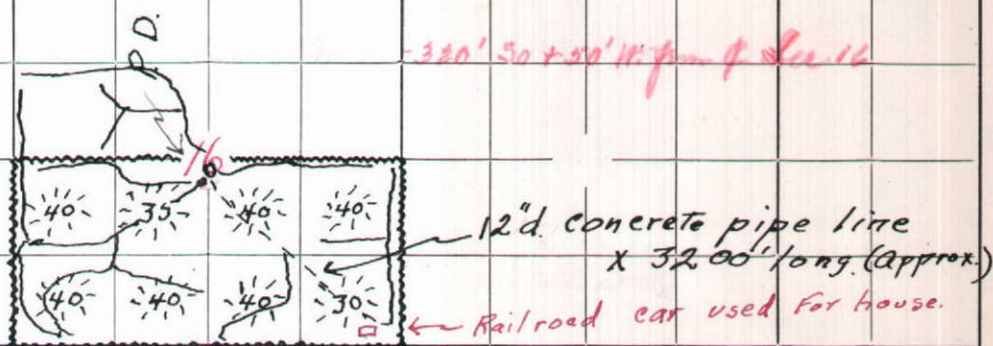
.43 on 2' weir 1.89
.6 on 18" weir 2.37
.6 4.26

.44 - 2' w 1.95
.61 - 18" w 2.43
.45 4.38
2.19

44 - 2' 1.89
.60 - 1 1/2" 2.02
3.91

2.16 lost head

add. 1
for leakage
4.30
4.42
2.219



P.D. = 320' South of section center line.
= 50' West of section center line

.44' over 2' Cip Weir = 1.95 cfs

.60' " 18" " " = 2.37 "

4.32

Q = 221 inches of water.

Add 5" or For leakage

.10

4.42 cfs

T = 55 ° F.

Area irrig. = 40 - 35 - 40 - 40 - 40 - 40 - 40 - 30
= 305 acres.

THE MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka)
) ss.
STATE OF IDAHO)

Larry H. Robinson being first
duly sworn, deposes and says that he is the
60- 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 Sept. 8, 1949, and
ending with the issue dated Sept. 29, 1949.

Larry H. Robinson

Subscribed and sworn to before me this

3rd day of Oct, 1949

A. C. DeMary Notary Public

Cost of Publication \$11.50

Notary Fee ✓

Total Cost \$11.50

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 a.m. on the first day of October, 1949, at Rupert, County of Minidoka, State of Idaho, before A. C. DeMary, Notary Public, proof will be submitted of the application to beneficial use of six and one-third cubic feet per second of the waters of a well in accordance with the terms and conditions of Permit No. 20311 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 Howard W. Moffat, Rupert, Idaho.

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

The amount applied to beneficial use is six and one-third cubic feet per second.

The place where said water is used, South half Section 16, Township 9 South, Range 22 East, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

The right to take from such works is based upon Permit No. 20311.

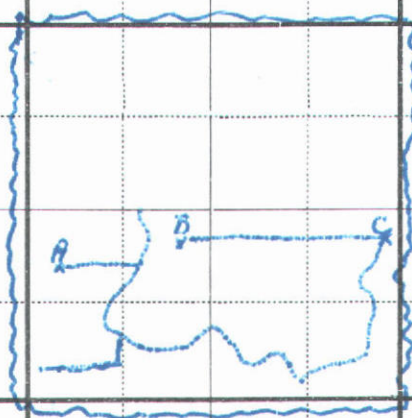
The source of supply from which such water is diverted is subterranean flow from a well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Twp. 9 South, Range 22 East, B.M.

The date of priority which said user is prepared to establish is February 3, 1949.

Mark R. Kulp
State Reclamation Engineer
4tc- Sept. 8-Sept. 29

20311

The first Well to be drilled will be "B", below. Wells "C" and "A" will be drilled in that order, but will be drilled only if necessary to obtain six and one third ($6 \frac{1}{3}$) second feet of water, as applied for in Application for Permit. If Well "B" will furnish six and one third ($6 \frac{1}{3}$) second feet of water, wells "C" and "A" will not be drilled.



A-B-C - are
potential sites
of wells by
fact of elevation
with probable
path of ditching

S $\frac{1}{2}$ Sec 16 T9S R2E

20311

TOWNSHIP-9 SOUTH RANGE-22 EAST

17



15

~ Note ~

Points of Diversion are Wells A, B, & C.

Permit Map No. 20311

As Approved

FEB 23 1948

MARK R. KULP

Professional Engineer

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)

STATE OF IDAHO,) ss.

Ruth DeThomas

, being first
duly sworn, deposes and says that she is the

Editor 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 two consecutive weeks, commencing

with the issue dated Jan 27, 19 66, and

ending with the issue dated Feb 3, 19 66

Ruth DeThomas

Subscribed and sworn to before me this

21st day of February, 19 66

Leis E. Stephenson Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

RECEIVED
FEB 24 1966

Department of Reclamation

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that
Gerald Morgan & W. H. Shll-
ington of Box 201, Rupert,
Idaho has applied to the State
Reclamation Engineer of the
State of Idaho for a certi-
ficate authorizing them to
change the place of use of the
waters of subterranean source
as follows: Amount: 4.42 cubic
feet per second. Priority: Feb.
3, 1948 Point of diversion:
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Town-
ship 9 S. Range 22 E., B. M.
Place of Use: S $\frac{1}{2}$ Sec. 16, T. 9
S., R. 22 E. B. M. To Be Trans-
ferred To Point of Diversion:
No change. Place of Use: S $\frac{1}{2}$
N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, T. 9 S.,
R. 22 E. B. M.

And that on the 15th day of
February, 1966, at 10:00 o'clock
A. M. at Room 107 Statehouse,
Boise, Idaho, before the State
Reclamation Engineer, or his

authorized agent, the oppor-
tunity will be given to any and
all persons to appear and pre-
sent, for his consideration any
reason or reasons why a certi-
ficate should not be issued
authorizing such transfer.

CARL E. TAPPAN

State Reclamation
Engineer

No. 569 Jan. 27 - Feb. 3

T-1064

36-3060

922 (Paid) 2/21/66 Minidoka News

Township 9 South - Range 22 East, B.M.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

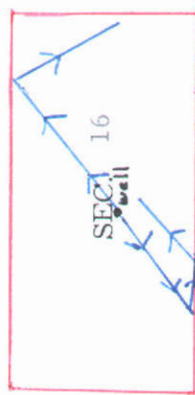
SEC.

SEC.

SEC.

SEC.

SEC.



NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Gerald Morgan & W. H. Shillington of Box 201, Rupert, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the place of use of the waters of subterranean source as follows: Amount: 4.42 cubic feet per second. Priority: Feb. 3, 1948 Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 9 S. Range 22 E., B. M. Place of Use: S $\frac{1}{2}$ Sec. 16, T. 9 S., R. 22 E. B. M. To Be Transferred To Point of Diversion: No change. Place of Use: S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, T. 9 S., R. 22 E. B. M.

And that on the 15th day of February, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

CARL E. TAPPAN
State Reclamation
Engineer
No. 569 Jan. 27 - Feb. 3

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

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And that on the 15th day of February, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his

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CARL E. TAPPAN
State Reclamation
Engineer
No. 569 Jan. 27 - Feb. 3

RECEIVED

MAR 25 2002

Department of Water Resources

2002 MAR 22 PM 12:41

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Rights 36-02060

A late claim was filed for the above-captioned water right on November 17, 1993.

On August 5, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Department of Water Resources (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*.

On January 25, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that water right 36-02060 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: 3/22/02

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JAN 12 2004

202 MAR 22 PM 12: 41

Water Right 36-02060

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

MICROFILMED
JAN 12 2004

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

JAN 12 2004

2002 MAR 22 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-02060

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-02060 was mailed
on March 22, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

** MOTION FOR LATE CLAIM **

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

TRIPLE ACE, INC.
1800 Z ST
HEBURN, ID 83336


ROBBIN GLATZ
Chief Deputy Clerk

MICROFILMED

JAN 12 2004

PAGE 1
03/22/02

CERTIFICATE OF MAILING

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66105

This is to certify that: TRIPLE ACE INC
1800 Z ST
HEYBURN ID 83336
(208)678-8283

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
36-2060	AJC/License	02/03/1948	4.42 cfs	1220.0 af	305.0	459.0	GROUND WATER
36-2558	AJC/License	12/14/1962	3.08 cfs	616.0 af	154.0	459.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

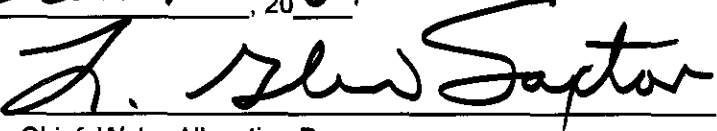
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-2060	NO	NO	YES	NO	NO	NO
36-2558	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acres Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acres Limit	Remaining Total Acres
36-2060	36-2060	4.42 cfs	1220 af	305.0	459.0		N/A	N/A	N/A	N/A
36-2558	36-2558	3.08 cfs	616 af	154.0	459.0		N/A	N/A	N/A	N/A
TOTALS		7.50 cfs	1836 af	N/A	459.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of December, 2001


Chief, Water Allocation Bureau

MICROFILMED
JAN 09 2002

WATER RIGHT NO. 36-2060
As Modified by Transfer No. 66105

In accordance with the approval of Transfer No. 66105, Water Right No. 36-2060 is now described as follows.

Right Holder: TRIPLE ACE INC
 1800 Z ST
 HEYBURN ID 83336

Priority Date: 02/03/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.42 CFS	1,220.0 AF
			4.42 CFS	1,220.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 16 Twp 09S Rge 22E MINIDOKA County

GROUND WATER NWNENW Sec. 16 Twp 09S Rge 22E MINIDOKA County

GROUND WATER NENESW Sec. 16 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
09S 22E 16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	459.0
	38.0	39.0	40.0	38.0	39.0	38.0	38.0	39.0	38.0	35.0	39.0	38.0	38.0	35.0	39.0	38.0	

Total Acres: 459

CONDITIONS OF APPROVAL

1. Right 36-2060 is limited to the irrigation of 305.0 acres within the place of use described above in a single irrigation season.
2. Right 36-2558 is also diverted through the points of diversion described above.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-2060 and 36-2558 shall not exceed 7.50 cfs, nor total combined annual volume of 1836.0 af, for the irrigation of 459.0 acres.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JAN 09 2002

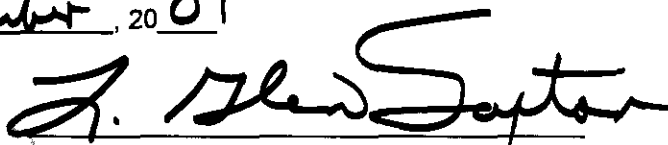
WATER RIGHT NO. 36-2060
As Modified by Transfer No. 66105

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of December, 2001



Chief, Water Allocation Bureau

MICROFILMED

JAN 09 2002

WATER RIGHT NO. 36-2558
As Modified by Transfer No. 66105

In accordance with the approval of Transfer No. 66105, Water Right No. 36-2558 is now described as follows.

Right Holder: TRIPLE ACE INC
 1800 Z ST
 HEYBURN ID 83336

Priority Date: 12/14/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.08 CFS	616.0 AF
			3.08 CFS	616.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER **NWNWNE** Sec. 16 Twp 09S Rge 22E MINIDOKA County

GROUND WATER **NWENW** Sec. 16 Twp 09S Rge 22E MINIDOKA County

GROUND WATER **NENESW** Sec. 16 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 22E 16	38.0	39.0	40.0	38.0	39.0	38.0	38.0	39.0					38.0	35.0	39.0	38.0	459.0

Total Acres: 459

CONDITIONS OF APPROVAL

1. Right 36-2558 is limited to the irrigation of 154.0 acres within the place of use described above in a single irrigation season.
2. Right 36-2060 is also diverted through the points of diversion described above.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-2060 and 36-2558 shall not exceed 7.50 cfs, nor total combined annual volume of 1836.0 af, for the irrigation of 459.0 acres.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JAN 03 2002

WATER RIGHT NO. 36-2558
As Modified by Transfer No. 66105

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of December, 2001


Chief, Water Allocation Bureau

MICROFILMED

JAN 09 2002

Transfer No. 5738
66105

JUL 18 2000 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Name of Applicant Triple Ace Inc.

Phone 208.678.8283

Post Office address 1800 Z St. Haysburn Ad 83339

RECEIVED

MAY 02 2000

**Department of Water Resources
Southern Region**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Triple Ace Inc. have swapped 77 irrigated acres (80 total) each so that each would have a full quarter of land on which to install pivot systems. This makes irrigating the lands more efficient.

<u>1. Right Number</u>	<u>Priority</u> \, <u>cf.</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
------------------------	-------------------------------	---------------------------	----------------------	----------------------

36-2060	02/02/1948	4.42	irrigation	04/01	to	10/31
36-2558	12/14/1962	3.08	irrigation	04/01	to	10/31
					to	
					to	

2. Total amount of water being transferred 7.5 cubic feet per second and/or 1836 acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion: NE (per telephone conversation with Lisa Patterson of Triple Ace)

[illegible]

5. Lands irrigated or place of use:

[illegible]

~~MICROFILMED~~

04/09/2002

Total Acres	459
-------------	-----

$$5738/66105$$

PART 1

6. General Information:

a. Description of diversion system deep well with booster

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No affect

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

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JAN 09 2002

PART 2

TRANS NO. **T#5738****A. DESCRIPTION OF RIGHT AS RECORDED:**Water Right No. **X36-02060**STAGE: **LICENSE**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.42 CFS	1220.0 AF

SOURCE

GROUNDWATER

Priority: 02/03/1948

LOCATION OF POINT(S) OF DIVERSION:

NWNWNE , Sec. 16, Township 09S, Range 22E
 NWNENW , Sec. 16, Township 09S, Range 22E
 NENESW , Sec. 16, Township 09S, Range 22E
 MINIDOKA County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE				
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09S	22E	16	:	38		39		40		38		39		38		38		39		459.0
																			TOTAL ACRES	459.0

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
5. Right No. 36-02060 is limited to the irrigation of 305 acres in the place of use described above in a single irrigation season. Use of Right Nos. 36-02060 and 36-02558 are limited to a total

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JAN 09 2002

Water Right No. X36-02060

combined diversion rate of 7.50 cfs, a total combined annual diversion volume of 1836 af, a total combined annual consumptive use volume of 1377 af, and to the irrigation of a combined total of 459 acres in a single irrigation season.

6. Right Nos. 36-02060 and 36-02558 are diverted through the points of diversion described above.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ OtherAgreement

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PART 2

TRANS NO.

T#5738

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. X36-02558

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.08 CFS	616.0 AF

SOURCE

GROUNDWATER

Priority: 12/14/1962

LOCATION OF POINT(S) OF DIVERSION:

NWNWNE , Sec. 16, Township 09S, Range 22E
 NWNENW , Sec. 16, Township 09S, Range 22E
 NENESW , Sec. 16, Township 09S, Range 22E
 MINIDOKA County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE														
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM				
09S	22E	16	:	38		39		40		38		39		:	39		38		38		39		39		:	38		35		459.0
																							TOTAL ACRES		459.0					

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
5. Right No. 36-02558 is limited to the irrigation of 154 acres in the place of use described above in a single irrigation season. Use of Right Nos. 36-02060 and 36-02558 are limited to a total

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JAN 09 2002

Water Right No. X36-02558

combined diversion rate of 7.5 cfs, a total combined annual diversion volume of 1836 af, a total combined annual consumptive use volume of 1377 af, and to the irrigation of a combined total of 459 acres in a single irrigation season.

6. Right Nos. 36-02060 and 36-02558 are diverted through the points of diversion described above.

Describe any other water rights used for the same purpose as described above:

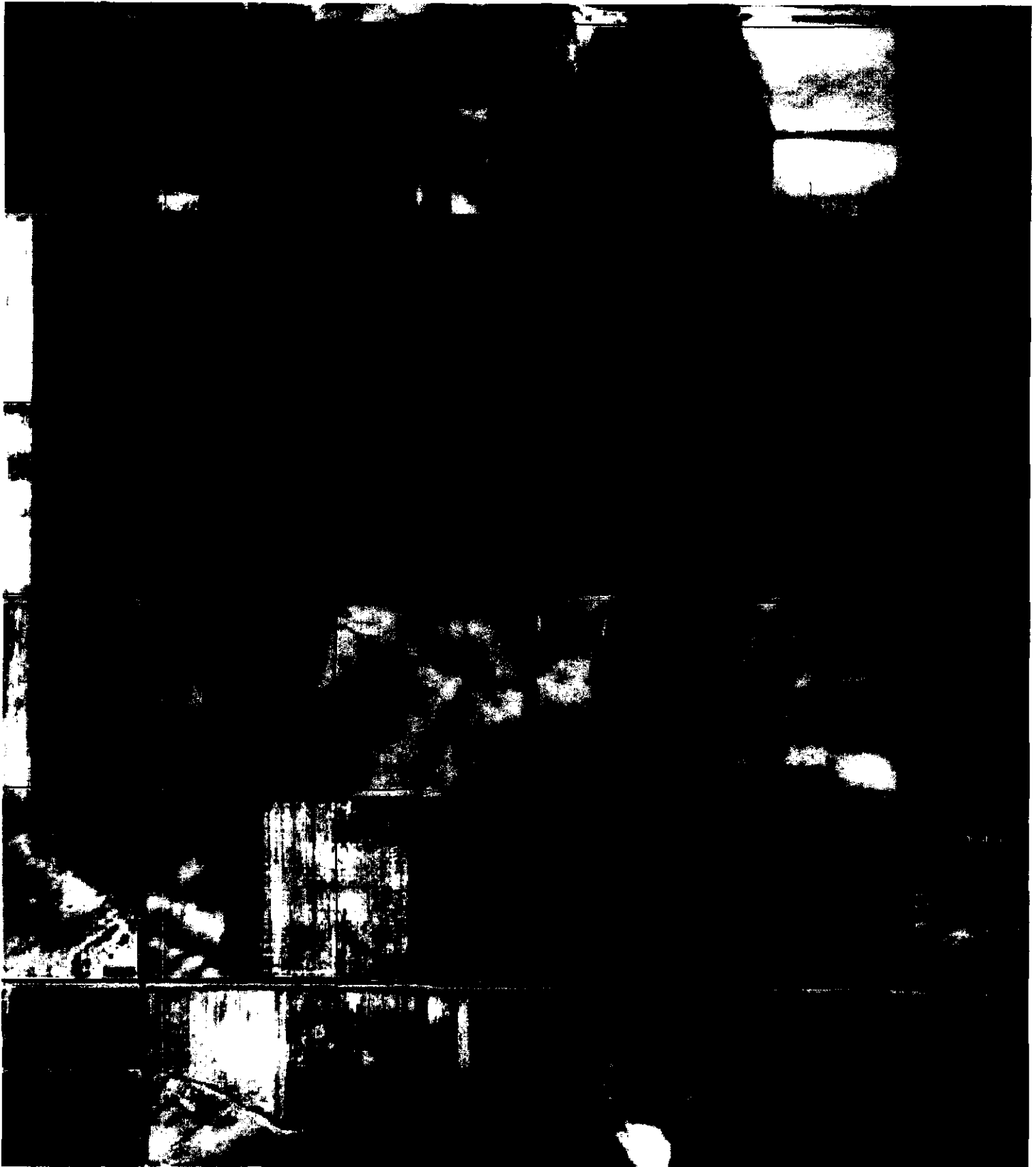
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ OtherAgreement

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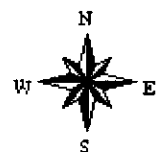
JUN 3 2002



1320 0 1320 2640 Feet

Draw property boundaries
after proposed change.
Identify well locations that
will provide water to that land.

T9S R22E
JAN 8 9 2002



PART 3

B. CHANGES IN NATURE OF USE

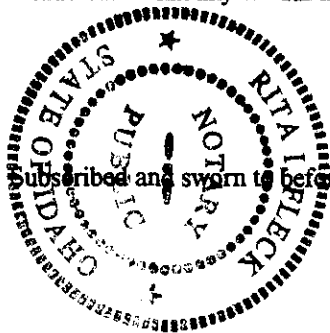
1.	New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Mrs. Patterson, Secretary
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of April, 2000.

Rita L. Black
(Notary Public)

My commission expires 1/25/2006

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by John Freitag Date 05/02/00 Protest filed by None

Prelim. Check by John Freitag Fee \$100.00

Receipted by John Freitag Date 05/03/00 5023068

Published in So. Ill. Press Copies of protest forwarded by _____

Pub. Dates 6/19 & 6/26/00 Hearing held by _____ Date _____

Watermaster recommendations requested on N/A Recommended for ☒ approval ☐ denial

_____ received MICROFILMED by AK

Copy of transfer sent to lien holder _____

1997 08 2002

LAND EXCHANGE AND EASEMENT AGREEMENT

THIS AGREEMENT entered the 1st day of October, 1999, by and between JIMMIE D. TUCKNESS and LaVON TUCKNESS, husband and wife, hereinafter known as Tuckness, of 1251 West 300 North, Paul, Idaho 83347, and TRIPLE ACE, INC., an Idaho corporation, of 1800 Z Street, Heyburn, Idaho 83336,

W I T N E S S E T H,

WHEREAS, Triple Ace, Inc. is the owner of eighty (80) acres of land, more or less, in Minidoka County, Idaho which is referred to as Parcel 1 on a survey prepared by Desert West Land Surveys as Job # 5299-99B1 dated September 9, 1999. Said property is described on Exhibit A which is attached hereto and incorporated by reference, and

WHEREAS, Jimmie D. Tuckness and LaVon Tuckness are the owners of eighty (80) acres of land, more or less, in Minidoka County, Idaho which is referred to as Parcel 2 on the Desert West Land Surveys survey. Said property is described on Exhibit B which is attached hereto and incorporated by reference, and

WHEREAS, Triple Ace, Inc. is the owner of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, Idaho and the N $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16, and

WHEREAS, Jimmie D. Tuckness and LaVon Tuckness are the owners of the S $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16, and

WHEREAS, Triple Ace, Inc. wishes to acquire Parcel 2 from Tuckness so Triple Ace, Inc. can install a pivot irrigation system on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, and Tuckness wishes to acquire Parcel 1, so Tuckness can install a pivot irrigation system on the SW $\frac{1}{4}$ of Section 16, and

WHEREAS, Triple Ace, Inc. will retain ownership of a well located in the easterly portion of Parcel 1 and adjacent to the East boundary of said Parcel 1, and

WHEREAS, Triple Ace, Inc. and Tuckness wish to create a permanent easement twenty feet (20') in width for the benefit of

LAND EXCHANGE AND EASEMENT AGREEMENT

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Tuckness-TripleAce.Agreement.lac.wpd

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themselves and their respective successors in interest in the SE¼ of said Section 16, and the SW¼ of said Section 16 along the common boundary of the Northwest Quarter and the Southwest Quarter of said Section 16, and along the common boundary of the Southwest Quarter and the Southeast Quarter of said Section 16 from the center of said Section 16 to the well of Triple Ace, Inc. which is located on the East boundary of Parcel 1. The easement is described on Exhibit C which is attached hereto and incorporated by reference,

NOW THEREFORE, in consideration of the foregoing, the parties agree to the following:

1. Upon execution of this agreement Triple Ace, Inc. will convey Parcel 1 to Jimmie D. Tuckness and LaVon Tuckness by warranty deed subject only to accruing 1999 real property taxes, the easement which is created by this agreement, assessments of the Magic Valley Groundwater District and two Power Line Easements described as exceptions 12 and 13 on Schedule B of the Commitment for Title Insurance issued by Commonwealth Land Title Insurance Co. as order # 32123 MC. Triple Ace, Inc. will receive ownership of the well and irrigation equipment located on the East boundary of Parcel 1 to provide irrigation water for the SE¼ of said Section 16 and other property owned by Triple Ace, Inc. which is situated in the NW¼ of said Section 16.

2. Jimmie D. Tuckness and LaVon Tuckness shall convey Parcel 2 to Triple Ace, Inc. by warranty deed subject only to accruing 1999 real property taxes, assessments of the Magic Valley Groundwater District and two Power Line Easements described as items 12 and 13 on Schedule B of the Commitment for Title Insurance issued by Commonwealth Land Title Insurance Co. as order # 32125 MC.

3. Each party shall pay the 1999 real property taxes and assessments of Magic Valley Groundwater District on the parcel which said party is to convey to the other party. Said taxes and assessments shall be paid in full not later than December 20, 1999. Each party shall hold the other party harmless from any real property taxes or assessments for 1999 and prior years on the parcel said party is conveying to the other party.

4. Each party will be allowed to complete harvest operations on the parcel said party is conveying to the other party. When each party has completed harvest operations on the parcel to be conveyed to the other party, the party receiving said

LAND EXCHANGE AND EASEMENT AGREEMENT

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JAN 03 2002

parcel shall be entitled to begin fall work and installation of irrigation equipment on the parcel of property said party is to receive.

5. Jimmie D. Tuckness and LaVon Tuckness and Triple Ace, Inc. hereby declare, create and grant to one another a permanent easement described on Exhibit C which is attached hereto and incorporated by reference. The purpose of the easement will be to allow each party to install, operate, maintain, repair and replace irrigation equipment and electrical lines and equipment related to operation of wells, pumps and irrigation systems on the respective parcels of property owned by the parties in the Southeast Quarter and the Southwest Quarter of Section 16, Township 9 South, Range 22 East of Boise Meridian, Minidoka County, Idaho. The easement shall also be available for use by the respective parties for access to their respective farming operations. The parties acknowledge and agree that the irrigation well of Triple Ace, Inc. which is located at the Southern end of the easement adjacent to the South Quarter section line of said Section 16 shall be owned by Triple Ace, Inc. and its successors in interest in the Southeast Quarter of said Section 16. Tuckness will be permitted to install electric utility poles, transformers, electric panels and switching gear within the easement so that Tuckness can supply electric energy to the pivot irrigation system to be installed in the SW $\frac{1}{4}$ of Section 16. The benefits and burdens of the easement shall run with the land inure to the benefit of the successors in interest of the respective parties in the Southeast Quarter and the Southwest Quarter of said Section 16.

6. Utility poles and buried pipe line shall be installed and maintained in a manner which will allow the easement to be used safely for ingress and egress by the parties to this agreement and their successors in interest in the parcels which are benefitted and burdened by this easement. The parties shall share equally in the reasonable cost of maintaining the easement in a manner satisfactory to allow adequate ingress and egress and use of the easement. Neither party shall cause or allow irrigation water to be discharged on the easement in a manner which will make the easement impassable.

7. Each party will provide the other party with a title insurance policy showing good and marketable title in the parcel which is to be acquired by each party hereunder, including the easement. The parties agree that the title insurance policies shall each be issued for the face amount of \$120,000. The title

LAND EXCHANGE AND EASEMENT AGREEMENT

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insurance shall insure the parties rights in the easement as long as the parcel shall be received by the parties.

8. The parties will bear equally the cost of the preparation of the survey by Desert West Land Surveys. The parties shall also bear equally the cost of preparation of this agreement and the other documents and conveyances in the cost of closing the transaction.

9. Closing shall take place at Land Title & Escrow, Inc. at Burley, Idaho not later than October 15, 1999. Each party shall obtain releases of any mortgages or other encumbrances on the parcel said party is to convey and encumbrances on the easement prior to the time of closing.

10. It is the intention of the parties that this transaction qualify as a tax deferred exchange of like-kind real property under § 1031 of the Internal Revenue Code. No irrigation equipment or other personal property is included in the sale.

11. Each party acknowledges that the party is familiar with the parcel being acquired from the other party, the said party is not relying upon any representations or warranties other than warranty of title.

12. It is the intention of the parties that the water rights owned by each party in the parcel of property currently owned by said party be retained and transferred to the parcel of property each party is to receive from the other party. Each party acknowledges that the parcel it receives from the other party will not include water rights which are currently appurtenant to the parcel said party is to receive.

13. A copy of this agreement will be submitted to the Idaho Department of Water Resources for preparation of appropriate applications for exchanging the place of beneficial use and/or points of diversion of the water rights of the respective parties to give effect to this agreement. Each party will pay its own application fees and other charges of the Idaho Department of Water Resources for its application.

14. This agreement has been prepared by Donald J. Chisholm at the request of Jimmie D. Tuckness and LaVon Tuckness. Triple Ace, Inc. acknowledges that it has been advised that Donald J. Chisholm is not acting as the attorney for Triple Ace, Inc. and

LAND EXCHANGE AND EASEMENT AGREEMENT

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that Triple Ace, Inc. should have the documents examined by its own counsel if it desires to do.

15. Each party will execute any other documents and conveyances which may be required to give full force and effect to this agreement.

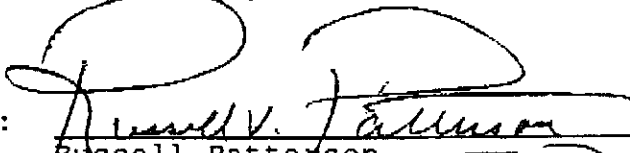
IN WITNESS WHEREOF the parties have set their hands the day and year first written above.


Jimmie D. Tuckness
J.D.


LaVon Tuckness

TRIPLE ACE, INC.

by:


Russell Patterson,
President

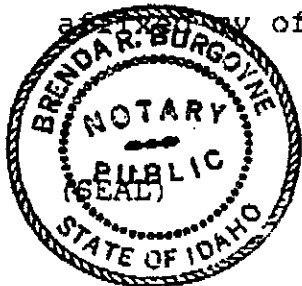
Attest:


Lisa Patterson,
Secretary

STATE OF IDAHO)
) ss.
 County of Cassia)

On this 14th day of October, in the year of 1999, before me the undersigned notary public in and for said state, personally appeared JIMMIE D. TUCKNESS AND LAVON TUCKNESS, h&w, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

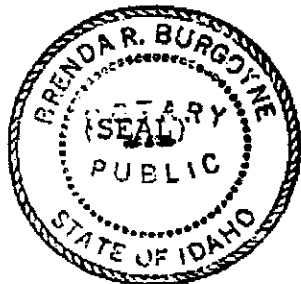


Brenda R. Burgoyne
 Notary Public
 Residing at Heber, Idaho
 My Commission expires 2-21-2005

STATE OF IDAHO)
) ss.
 County of Cassia)

On this 1st day of October, 1999, before me the undersigned notary public in and for said state, personally appeared RUSSELL PATTERSON and LISA PATTERSON, known to me to be the president and secretary, respectively, of the corporation that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Brenda R. Burgoyne
 Notary Public
 Residing at Heber, Idaho
 My Commission expires 2-24-2005

LAND EXCHANGE AND EASEMENT AGREEMENT
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EXHIBIT A

September 9, 1999
JOB # 5299-99B1
RUSSELL PATTERSON and
JIMMY TUCKNESS SURVEY

PARCEL 1

L E G A L D E S C R I P T I O N

Part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16 of Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the West $\frac{1}{4}$ section corner of Section 16 of T.9 S., R.22 E., B.M., said corner marked by a $\frac{3}{8}$ " rebar which shall be the Point of Beginning;

THENCE North 00 degrees 02 minutes 32 seconds West along the west line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 11.76 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 21 minutes 49 seconds East for a distance of 2625.31 feet to a $\frac{1}{4}$ " rebar;

THENCE South 00 degrees 37 minutes 48 seconds West for a distance of 587.80 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 21 minutes 49 seconds East for a distance of 12.97 feet to a $\frac{1}{4}$ " rebar;

THENCE South 00 degrees 04 minutes 56 seconds East for a distance of 744.49 feet to the south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE North 89 degrees 20 minutes 55 seconds West along said line for a distance of 2631.44 feet to the Southwest corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE North 00 degrees 03 minutes 45 seconds West along the west line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 1319.88 feet to the Point of Beginning.

Said property contains 80.33 acres more or less and is subject to a county road right of way along the west side and subject to and together with an Access Easement for the benefit of both parties said easement being more particularly described as follows: (insert Access Easement legal description).

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



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JAN 09 2002

EXHIBIT B

September 9, 1999
JOB # 5299-99B1
RUSSELL PATTERSON and
JIMMY TUCKNESS SURVEY

PARCEL 2

LEGAL DESCRIPTION

Part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ and all of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16 of Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Southeast section corner of Section 16 of T.9 S., R.22 E., B.M., said corner marked by a $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

THENCE North 89 degrees 22 minutes 33 seconds West along the south line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ for a distance of 2641.54 feet to the South $\frac{1}{4}$ section corner marked by a $\frac{3}{8}$ " rebar;

THENCE North 89 degrees 20 minutes 00 seconds West along the south line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 9.45 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 04 minutes 56 seconds West for a distance of 1320.58 feet to the north line of the S $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE South 89 degrees 20 minutes 55 seconds East along said line for a distance of 9.45 feet to the Northwest corner of the S $\frac{1}{2}$ SE $\frac{1}{4}$;

THENCE South 89 degrees 22 minutes 11 seconds East along the north line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ for a distance of 2640.93 feet to the Northeast corner of the S $\frac{1}{2}$ SE $\frac{1}{4}$;

THENCE South 00 degrees 06 minutes 33 seconds East along the east line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ for a distance of 1320.31 feet to the Point of Beginning.

Said property contains 80.34 acres more or less and is subject to a county road right of way along the south and east sides and subject to any other easements or right of ways of record or use.

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



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JAN 09 2002

EXHIBIT C

September 9, 1999
JOB # 5299-99B1
RUSSELL PATTERSON and
JIMMY TUCKNESS SURVEY

ACCESS EASEMENT**LEGAL DESCRIPTION**

Part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16 of Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the West $\frac{1}{4}$ section corner of Section 16 of T.9 S., R.22 E., B.M., said corner marked by a $\frac{3}{8}$ " rebar; Thence North 00 degrees 02 minutes 32 seconds West along the west line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 1.76 feet to a point which shall be the Point of Beginning;

THENCE North 00 degrees 02 minutes 32 seconds West continuing along said line for a distance of 20.00 feet;

THENCE South 89 degrees 21 minutes 49 seconds East for a distance of 2635.43 feet;

THENCE South 00 degrees 37 minutes 48 seconds West for a distance of 597.80 feet;

THENCE North 89 degrees 21 minutes 49 seconds West for a distance of 20.00 feet;

THENCE North 00 degrees 37 minutes 48 seconds East for a distance of 577.80 feet;

THENCE North 89 degrees 21 minutes 49 seconds West for a distance of 2615.19 feet to the Point of Beginning.

Said property contains 1.48 acres more or less.

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



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JAN 09 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4079
WATER RIGHT NO(S). 36-02060/36-02558

This is to certify that: **TRIPLE ACE INC**
RT 2 BOX 2778
PAUL ID 83347

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02060 :			
IRRIGATION	04/01 to 10/31	4.42 CFS	1220.0 AF
Priority: 02/03/1948			
Right No. 36-02558 :			
IRRIGATION	04/01 to 10/31	3.08 CFS	616.0 AF
Priority: 12/14/1962			

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWNWNE , Sec. 16, Township 09S, Range 22E
NWNENW , Sec. 16, Township 09S, Range 22E
NENESW , Sec. 16, Township 09S, Range 22E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 22E 16	NENE 38	NWNE 39	SWNE 40	
	SENE 38	NENW 39	NWNW 38	
	SWNW 38	SENW 39	NESW 39	
	NWSW 38	NESE 38	NWSE 35	459
		Total number of acres irrigated:		459

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

APPROVED

AUG 26 1993

TRANSFER NO. 4079
WATER RIGHT NO(S). 36-02060/36-02558

CONDITIONS/REMARKS:

2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
5. Right No. 36-02060 is limited to the irrigation of 305 acres in the place of use described above in a single irrigation season.
6. Right No. 36-02558 is limited to the irrigation of 154 acres in the place of use described above in a single irrigation season.
7. Use of Right Nos. 36-02060 and 36-02558 are limited to a total combined diversion rate of 7.50 cfs, a total combined annual diversion volume of 1836 af, a total combined annual consumptive use volume of 1377 af, and to the irrigation of a combined total of 459 acres in a single irrigation season.
8. Right Nos. 36-02060 and 36-02558 are diverted through the points of diversion described above.

Dated this 26th day of

July

, 19

93

J. New Saylor
Chief, Water Alloc. Bureau

AUG 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4079

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

FEB 22 1993

JUN 19 1993

Debitment of Unpl. Resources Triple Ace Inc.

Department of Water Resources
Phone 438-6242 Region Office

Post Office address Rt. 2 Box 2778, Paul, ID 83347

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Well drilled in 1990 under T. 3501 did not produce enough water. So this well, the original well, and another old well must be used to produce the licensed amount.

8. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-------------------|-------------------------|-------------------|--|
| <u>26-02558</u> | <u>12-14-1962</u> | <u>3.08 cfs/616 ac</u> | <u>Irrig.</u> | <u>4-1</u> to <u>10-31</u> |
| <u>26-02060</u> | <u>2-3-1948</u> | <u>4.42 cfs/1220 ac</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred <u>7.5</u> cubic feet per second and/or <u>1836</u> acre-feet per annum. | | | | |
| 3. Source of water <u>Groundwater</u> tributary to <u> </u> | | | | |
| 4. Point(s) of Diversion: <u> </u> | | | | |

[illegible]

5. Lands irrigated or place of use: No Change

[illegible]

Total acres 1

PART 1

6. General Information:

a. Description of diversion system 3 existing wells & pumps, connecting mainlines, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? — Yes — No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

Due to sand problems, both north wells are pumped at less than full capacity.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECORDED

AUG 26 1993

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

PART 2

(Attach one copy for each right)

1993

A. DESCRIPTION OF RIGHT AS RECORDED

Department of Water Resources

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-02558 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 12-14-1962

5. Water is used for the following purpose:

amount 3.08 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.08 cubic feet per second and/or 6/6 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	16	95	22E	Minidoka	
	NE	NE	SW	"	"	"	"	

8. Lands irrigated or place of use: * Not to exceed 154 acres in any one year

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
95	22E	16	38	39	40	38	39	38	38	39	39	38			38	35			459 *

Total acres 459 *

9. Describe any other water rights used for the same purpose as described above 36-02060

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

AUG 26 1893

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT**

JUL 19 1993

PART 2

Department of Water Resources

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-02060 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____4. Date or priority 2-3-1948

5. Water is used for the following purpose:

amount 4.42 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.42 cubic feet per second and/or 1220 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	16	9S	22E	Minidoka	
	NE	NE	SW	"	"	"	"	

8. Lands irrigated or place of use: * Not to exceed 305 acres in any one year

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	22E	16	38	39	40	38	39	38	38	37	39	38			38	35			459*

Total acres 459*9. Describe any other water rights used for the same purpose as described above 36-02558

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

NOT TO SCALE

B 12

NOT HEL

3

55.5

91.3

16.5

NOT HEL

6

50

6

14.8

17.2

T 79
1788

TRACT-NOT HEL

37

PD

39

PD

31

38

B-1

36

154.8

3-3

38

PD

3-3

159.0

T 95
58

Triple Ace Inc
Transfer Application

NOT HEL

2

52.8

NOT HEL

3

77.8

NOT HEL

4

58.8

NOT HEL

39

16

21

1615

22

ENC 26

T # 4079
36-2060
36-2558

Triple Ace Inc
Transfer Application

ROAD BM

Well

9

10

NORTH

PD

ROAD

16

15

ROAD

20

21

22

62

630000 E

113° 52' 30"

65

66

540 000 FEET

AUG 26 1993

Produced by the Geological Survey
in cooperation with the State of Idaho

Orthophotograph prepared from 1:80,000-scale aerial
photographs taken September 9, 1984

Projection and 10,000-foot grid ticks

Idaho coordinate system, central zone

Transverse Mercator

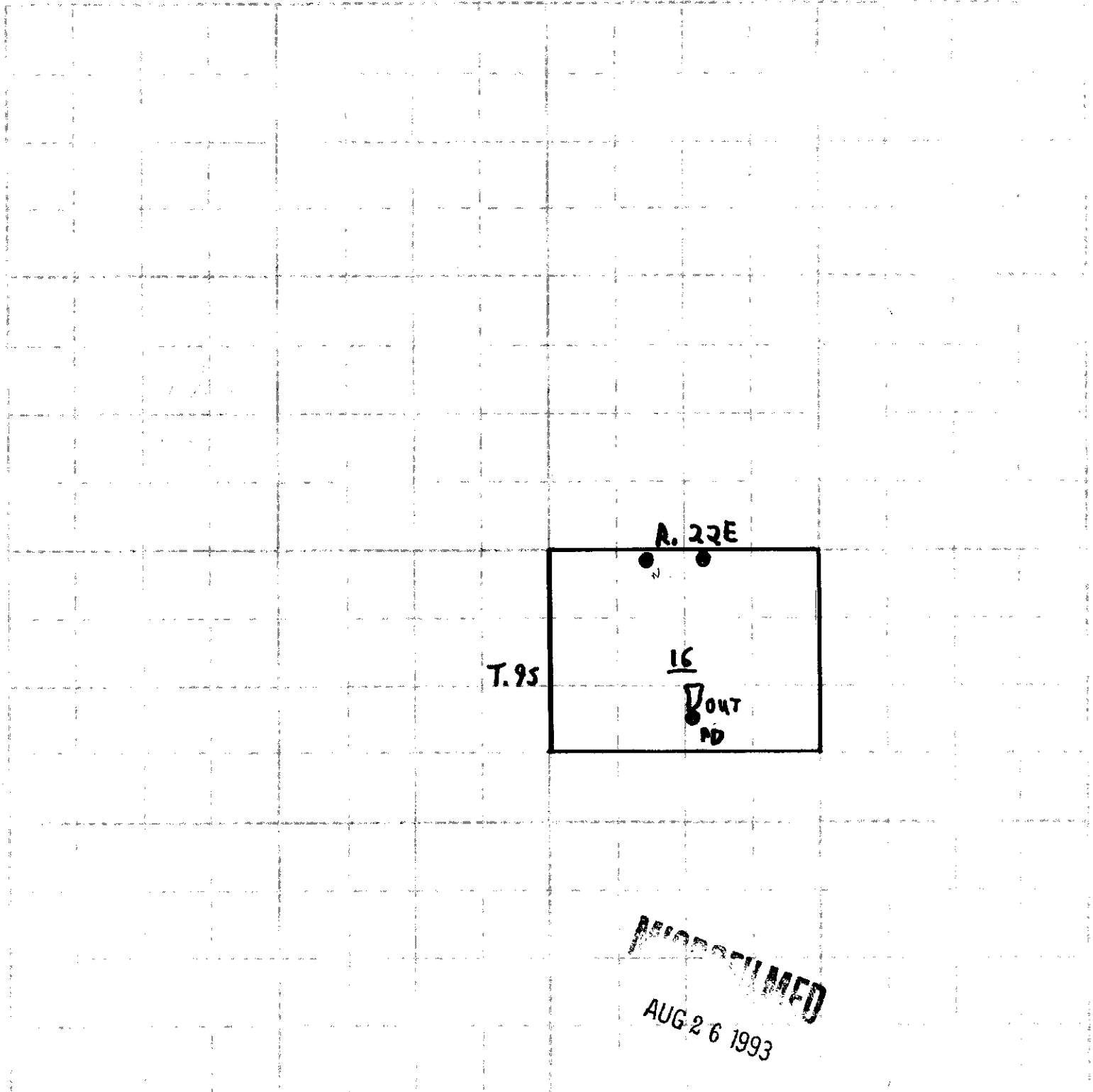
1,000 meter intervals Transverse Mercator grid ticks

Copyright 1984 by the Geological Survey

T # 4079
36-2060
36-2558

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Triple Ace Inc.
ly R. Russell v. Patterson
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of February, 1993.

Robert V. Worstell
(Notary Public)

My commission expires Jan. 16, 1995**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 2 attachments

Received by JF Stanton Date 2-22-93 Protest filed by _____

Prelim. check by MTS Fee \$50.00 5015410

Receipted by JS Date 2-22-93

Published in So. Cal. Press Copies of protest forwarded by _____

Pub. dates 4/23 + 4/30/93 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED

AUG 26 1993

Page 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

Transfer No. 3801

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Patterson Farms of Idaho, Inc. Phone 438-4800Post Office address Plt. # 1, Box 1272 Paul, Idaho 83347

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☒
- Add diversion point(s)
- ☒
- Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes
- Closer to New mainline installed and sand problems in July, combining all water rights and points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-2060</u>	<u>2/3/1948</u>	<u>4.42</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>36-2558</u>	<u>12/14/1962</u>	<u>3.20</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>~~A36-12727~~</u>	<u>~~2/3/1948~~</u>	<u>~~3.20~~</u>	<u>~~Irrigation~~</u>	<u>~~3/15~~</u> to <u>~~11/15~~</u>

Total amount of water being transferred 7.62 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	16	9S	22E	Minidoka	
		NE	SW	16	9S	22E	Minidoka	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	22E	16	38	39	40	39	39	38	39	40	40	40			39	37			467

Total acres

467 467

PART 1**6. General Information:**

a. Description of diversion system Two Deep wells, pumps, sprinklers,
connecting mainline, wheel lines, Handline

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes N-A No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N-A

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-2060 / 36-2558

And said application is hereby APPROVED, subject to the following limitations and conditions:

See attached sheet for conditions of approval.

RECORDED

DEC 23 1991

Witness my hand this

16th

day of

December

1991

J. Glen Saxton
Chief, Water Allocation Bureau

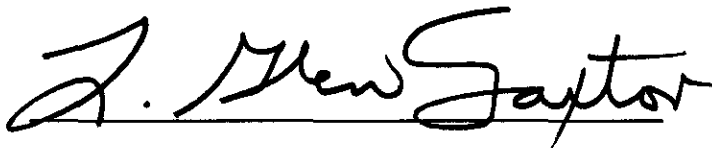
ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 36-2060 & 36-2558

Transfer No. 3801

1. The total irrigated acreage under License No. 36-2060 shall not exceed 305 acres. When combined, total irrigated acreage under Rights 36-2060 and 36-2558 shall not exceed 459 acres.
2. These rights when combined shall provide no more than 4.0 acre-feet per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 16th day of December, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

NOT RECORDED
DEC 23 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-2060 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1064 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 2/3/1948

5. Water is used for the following purpose:

amount 4.42 for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.42 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>NE</u>	<u>SW</u>	<u>16</u>	<u>9S</u>	<u>22E</u>	<u>Minidoka</u>	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>9S</u>	<u>22E</u>	<u>16</u>			<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>			<u>305</u>

Total acres 305

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | | |
|----|-------------|-----|---------------|----|--|
| 1. | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |

3. Lands irrigated or place of use:

[illegible]

Total Acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|------------------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| 2. | Point(s) of Diversion: | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-2558 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 12/14/1962

5. Water is used for the following purpose:

amount 3.20 for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	16	9S	22E	Minidoka	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	22E	16	38	39			39	38											154

Total acres

154

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | for | | purposes from | | to | |
|-----------|-------------|-----|--|---------------|--|----|--|
| amount | (cfs/ac-ft) | for | | purposes from | | to | |
| amount | (cfs/ac-ft) | for | | purposes from | | to | |
| amount | (cfs/ac-ft) | for | | purposes from | | to | |

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-----------------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | amount (cts/ac-ft) | for | purposes from | to |
| | amount (cts/ac-ft) | for | purposes from | to |
| | amount (cts/ac-ft) | for | purposes from | to |
| 2. | Point(s) of Division: | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A36-12727 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 2/3/1948

5. Water is used for the following purpose:

amount 3.20 for Irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or 480 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	SW	16	9S	22E	Minidoka	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	22E	16							40	40	40	40							160

Total acres 160

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1.		2. Point(s) of Diversion:	
amount	for	amount	for
(cfs/ac-ft)		(cfs/ac-ft)	
_____	_____	_____	_____
amount	for	amount	for
(cfs/ac-ft)		(cfs/ac-ft)	
_____	_____	_____	_____
amount	for	amount	for
(cfs/ac-ft)		(cfs/ac-ft)	
_____	_____	_____	_____

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1.	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			

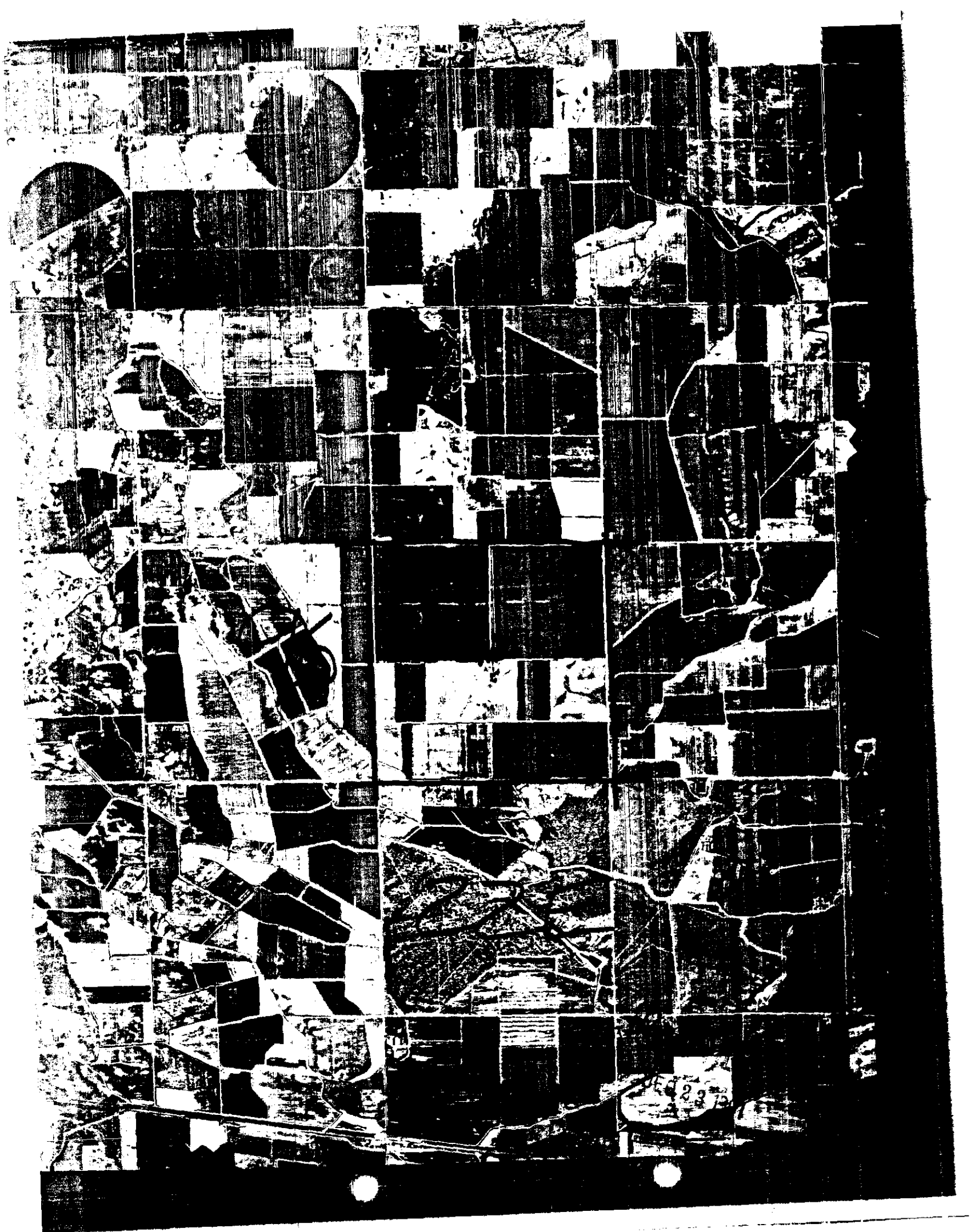
2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Tatterson Farms of Idaho, Inc.
Russell V. Tatterson V.P.
(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of October, 1990.

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 4 attachments

Received by J. E. Stanton Date 10-3-90 Protest filed by _____

Prelim. check by J. E. Fee \$50.00

Receipted by J. E. Date 10-3-90 50/27/9

Published in Sq. ID. Press Copies of protest forwarded by _____

Pub. dates 2/8 + 2/15/91 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. by J. E.

Copy of transfer sent to lien holder _____

MICROFILMED
DEC 23 1991

THIS MORTGAGE, dated as of 14th day of April 1978, between

LLOYD L. PATTERSON and CHARLENE J. PATTERSON, husband and wife,

whose post office address is P.O. Box 268, Paul, Idaho 83347
hereinafter called "Mortgagor," and THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, a New York corporation, having its principal office and post office address at 1285 Avenue of the Americas, New York, New York 10019, hereinafter called "Mortgagee";

WHEREAS, the Mortgagor is justly indebted to the Mortgagee in the sum of FOUR HUNDRED FIFTY THOUSAND AND NO/100 Dollars (\$450,000.00) with interest, all as set forth in his certain promissory note ("Note") of even date herewith maturing April 1, 1999.

NOW, THEREFORE, THIS MORTGAGE WITNESSETH, that, to secure the payment of the principal of and interest on the Note and the performance of the covenants therein and herein contained, and in consideration of the premises, the Mortgagor by these presents does grant, bargain, sell, convey, transfer, assign, mortgage, pledge, warrant and confirm unto the Mortgagee all the property ("the Mortgaged Property") hereinafter described, to-wit:

I. The following described real property located in the County of Minidoka
State of Idaho, to-wit:

TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 16: N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$

SECURITY AGREEMENT COVERING IRRIGATION WORKS AND EQUIPMENT

The undersigned hereby grant to The Equitable Life Assurance Society of the United States, its successors and assigns, a security interest under the terms of this mortgage, in the following goods and chattels, whether affixed to the real estate or not and including but not limited to all irrigation works, lines, pumps and equipment of every kind and nature utilized for irrigation purposes on the premises described herein and located thereon, in addition to any replacement, substitutions and additions thereto, which said goods and chattels are more particularly set out in the Financing Statement 25,458 filed in the Minidoka County Recorder's Office and the office of the Secretary of State of the State of Idaho.

II. The Mortgagor's interest as lessor in all leases (including, but not limited to, oil, gas and mineral leases) now or hereafter affecting the above-described real property or any part thereof.

III. Certificates numbered.....representing.....shares of the capital stock of.....and the water rights represented thereby. (if no entries, this granting clause is inapplicable).

TOGETHER WITH the rents, issues, and profits thereof, reserving, however, (unless otherwise provided herein or in a separate instrument of assignment), unto the Mortgagor the right, prior to any default in the payment of the Note or in performance of any agreement hereunder, to collect and retain such rents, issues, and profits as they become due and payable, and together also with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, including irrigation, drainage, and water rights of every kind and description and watering and irrigation apparatus and fixtures.

TO HAVE AND TO HOLD the same unto the Mortgagee, its successors and assigns, forever.

PROVIDED, ALWAYS, that if the Mortgagor, his heirs, representatives, successors or assigns, shall pay unto the Mortgagee, its successors or assigns, the said sum of money mentioned in the Note and the interest thereon at the times and place and in the manner specified in the Note, and all other sums that may become due and owing to the Mortgagee pursuant to any of the terms, covenants and conditions hereof, and perform all the conditions and covenants contained in this mortgage ("Mortgage"), then these presents and the estate hereby granted shall cease, determine and be void and shall be released by the Mortgagee at the expense of the Mortgagor, otherwise to remain in full force and effect.

AND SUBJECT to the covenants and conditions hereinafter set forth.

FIRST: The Mortgagor hereby covenants and agrees, to the extent permitted by law, as follows: (a) to pay promptly when due

benefits of any homestead, dower, curtesy, appraisement, exemption and stay laws of this state. It is agreed that the interest provided for in sub-section (g) above shall be 12% per annum or the highest lawful rate permitted by contract under applicable law, whichever is lesser.

SECOND: That if the Mortgagor all default in the payment of the Note or in the performance of any of the covenants or agreements herein or in the Note or in any agreement collateral hereto contained, or if the then owner of the Mortgaged Property shall make an assignment for the benefit of creditors or shall file a petition for relief under the Bankruptcy Act of 1898, as amended, or under any similar statute, or shall be adjudicated bankrupt or insolvent, or if any receiver, liquidator or trustee shall be appointed for such then owner or any of his property, then in such event, the entire indebtedness hereby secured shall, at the option of the Mortgagee and without notice to the Mortgagor, be due and collectible at once by judicial foreclosure proceedings or as otherwise provided by law, or, when available under applicable statutes or rules of practice, by advertisement and sale, and in such an event this provision shall be deemed as authorizing and constituting a power of sale as mentioned in said statutes or rules; that in addition to the rights and remedies herein, the Mortgagee is hereby authorized and empowered at its option to exercise forthwith and from time to time any further rights and remedies available to the Mortgagee under the laws of the state wherein the Mortgaged Property is situate, such as the right to collect the rents, issues and profits, or to have a receiver appointed to collect the same.

THIRD: The following schedule(s) is (are) annexed hereto and made a part hereof (if no entry, this section is inapplicable):

FOURTH: That the covenants herein contained shall bind, and the benefits and advantages thereof shall inure to the respective heirs, executors, administrators, successors, and assigns of the parties hereto. In this Mortgage unless the context otherwise requires words in the singular number include the plural and in the plural include the singular, and words in the masculine gender include the feminine and the neuter.

IN WITNESS WHEREOF, each of the undersigned has signed, sealed and delivered this Mortgage as of the day, month and year first above written.

Witnesses:.....

Lloyd L. Patterson (Seal)
Lloyd L. Patterson
Charlene J. Patterson (Seal)
Charlene J. Patterson

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that on this 14th day of April, 1978, personally appeared before me the within named LLOYD L. PATTERSON and CHARLENE J. PATTERSON to me known to be the individual(s) described in and who executed and whose name(s) is(are) subscribed to the within and foregoing instrument, and duly acknowledged to me that they signed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal, the day and year in this certificate first above written.

(Seal)

My commission expires June 30, 1981 *Harry Ralston*
Notary Public

N.B. If executed by corporation, corporate form of acknowledgment must be attached.

281452
RECORDED AT REQUEST OF
LAND TITLE AND ESCROW, INC.
FILM NO. 34
APR 20 9 20 AM '78
JUNIORA COUNTY, IDAHO
AUGUST C. BETHKE
RECORDER
FEE 200 DEPUTY

MICROFILMED
DEC 23 1991

State of
County of
Filed for record the day
of 19.....
at o'clock M., and
Recorded in Mortgage Book
On Page 19.....
Recorder.
FMD 727
(631-73-3)
Ariz., Idaho, Ore. Utah, Wash, Wym.

ADVICE OF LOAN APPROVAL
TO APPLICANT

2

STATE	COUNTY	APP. NO. Inc.
Idaho	Minidoka 5:	F-181143

APPLICANTS: (NOTICES WILL BE SENT TO APPLICANT UNDERLINED) Lloyd L. Patterson and Charlene Patterson, husband and wife Box 268 Paul, Idaho 83347	AREA LOAN MANAGER: 78-3-2,11 Robert H. Brown 731 Sunrise Blvd North Twin Falls, Idaho 83301 LOAN CORRESPONDENT: None
--	--

LOCATION ☒ COMPLETE LEGAL DESCRIPTION ☐ BRIEF LEGAL DESCRIPTION ☐ 9½ miles NW of Burley; 28 miles NE of Twin Falls, Idaho	ATTORNEY OR TITLE COMPANY: Land Title and Escrow, Inc. P. O. Box 177 Burley, Idaho 83318
--	---

PRINCIPAL	RATE	TERM	ACRES	THE MORTGAGE LOAN FOR WHICH YOU HAVE APPLIED HAS BEEN APPROVED IN THE AMOUNT AND ON THE TERMS AND THE CONDITIONS SHOWN HEREIN
\$450,000	9-1/2	21 ~~20~~	480	
MATURITY 99-4-1	INTEREST PAYABLE A-4 Annually	REPAYMENT PLAN: DOUBLE DIMINISHING ☐ DIMINISHING ☒ CONSTANT ☐ STRAIGHT ☐ \$13,500 plus interest due April 1, 1979, and annually thereafter through April 1, 1998. Balance of principal and interest due April 1, 1999.		

DEFER TO MATURITY PRINCIPAL MATURING WITHIN ONE YEAR FOLLOWING DEATH OF NOT APPLICABLE

PREPAYMENT PRIVILEGES AFTER ONE YEAR: FARM INCOME ☒ PREPAYMENT RESERVE ☒ ANNUALLY ON INTEREST DATES \$90,000

ADDITIONAL REQUIREMENTS: IN EVENT OF SALE PRINCIPAL TO BE REDUCED TO \$90,000

Principal balance on Loan F-181143 to be paid from proceeds of this loan.

Declaration of interest to be signed by Russell V. Patterson, applicants' son who lives on security.

Irrigation equipment to be included in mortgage and financing statements filed.

Prepayments not permitted by the Note shall be subject to a charge (in addition to accrued interest) not to exceed the Note rate of the amount prepaid in the first twelve months of the loan term and one half the Note rate of the amount prepaid at any other time.

GOOD FAITH DEPOSIT	RCVD.	SERVICE CHARGE	RCVD.	FIRE INSURANCE	WINDSTORM INSURANCE	COLLECTION AGENT:
\$1,000	78-3-11	-	-	\$50,000	-	ELAS

Conditions Required Before Closing to which all above Additional Requirements are also subject:

- (1) The security shall be substantially in the same condition as at the time of the inspection and appraisal made by the Equitable. The Equitable is authorized to make any additional inspections necessary to determine the condition of the security up to the time of closing.
- (2) The loan shall be evidenced by Applicant's note or bond and secured by a mortgage, deed of trust or security deed creating a first lien on the unencumbered marketable fee simple title to the security; the character of such lien on the security shall be insured by a title policy, or certified by an opinion of the Equitable's local counsel, based upon an examination of an abstract or of the public records; such title policy and the company issuing it, or the opinion of local counsel and the basis thereof, to be satisfactory to the Equitable.
- (3) Neither Applicant nor any guarantor, co-signer or endorser shall be affected by any insolvency proceeding or have made any assignment for the benefit of creditors.
- (4) The Equitable shall have received such evidence of compliance with these conditions and the foregoing Additional Requirements as the Equitable or its local counsel may reasonably require. The form, substance, and enforceability (substantiated by an opinion of Applicant's counsel, if requested) of all instruments required by the Equitable shall be satisfactory to its Law Department.
- (5) In issuing this commitment the Equitable is relying upon the representations of the Applicant as made in the loan application or in any other papers and documents.

Expenses: Whether or not the loan closes, and except as may be otherwise herein provided, Applicant shall pay all title or legal expenses in connection with closing and preparation for closing of this loan including attorney's fees, abstracting expenses, and title insurance premium or charges, if any.

Good Faith Deposit: If a good faith deposit has been previously submitted, said deposit, without interest, shall be refunded when the loan is closed. If the loan does not close it shall be retained by the Equitable to cover costs as stipulated and liquidated damages.

Non-Assignability: The assignment of this commitment or any interest therein, or any money due or to become due by reason of the terms hereof, without the written consent of the Equitable shall be void.

DEC 23 1991

LOAN APPROVAL ISSUED 78-3-28 kh	AUTHORIZED SIGNATURE	ADDRESS CORRESPONDENCE TO: Ross F. Caton, Assistant Director Farm and Ranch Services 945 First National Bank Building Denver, Colorado 80295
LOAN APPROVAL EXPIRES 78-7-1		

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NOS. 36-2060, 36-2558,
A36-12727**

Notice is hereby given that PATTERSON FARMS OF IDAHO INC. of Paul, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 36-2060, Transfer #1064

Basis of right: License

Source: groundwater

Priority Date: 2/3/1948

Amount of water: 4.42 cfs

Water use: irrigation

Point(s) of diversion: NE1/4SW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 305 acres within SW1/4NE1/4, SE1/4NE1/4, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, NE1/4SE1/4, NW1/4SE1/4, S16, T9S, R22E.

WATER RIGHT AS RECORDED

Water right No. 36-02558

Basis of right: License

Source: groundwater

Priority Date: 12/14/1962

Amount of water: 3.20 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 154 acres within NE1/4NE1/4, NW1/4NE1/4, NE1/4NW1/4, NW1/4NW1/4, S16, T9S, R22E.

WATER RIGHT AS RECORDED

Water right No. A36-12727

Basis of right: Snake River Basin Adjudication Claim

Source: groundwater

Priority Date: 2/3/1948

Amount of water: 3.20 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4SW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 160 acres within SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, S16, T9S, R22E.

TO BE CHANGED AS FOLLOWS

Water right No.: 36-2060

Amount: 4.42 cfs

Water right No.: 36-2558

Amount: 3.20 cfs

Water right No.: A36-12727

Amount: 3.20 cfs

Total amount being transferred:
7.62 cfs

Source: groundwater

Point of diversion: NW1/4NE1/4, S16, T9S, R22E; NE1/4SW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 467 acres within NE1/4, NW1/4, N1/2SW1/4, N1/2SE1/4, S16, T9S, R22E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before February 25, 1991.

R. Keith Higginson, Director
Published in the South Idaho Press on February 8, & 15, 1991

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, }
STATE OF IDAHO } ss.

Lanette Sellers being first duly sworn, deposes and says that she is the owner of the South Idaho Press, a daily newspaper published at Burley, 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 editions of The South Idaho Press for two consecutive weeks, commencing with the issue dated February 8, 1991, and ending with the issue dated February 15, 1991. Lanette Sellers

IDAHO

F

On day of February in the year of 1991, before me, public, personally appeared Lanette Sellers, identified to me to be the person whose name subscribed to the instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at _____

My commission expires: 2-26-91

Cost of Publication: _____

Notary Fee: _____

Total Cost: _____

OK
MB
3-26-91

to without a cigarette for eight
from blowing their cover -- they c
the field for days at a time -- to ke
military can go

RECORDED

FEB 27 1991

Department of Water Resources
Southern Region Office

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, }
STATE OF IDAHO } ss.

Lannette Sellers being first
duly sworn, deposes and says that she
is the clerk of the South
Idaho Press, a daily newspaper published
at Burley, 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
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated February 8 19 91, and
ending with the issue dated February 15,
19 91. Lannette Sellers

STATE OF IDAHO }
COUNTY OF Cassia }

On this 25th day of February in the year of 1991, before me,
a Notary Public, personally appeared Lannette Sellers,
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he executed
the same.

Drene Sanchez
Notary Public for Idaho

Residing at Burley ID

My commission expires: 10/23/96

Cost of Publication: 79.92

Notary Fee: 50

Total Cost: 129.92

NOT RECORDED

DEC 23 1991

OK
nb
3-26-91

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

TRANSFER OF WATER RIGHT
TRANSFERRED RIGHT NO.1064

THIS IS TO CERTIFY, That Gerald Morgan and W. H. Shillington, of Rupert, Idaho, are the owners of and using a certain water right of 4.42 cubic feet per second of the waters of subterranean flow, said water being obtained by virtue of License No. 20311, issued by the State of Idaho, Department of Reclamation, dated June 9, 1952, bearing priority date of February 3, 1948, for the purpose of irrigating the following described lands situated, lying and being in the County of Minidoka, State of Idaho, to-wit:

S½, Section 16, Township 9
South, Range 22 E.B.M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 8, Page 4927;

That said Gerald Morgan and W. H. Shillington have become the owners of said water right by purchase and by virtue of License No. 20311;

And that now, upon the application of Gerald Morgan and W. H. Shillington for the transfer of 4.42 cubic feet per second, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 4.42 cubic feet per second of the waters of subterranean source by well upon the above described lands is hereby abandoned, and the place of use of said water under such right is HEREBY CONFIRMED, shall by this Certificate become appurtenant for irrigation purposes, is described as follows, to-wit:

S½N½, N½S½, Section 16,
Township 9 South, Range 22,
E.B.M.,

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

4.42 cubic feet per second of the
waters of subterranean source with
priority of February 3, 1948;

And that the water right hereby transferred has heretofore been conducted from subterranean source with point of diversion in the NE¼SW¼, Section 16, Township 9 South, Range 22 E.B.M., and delivered through private ditches;

T-1064

16-2060

That the water right hereby transferred will hereafter be conducted to the last above described lands from subterranean source by well with no change in point of diversion;

That the right to the use of the water aforesaid, hereby described, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 25th day of February, 1966.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

T-1064

36-2000

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of	)	
	)	
Gerald Morgan and W. H. Shillington	)	ORDER GRANTING TRANSFER
of Rupert, Idaho,	)	
	)	NO. 1064
For a Transfer of Water Right in the	)	
County of Minidoka, State of Idaho,	)	

WHEREAS, On the 15th day of February, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of Gerald Morgan and W. H. Shillington of Rupert, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 25th day of February, 1966.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN

State Reclamation Engineer

T-1064
2267

Trans # 1064

State of Idaho
License and Certificate of Water Right

Water License No. 20311

Amount 4.42 second feet

Water District No.

Priority February 3, 1948

THIS IS TO CERTIFY that HOWARD W. MOFFATT
of Rupert, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 3, 1948; that Permit No. 20311
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6-1/3 second feet, was issued thereunder on September 6, 1949, showing that said works
were completed on the 3rd day of September, 1949; and that on the 1st
day of October, 1949,

HOWARD W. MOFFATT

of Rupert, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~tributary of~~ (subterranean flow), for the purpose of irrigation
under Use Permit No. 20311 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
8 of Licenses at page 4927, on the 9th day of June, 1952;

The right hereby confirmed dates from February 3, 1948;

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 16, Tp. 9 S., R. 22 E., B. M. Minidoka County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	22 E.	16	NE 1/4 SW 1/4	40	35
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	30
Number of Acres Actually Irrigated - -				305	

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
9th day of June, 1952.

MARK R. KULP

State Reclamation Engineer

(SEAL)

36 2060

State of Idaho
License and Certificate of Water Right

Water License No. 19752 Amount 2.20 second feet
Water District No. Priority January 23, 1946

THIS IS TO CERTIFY that CHARLES INDERMUHLE
of Meridian, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 23, 1946; that Permit No. 19752
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Three (3) second feet, was issued thereunder on August 31, 1950, showing that said works
were completed on the 31st day of August, 1950; and that on the 10th
day of May, 1951,

CHARLES INDERMUHLE
of Meridian, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Snake River
a tributary of Columbia River, for the purpose of irrigation
under Use Permit No. 19752 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,
to John E. Noble, Bruneau, Idaho, Assignee of Charles Indermuhle,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4928, on the 9th day of June, 1952;

The right hereby confirmed dates from January 23, 1946;

The Point of Diversion is located
in the SW 1/4 SW 1/4, Sec. 14, T. 5 S., R. 3 E., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.20 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 S.	3 E.	13	Lot 4	34	--
			Lot 5		15
			Lot 6	86	10
			Lot 7		
		23	NW 1/4 NE 1/4	40	15
			NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	24	25
			SW 1/4 NW 1/4	35	10
			SE 1/4 NW 1/4	40	10
Number of Acres Actually Irrigated					125

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
9th day of June, 1952.

(SEAL)

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

36-2060

Application No. 27910
Permit No. 20311
District No.

1. Name of Applicant: HOWARD W. MOFFAT

Postoffice address: Rupert

County: Minidoka

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources: Household and personal

(a) Cash on hand: \$2,000

(c) Bonds to be issued:

2. Quantity of water claimed: 6-1/3

cubic feet per second.

3. Source of water supply: Subterranean (from wells)

which is a tributary of

4. Location of point of diversion: See Remarks

feet distant from the

corner of Section , T. , R. , B.M., and is in the

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

5. Water is to be used for Irrigation

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: \$10,000

8. Kind of works: One or more 14" wells, equipped with pump capable of 3 second ft. capacity.

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 16 inches feet; height 16 inches feet;

11. Ditch: Width at bottom 6 feet; width at water line 8 feet; depth of water 3 feet;

dimensions of flume: None

Diameter of pipe None inches; length of conduit Two (2) miles.

Average grade per mile 2 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.

14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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

By _____ *Agent.*

Corrected application received: February 20, 1948

MARK R. KULP
State Reclamation Engineer.

Remarks: The first well to be drilled is shown on the sketch map as "B". Wells "C" and "A" will be drilled in that order but will be drilled only if necessary to obtain 6-1/3 second feet of water, as applied for. If well "B" will furnish 6-1/3 second feet of water, wells "C" and "A" will not be drilled. Well "B" is located in the NE 1/4 SW 1/4 Section 16; 14. Well "C" in the NE 1/4 SE 1/4 Section 16; and Well "A" in the NW 1/4 SW 1/4 Section 16; Twp. 9 South, Range 22 East, B.M.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals	
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
S.	22 E.	16									35	40	40	40	40	40	40	30	305	
Permit No. 20311 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that HOWARD W. MOFFATT of Rupert, County of Minidoka, and State of Idaho, the holder of Permit No. 20311, issued upon Application No. 27910 bearing date of priority of February 3, 1949, authorizing the diversion of 6 1/3 second feet of the waters of subterranean flow from a well, County of Minidoka, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of 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 6 1/3 second feet of the waters of said well; that the point of diversion of said waters is in the NE¹/₄ SW¹/₄ Section 16 Township 9 South, Range 22 East, B.M. and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: South half of Section 16, Township 9 South, Range 22 East, B.M. Witness my hand this 6th day of September, A. D. 1949 MARK R. KULP State Reclamation Engineer Proof of Completion of Works made September 3, 1949. Certificate of Completion of Works issued September 6, 1949. LICENSE ISSUED FOR 442 SEC. FT. pge. 4927 Trans. # 1064																				

This
Right has been
Decreed in the
SRBA.

MICROFILMED
JAN 12 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

TRIPLE ACE INC
1800 Z ST
HEYBURN ID 83336

RE: Transfer No.: 66105 - Water Rights 36-2060 & 36-2558 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:kit

Enclosure(s)

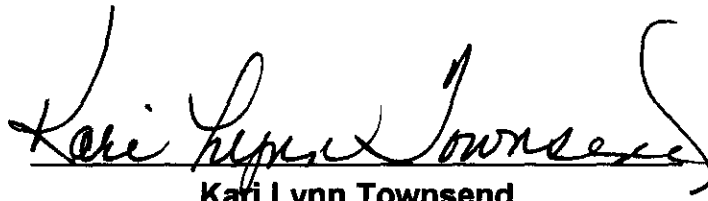
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JAN 09 2002

CERTIFICATE OF MAILING

I hereby certify that on December 27, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 66105 - WATER RIGHTS 36-2060 & 36-2558

**TRIPLE ACE INC
1800 Z ST
HEYBURN ID 83336**


**Kari Lynn Townsend
Secretary**

MICROFILMED
JAN 09 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5738/66105

DATE REVIEWED 12-20-2001 CS

SPLIT POD ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>R/36-2060</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>R/36-2558</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 3-15 to 11-15

Standard Volume 4.0/3.0

(1) ☒ Priority (2) ☒ Use (3) W61 Season W61 (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) ☒ P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District Magic Valley GWD Dist. (12) Yes Pertinent Conditions (13) NO Expansion
WM/Rovd

- (3) Allow extended season to standard
(8) MWE 77 acres from S $\frac{1}{2}$ NW to S $\frac{1}{2}$ SE.

Land exchange agreement - swap land/no WRS
Farm Credit Services letter 4-25-00 agrees to transfer.
Existing P/Ds

Conditions/Remarks W34, T17, W61 (B+E), W27, W36, 067, R64, T07, T08

WRS for Update Comments 36-2060/2558

Database Updated to Reflect Final Action 12-26-01 CS



Idaho Secretary of State Viewing Business Entity

[\[New Search \]](#) [\[Back to Summary \]](#)
[\[Get a certificate of existence for TRIPLE ACE, INC. \]](#)

TRIPLE ACE, INC.

1800 Z STREET
HEYBURN, ID 83336

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 01 Aug 2001

State of Origin: IDAHO

Date of Origination/Authorization: 26 Oct 1990

Initial Registered Agent: RUSSELL V. PATTERSON
1800 Z STREET
HEYBURN, ID 83336

Organizational ID / Filing Number: C93607

Number of Authorized Stock Shares: 25000

Date of Last Annual Report: 17 Oct 2001

Amendments:

Amendment 0 filed 26 Oct 1990 INCORPORATION

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Annual Reports:

Report for year 1991 ANNUAL REPORT

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JAN 09 2002

No. C 93607		Due no later than Oct 31, 2001 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		TRIPLE ACE, INC. RUSSELL V. PATTERSON 1800 Z STREET HEYBURN, ID 83336		RUSSELL V. PATTERSON 1800 Z STREET HEYBURN, ID 83336	
NO FILING FEE IF RECEIVED BY DUE DATE				3. Year Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office held	Name	Street or P.O. Address	City	State	Zip
President	Russell V. Patterson	1800 Z Str.	Heyburn	ID	83336
Secretary	Lisa E. Patterson	1800 Z Str.	Heyburn	ID	83336
5. Organized Under the Laws of:		6.			
IDAHO C 93607		Signature <i>Lisa Patterson</i>		Date 10/15/01	
		Name Lisa Patterson		Title Secy	
Issued 08/01/2001		Do Not Tape or Staple		104B	

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JAN 03 2002

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Triple Ace Inc

TRANSFER NO.

5738

1. Right number(s)

36-02060 etc 36-02558

66105

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments:

A36-15468 is a possible overlap.

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

a. ☒

All of right

b. ☐

Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)

c. ☒

Description of point(s) of diversion

d. ☒

Description of place of use

e. ☒

Map showing P/D & P/U after transfer

f. ☒

Correct notarized signature and \$100 fee

g. ☒

Proof of ownership of right &/or land from which water is transferred

h. ☒

Expansion in use of right - Comments: None Apparent

5738/66105

i. X Existing rights from same source, on land water is being transferred to; right number(s): A 36-15468

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. X Comment letters _____ Yes _____ No _____
If yes _____ Water District # _____
Lienholder, others, see #2 _____
below for name and address _____

INITIAL ALLOCATION REVIEW BY John Freitag DATE 05/09/00
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ✓ Yes 6/13/00
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 6/12/00

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ✓ Yes _____ No _____
4. Affidavit of publication received? ✓ Yes _____ No _____
5. Protests received? _____ Yes ✓ No; Acknowledgement sent? _____ Yes
6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ✓ Approve
2. _____ Deny due to _____
3. Conditions (special conditions in Water Districts) _____

✓ Also see attached memo for recommendation dated: 7/17/01

4. By Ab Date 7/17/00

RECEIVED

JUL 18 2000

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: July 17, 2000

TO: Transfer File No.	5729/66096	5738/66105
In the name of:	Tuckness	Triple Ace Inc.
Water Right(s):	36-02110	36-02060 36-02558

SUBJECT: Review and Recommendation

These transfers were processed without protest.

These two transfers should be processed together. They involve a land swap to allow installation of pivots. Each party kept their own rights.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

-Measure and report use.

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JAN 09 2002

FILE PROGRESS SUMMARY

APPLICANT

FILE PROGRESS

Triple Ace Inc

WATER RIGHT NO.

26-02060 etc

[illegible]



Farm Credit Services

1305 Albion Avenue
P.O. Box 1168
Burley, Idaho 83318
208/678-6650 FAX 208/678-6653

April 25, 2000

State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application For Transfer Of Water Right by Triple Ace, Inc.,
Dated April 21, 2000; Right Numbers 36-2060 and 35-2558

To Whom It May Concern:

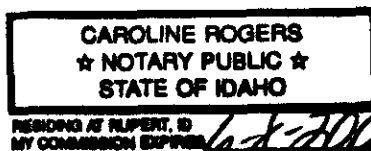
This letter will confirm that Farm Credit Services does hereby consent and agree to the transfer of water rights pursuant to the above Application.

Sincerely,

Thomas E. Steele
Sr. Credit Officer

STATE OF IDAHO)
)ss.
County of Cassia)

On this 25th day of April, 2000, before me personally appeared Thomas E. Steele, known to me to be an authorized agent of the Northwest Farm Credit Services, FLCA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.



Notary Public for the State of Idaho
Residing at Rupert
My commission expires 6-8-2004

MICROFILMED

JAN 09 2002

T#5738

Donald J. Chisholm

Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone (208) 678-9181
Fax: (208) 678-4998

RECEIVED

APR 24 2000

Department of Water Resources

October 4, 1999

RECEIVED

OCT 05 1999

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Re: Jimmie D. Tuckness - Triple Ace, Inc. - Exchange of Properties
and Exchange of Points of Diversion and/or Beneficial Use

Dear Sir or Madam:

Mr. and Mrs. Jimmie D. Tuckness and Triple Ace, Inc. wish to exchange eighty (80) acre parcels in the South Half of Section 16, Township 9 South, Range 22 East of the Boise Meridian in Minidoka County, Idaho.

Triple Ace, Inc. owns the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$. Jimmie Tuckness owns the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$. In the exchange, Tuckness' will acquire the NW $\frac{1}{4}$ SW $\frac{1}{4}$, so they will own the entire SW $\frac{1}{4}$. Triple Ace, Inc. will acquire the SW $\frac{1}{4}$ SE $\frac{1}{4}$, so Triple Ace, Inc. will own all of the SE $\frac{1}{4}$.

Tucknesses have a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ which they wish to use to water the entire SW $\frac{1}{4}$. Triple Ace, Inc. has a well in the located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ which it wishes to retain to water all of the SE $\frac{1}{4}$ and other property it owns in NE $\frac{1}{4}$ of Section 16 after the exchange has been completed.

I am enclosing a copy of the agreement the parties are signing. The copy contains the exact legal descriptions of the properties being exchanged. I did not have the water license numbers for the existing wells. I would appreciate your advising me of the steps required to accomplish the objectives of the parties with respect to their water rights on the parcels which are being relinquished and the parcels which are being acquired in the exchange.

Very truly yours,



Donald J. Chisholm

lac
cc: Jimmie D. Tuckness
Enclosure

MICROFILMED

JAN 09 2002

T#5738

*Copied from
Tuckness file
on 05/11/08
J. F.*

RECEIVED
JUN 28 2000
Department of Water Resources
Southern Region

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and is a legal clerk of the South Idaho Press, a newspaper published at Burley, Idaho, in the county aforesaid. The paper is of general circulation therein. Deponent that the printed notice attached hereto was published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated June 19, 2000, and ending with the issue dated June 26, 2000.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 26th day of June in the year of 2000, I, me, a Notary Public, personally appeared Ruth Holmes, identified to me to be the person whose name is subscribed within instrument, and being by me first duly sworn, the statements therein are true, and acknowledged executed the same.

Hay Moore
Notary Public for Idaho

Residing at: Paul, Idaho

My commission expires

Cost of Publication 103.68
Affidavit Fee 5.00
Total Cost 108.68

00-213

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that three (3) applications have been filed with the Department of Water Resources for changes to water rights within Minidoka County as described below.

Transfer No. 5737 by ACME Dairy, PO Box 189; OAKLEY ID 83346 involve Right No. 45-02434 (2.50 cfs) recorded with priority date of 01/27/1953 and Right No. A45-012909 (0.27 cfs) recorded with priority date of 04/01/1961 diverted within SENE, S8 for irrigation of a 195 acre permissible place of use within a 218.8 acre farm in Sections 5 & 8. The applicants propose to divert a combined total of 0.32 cfs from an existing well within NWSW, S32 and convert portions of the rights to year round stockwater/commercial uses within NESW, S31. Dairy wastes will be land applied within S1/2NE1/4 and SE1/4, S31. Designated Right No. 45-02434B (0.34 cfs) and Designated Right No. A45-12909B (0.03 cfs) will involve drying up 28.0 irrigated acres within NWSE, S05 & E1/2NE1/4, S08, all T13S, R22E; Cassia County. The remaining portions, Designated Right No. 45-02434A (2.18 cfs) and Designated Right No. A45-12909A (0.24 cfs) will continue to be used for irrigation at the original sites.

Transfer No. 5729 by Jimmie D. &/or LaVon Tuckness, 1251 W 300 N; PAUL ID 83347 involves Right No. 36-02110 recorded with a priority date of 02/20/1951 is authorized for diversion of 3.08 cfs from ground water within SESW for irrigation of 164 acres within S1/2, all S16. The applicants have swapped 77 acres of land with Triple Ace, Inc., and propose to change the place of use for 154 irrigated acres to SW, S16; all T09S, R22E. A pivot system will be installed for greater irrigation efficiency and diversion of 3.08 cfs from the same existing point of diversion listed above.

Transfer No. 5738 by Triple Ace, Inc. 1800 2nd Street HEYBURN ID 83336 involving Right No X36-02060 (4.42 cfs) recorded with a priority date of 02/03/1948 and Right No. X36-02558 (3.08 cfs) recorded with a priority date of 12/14/1962 have diversions within NWNE, NENW, NESW for irrigation of 459 acres; all S16. The applicants have swapped 77 acres of land with Jimmie &/or LaVon Tuckness and propose to change the place of use for 459 irrigated acres to SE1/4 & N1/2, S16; all T09S, R22E. A pivot system will be installed for greater irrigation efficiency and diversion of a combined total of 7.50 cfs from the same three (3) existing points of diversion listed above.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St. Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before July 7, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

/s/ Karl J. Drehe, Director
Published in the South Idaho Press on June 19 and 26, 2000.

MICROFILMED

JAN 03 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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Karl J. Dreher, Director

Published in the South Idaho Press on 06/19 & 06/26/00.

MICROFILMED

JAN 09 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 13, 2000

ATTN LEGALS DEPT
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin

Administrative Assistant

Enclosure

MICROFILMED

JAN 03 2002

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: S023068

Date: 5/ 3/2000
Time: 15:23:32

Received TRIPLE ACE INC.
From:

APPLICATION FOR TRANSFER

Type of Payment

64106

Program Acct

229 21 1155

Amount 100.00

CHECK

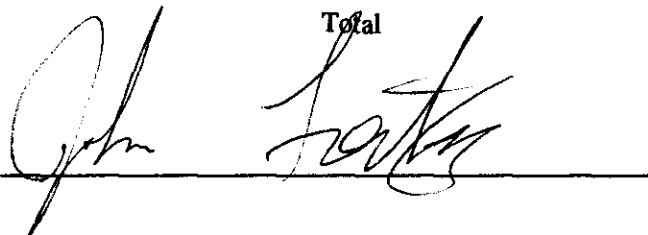
5090

\$ 100.00

Total

Region: SOUTHERN

Signature:



MICROFILMED
JAN 09 2002

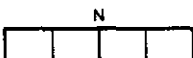
1. DRILLING PERMIT NO. 36-94-S-0293-001
Other IDWR No. 36-02060

2. OWNER:

Name A+B Irrigation District
Address P.O. Box 675
City Rupert State ID Zip 83350

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 8 North ☐ or South ☒
 Rge. 24 East ☒ or West ☐
 Sec. 11, $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Gov't Lot _____ County Minnesota

Address of Well Site R30N 260E
City Rupert, ID

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK *room*

☐ New Well ☒ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

3 ~~2~~ ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. 63°F Bottom hole temp. _____

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

RECEIVED

~~FEB 07 1995~~

~~Department of Water Resources~~
~~Southern Region~~

RECEIVED

APR 19 1995

Department of Water Resources

Completed Depth 395' (Measurable)
Date: Started 19 Dec. 1994 Completed 27 Jan. 1995

13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Arlo Lloyd Drilling Firm No. 102

Firm Official Arlo P. Lloyd Date Feb 4 1995

Supervisor or Operator *[Signature]* Date *4 Feb 1995*

(Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 27, 1993

TRIPLE ACE INC
RT 2 BOX 2778
PAUL ID 83347

RE: Transfer of Water Right Nos. 36-02060/36-02558

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4079). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

AUG 26 1993

TRANSFER REVIEW SHEET

Transfer # 4079

Date Reviewed 7-22-93

28

Right(s) 36-02060 _____
36-02558 _____

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/d & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership NA _____

Transfer ✓ All of Right _____ Portion of Right (Part B _____)

Resulting Split(s) NONE _____

Check Transfer Against Right

(1) ✓ Priority (2) ✓ Use (3) _____ Season (4) _____ Rate (5) ✓ Volume
(6) ✓ Source (7) _____ P/D (8) ✓ P/U (9) ✓ Proof/Owner (10) ✓ Map
(11) NA Water District (12) yes Pertinent Conditions (13) NO Expansion

③ Changed to Standard Season 4-1 to 10-31 ✓
④ Rate reduced on 2558 by Claim
⑦ Add P/D in NENW ✓

*Condition A04 on the claims was not carried forward on this Transfer.

Transfer Remarks Edit Claim Remarks + Conditions to Create Transfer form
All conditions in 2060. (Edit DOCUMENT before printing)

Conditions R31, D46, T08, T16

Database/Processing Notes Create X-Files for WR Database from
Blank ADJ Claims. Edit to Single Rt. Remarks

Database updated 7-27-93 28
(WR2)

DATE: 07/22/93
PAGE: 1

Stage: LICENSE

NE NE SW

SE

Edit out
when approved

WR0749NP
No. X36-02060

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 07/22/93
PAGE: 2

Remarks: of diversion described above.

Dates: App. Received: Priority Date: 02/03/1948
Proof Due Date: Proof Made Date:
Exam Made Date: 01/09/1991 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/10/1991 User-ID: SOUTH1 Subject: COPIED FROM REMARKS
AMENDED CLAIM 1/4/1991: CONFIRMED TRANSFER 1064 WAS DATA ENTERED
WRONG...SHOULD HAVE INCLUDED THE ADDITIONAL 160 ACRES CLAIMANT
IDENTIFIED WITH EXPANSION CLAIM A36-12727. THE EXPANSION CLAIM
HAS NOW BEEN WITHDRAWN AND THIS CLAIM AMENDED TO THE CORRECT
320 ACRES.
OWNERSHIP CHANGE 6/6/91 BY JG.

Date: 09/29/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/29/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 12/30/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO B. NO CHANGE
SENT LETTER EXPLAINING WE NEEDED SPECIFIC EVIDENCE OF ERROR.

Date: 07/22/1993 User-ID: SKAGGS Subject: TRANSFER NO. 4079
Transfer No. 4079 was filed to add a point of diversion to Right
Nos. 36-02060 and 36-02558. The Snake River Basin Adjudication
claim as recommended to the court was used as a basis of this
transfer. The resulting rights will be carried under an X prefix
in the water rights database pending the conclusion of the SRBA.

Audit: 07/22/93 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Meel Schulte

1. Right number 36-2558 & 36-2060 Applicant Triple Ace, Inc.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☐ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments Based on theoreticals, the 3 wells
will produce at the licensed diversion rates but cannot operate
at full capacity due to sand problems at the North wells.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) None

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: SA

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny

3. Conditions* 46

4. By Loren Halva Date 7/13/93

TRIPLE ACE, INC
TRANSFER APPLICATION

1. The purpose of the transfer is to add a P/D in the NENW to cover a well drilled in 1990.
2. A field exam was conducted March 8, 1993 in the presence of the owner, Russel Patterson.
3. The well in the NENESW is close to the line separating the E 1/2 from the W 1/2 of the section. Using Idaho Power utility poles as guides, it appears the P/D for the well is correctly described.
4. Pump motor and booster information for the three P/D's are as follows:
 - a. NESW well=GE 200 hp motor, Ser. #866652--
Booster motor=Marathon 100 hp, Model #XE-404TTDS8264APW
 - b. NENW well=US 75 hp motor, Ser. #1040939
 - c. NWNE well=US 100 hp motor, Ser. #J1420245
Booster motor=Century 75 hp
5. According to the owner the two North wells have a sand problem if they are operated at full capacity. This fact is substantiated by the presence of sand settling equipment that has been installed with the pumping equipment.

RECORDED

AUG 26 1993

T # 4079
36 - 2060,
36 - 2 558

93-131
NOTICE OF PROPOSED CHANGE OF
WATER RIGHTS

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

Notice is hereby given that
TRIPLE ACE, INC. of Paul, ID
has applied to the Department
of Water Resources for changes
to add diversion point(s) from
groundwater sources and further
classified as Transfer # 4079.

The rights to be changed
authorize diversion of water
from two (2) wells located in
S16, T09S, R22E within Minidoka
County. The rights are
recorded in part as follows:

Number: 36-02060
Priority: 02/03/1948
Amount: 4.42 cfs
Acres: 459**

**Not to exceed 305 acres in
any one year.

Number: 36-02558
Priority: 12/14/1962
Amount: 3.08 cfs
Acres: 459*

*Not to exceed 154 acres in any
one year.

TO BE CHANGED AS FOLLOWS

These water rights (36-02060,
36-02558) will be diverted from
three (3) wells located in S16,
T09S, R22E and will be used for
irrigation of 459 acres within
Minidoka County using a total
diversion rate of 7.5 cfs.

Any protest against approval of
the above proposal must be
filed with the DEPARTMENT OF
WATER RESOURCES, 222 SHOSHONE
ST. E., TWIN FALLS ID 83301 on
or before May 10, 1993.

R. Keith Higginson, Director

Published in the South Idaho Press on:
April 23 and 30, 1993.

)
) ss
)

first duly sworn, deposes and says that she is the General Manager
ess, a daily newspaper published at Burley, Idaho, in the county
paper is of general circulation therein. Deponent further states
ce attached hereto was duly published according to law in the
South Idaho Press for two consecutive week(s), commencing
April 23 19 93, and ending with the issue
 , 19 93.

Kary Miller

)
)
)
)

ay of _____ in the year of _____ before me, a Notary Public,
_____, known or identified to
e name is subscribed to the within instrument, and being by me first duly
statements therein are true, and acknowledged to me that he executed the

Notary Public for Idaho

Residing at _____

My commission expires: _____

4.5 36
50
45.86

OK
MB
5-11-93

heavy less \$10,800 438-8588 1989 Ford XLT 460

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 10 1993

Department of Water Resources
Southern Region Office

County of Cassia)
STATE OF IDAHO) ss

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, 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 editions of The South Idaho Press for two consecutive week(s), commencing with the issue dated April 23, 19 93, and ending with the issue dated April 30, 19 93.

Kary Miller

STATE OF IDAHO)
COUNTY OF Cassia)

On this 7th day of May, in the year of 1993 before me, a Notary Public, personally appeared Kary Miller, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Telly Holman

Notary Public for Idaho

Residing at

Burley, ID

My commission expires:

May 23, 1997

Cost of Publication

45.36

Notary Fee

.50

Total Cost

45.86

OK
MB
5-11-93

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

09-Apr-1993

R. KEITH HIGGINSON
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
AUG 26 1993

NOTICE OF PROPOSED CHANGE OF
WATER RIGHTS

Notice is hereby given that TRIPLE ACE, INC. of Paul, ID has applied to the Department of Water Resources for changes to add diversion point(s) from groundwater sources and further classified as Transfer # 4079.

The rights to be changed authorize diversion of water from two (2) wells located in S16, T09S, R22E within Minidoka County. The rights are recorded in part as follows:

Number: 36-02060
Priority: 02/03/1948
Amount: 4.42 cfs
Acres: 459**

**Not to exceed 305 acres in any one year.

Number: 36-02558
Priority: 12/14/1962
Amount: 3.08 cfs
Acres: 459*

*Not to exceed 154 acres in any one year.

TO BE CHANGED AS FOLLOWS

These water rights (36-02060, 36-02558) will be diverted from three (3) wells located in S16, T09S, R22E and will be used for irrigation of 459 acres within Minidoka County using a total diversion rate of 7.5 cfs.

Any protest against approval of the above proposal must be filed with the DEPARTMENT OF WATER RESOURCES, 222 SHOSHONE ST. E., TWIN FALLS ID 83301 on or before May 10, 1993.

R. Keith Higginson, Director

Published in South Idaho Press
on 4/23 & 4/30/93.

RECEIVED

AUG 26 1993

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Priority: 02/03/1948
Amount: 4.42 cfs
Acres: 459**

**Not to exceed 305 acres in any one year.

Number: 36-02558
Priority: 12/14/1962
Amount: 3.08 cfs
Acres: 459*

*Not to exceed 154 acres in any one year.

TO BE CHANGED AS FOLLOWS

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R. Keith Higginson, Director

Published in South Idaho Press on 4/23 & 4/30/93.

RECEIVED

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

08-Apr-1993

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

RUSSELL V PATTERSON
TRIPLE ACE INC
RT 2 BOX 2778
PAUL ID 83347

Re: Application for Transfer No. 4079 (36-02060, 36-02558)

Dear Mr. Patterson:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 4/23 and 4/30/93. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

In order to complete regional review, a list of corporate officers and addresses should be submitted to this office.

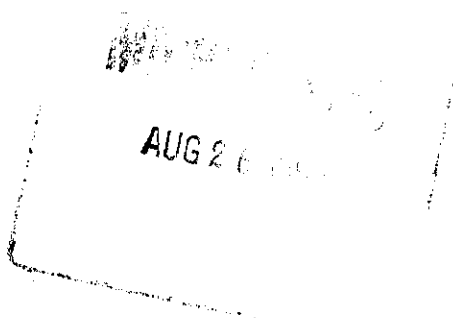
State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB



1. WELL OWNER

Name Russell W. Peterson - Tripledee, Inc.

Address Lot 2 Box 2778, Paul, Idaho 834

Owner's Permit No. 36-90-5-109

7. WATER LEVEL

Static water level 25.6 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

2. NATURE OF WORK

36-020604 36-02558

☒ New well ☐ Deepened ☒ Replacement

☐ Well diameter increase

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
	<u>no test</u>	

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
26	0	4	dirt		
26	4	19	gray lava		
26	19	79	gray lava		
24	79	89	red clay		
24	89	140	gray lava		
24	140	165	boulders, cinders		
20	165	175	25 ft cavern		
20	175	193	gray + brown lava + cinders		
20	193	201	soft formation		
20	201	228	gray lava (hard)		
20	228	239	cinders + boulders (cavey)		
20	239	258	brown lava		
20	258	271	gray cinders + clay		
20	271	295	gray lava + cinders		
20	295	315	gray lava + cinders		
20	315	349	gray lava (firm)		
20	349	355	gray lava, brown cinders		
20	355	372	black lava cinders (could be carrying water)		
20	372	376	black lava		
20	376	395	black lava (hard)		
20	395	400	black + red cinders with some sandy streaks		
			cinders + clay		

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MAY 10 1991
Department of Water Resources
Southern Region Office

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary

☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>24</u> inches	<u>1</u> feet	<u>19</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 19 ft Material used to seal: ☐ Cement grout

☒ Bentonite ☐ Pudding clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld

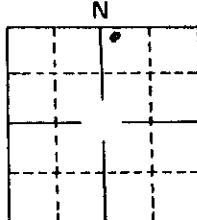
☐ Cemented between strata

Describe access port 2" pipe

10. Work started 12-6-90 finished 4-22-91

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block _____

County Minidoka

APR 02 1992

AUG 26 1993

NW 1/4 NE 1/4 Sec. 16, T. 9, S. R. 22, W. 1E

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Denton Dullis Firm No. 83

Address Paul, Idaho Date 4-29-91

Signed by (Firm Official) Robert E. Denton

and (Operator) Clarence Bishop



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 4, 1993

PATTERSON FARMS OF IDAHO INC
RT 1 BOX 1272
PAUL ID 83347

RE: Approved Transfer No. 3801/Water Right No(s). 36-02060/02558

Dear Water Right Holder:

On December 16, 1991, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and give an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

Cindy Zimmerman

for SHARLA CURTIS
Sr. Water Resource Agent

Enclosure

RECEIVED

AUG 26 1993

December 17, 1991

Triple Ace Inc.
Rt. 2, Box 2778
Paul, ID 83347

RE: Transfer of Water Right Nos. 36-2060/36-2558

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 3801). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED
DEC 23 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE *TL*

DATE: December 12, 1991

RE: TRANSFER NO. 3801/LICENSE NO.S 36-2060 & 36-2558

=====

This transfer changes/adds points of diversion for the above rights. The transfer also clarifies the recorded place of use for license 36-2060.

Unfortunately, an old transfer was once approved by the Department for 36-2060. The transfer changed the place of use but did not accurately list the acreage per quarter-quarter section. It is assumed that total acreage under the approved transfer was limited to 305 acres, the amount of acreage originally licensed. This new transfer, T3801, appears to expand license 36-2060 by 8 acres, from 305 acres to 313 acres. Total acreage under both licensed rights is represented as 467 acres, instead of 459 acres which is the some of the total licensed rights.

I recommend approval of the transfer, but the Department should limit total acreage under 36-2060 to 305 acres. Total irrigated acreage under both rights should be limited to 459 acres. Place of use acreage in the database under 36-2060 can be changed to reflect the transfer, but conditions about total acreage should be added.

1) Total irrigated acreage under license no. 36-2060 shall not exceed 305 acres. When combined, total irrigated acreage under rights 36-2060 and 36-2558 shall not exceed 459 acres.

2) These rights when combined shall provide no more than 4.0 acre-foot per acre for the lands above.

3) <<T07>> The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

4) <<T08>> Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

5) <<T09>> Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

p26

Note: Transfer was filed in October, 1990. Ownership change was made on Adjudication claims from PATERSON FARMS to:

TRIPLE Acre INC.
Attn: Box 2778

DATABASE will be updated to reflect ownership change PAUL ID 83347 12-12-91

DEC 23 1991

MED

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State of Idaho
Department of Water Resources

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NOV 30 1990

Department of Water Resources
Southern Region Office

APPLICATION FOR DRILLING PERMIT

Department of Water Resources

1. Applicant (please print) Russell V Patterson - Triple Ace Inc
2. Mailing Address RT. # 2, Box 2778 Paul, Idaho

Telephone 438-4800 or 438-8283
Mobile 678-0248-1111

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location NW 1/4 NE 1/4, or Gov't Lot No. _____

Sec. 16, Twp. 9, Rge. 22, County Minidoka

Street Address of Well Site 200 N 1085 W

Lot, block and subdivision -

4. Proposed use of well:

- () Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

() Injection

() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. Well construction information:

A. ☒ New well () Deepen () Replace - See Condition 9

B. Proposed Surface Diameter 20" Proposed Maximum Depth 400' to 600'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

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6. Construction Start Date 11-29-90

7. Anticipated Well Driller Robert Denton
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Triple Ace Inc, Russell Patterson Date 11-29-90

Title President
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 11/29/90

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

RECEIVED
AUG 26 1993

Loren Holmes FOR
Signature of Authorized Department Representative

Southern Region Manager
Title

Receipt No. 5012858 Received by MB Fee 200.00 Date 11-29-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

RECEIVED

NOV 29 1990

Department of Water Resources
Southern Region Office

Drilling permit No. 36-90-S-109

Water right No. 36-3060-2558 A37-12727 Pending TRANSFER

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Russell Patterson, Applicant, requests issuance of a drilling permit prior to approval of a water right to withdraw water from the well.

The request is made for the following reason(s):

The driller I wanted to do it only has time to do it now. Also I thought my approved permit for diversion would be approved by now.

Transfer

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date 11-29-90

Signature

Russell V. Patterson

Applicant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

6 F
Paterson Farms of Idaho

INITIAL REVIEW BY: [Signature]

1. Right number 36-2060 ²⁵⁵⁸⁻¹²⁷²⁷ Applicant Paterson Farms of Idaho
2. Type of right: ☐ Decree ☒ License ☒ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check: ?
a. ☒ Source ☒ Priority ☐ Amount ☐ Purpose ☐ Period of use
b. ☒ Description of original point of diversion.
c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
a. ☒ All of right.
b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
c. ☒ Check description of point(s) of diversion.
d. ☒ Check description of place of use.
e. ☒ Check map (shows p.d. and p.u. after transfer).
f. ☒ Check for correct signature, notarization, and fee.
g. ☒ Check proof of ownership of right &/or land from which water is transferred.
h. ☒ Check for expansion in use of right. Comments _____
i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: [Signature]

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

Note: Claim A36-12727 has been withdrawn

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Per conditions of R36-2060, R36-2558
Delete A36-12727 from approval
- Subject to SRBA
4. By Larry O. Thaler Date 11/27/91

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DEC 03 1991

Department of Water Resources

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 36-2060, 36-2558, A36-12727

Notice is hereby given that PATTERSON FARMS OF IDAHO INC. of Paul, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 36-2060, Transfer #1064

Basis of right: License

Source: groundwater

Priority Date: 2/3/1948

Amount of water: 4.42 cfs

Water use: irrigation

Point(s) of diversion: NE1/4SW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 305 acres within SW1/4NE1/4, SE1/4NE1/4, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, NE1/4SE1/4, NW1/4SE1/4, S16, T9S, R22E.

WATER RIGHT AS RECORDED

Water right No. 36-02558

Basis of right: License

Source: groundwater

Priority Date: 12/14/1962

Amount of water: 3.20 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 154 acres within NE1/4NE1/4, NW1/4NE1/4, NE1/4NW1/4, NW1/4NW1/4, S16, T9S, R22E.

WATER RIGHT AS RECORDED

Water right No. A36-12727

Basis of right: Snake River Basin Adjudication Claim

Source: groundwater

Priority Date: 2/3/1948

Amount of water: 3.20 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4SW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 160 acres within SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, S16, T9S, R22E.

TO BE CHANGED AS FOLLOWS

Water right No.: 36-2060

Amount: 4.42 cfs

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DEC 23 1991

Water right No.: 36-2558
Water right No.: A36-12727

Amount: 3.20 cfs
Amount: 3.20 cfs

Total amount being transferred: 7.62 cfs

Source: groundwater

Point of diversion: NW1/4NE1/4, S16, T9S, R22E; NE1/4SW1/4, S16, T9S, R22E; Minidoka County.

Place of use: 467 acres within NE1/4, NW1/4, N1/2SW1/4, N1/2SE1/4, S16, T9S, R22E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before February 25, 1991.

R. Keith Higginson, Director

Published in South Idaho Press on 2/8 & 2/15/91

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DEC 23 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

31-Jan-1991

R. KEITH HIGGINSON
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

DEC 29 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

31-Jan-1991

R. KEITH HIGGINSON
Director

RUSSELL V PATTERSON
PATTERSON FARMS OF IDAHO INC
RT 2 BOX 1272
PAUL ID 83347

Re: Application for Transfer Nos. 36-2060, 36-2558, A36-12727

Dear Mr. Patterson:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 2/8 & 2/15/91. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

REC

DEC 23 1991

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NOV 29 1990

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region Office

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Russell V. Patterson - Triple Ace Inc.
2. Mailing Address Rt. # 2, Box 2778 Paul, Idaho
Telephone 438-4800 or 438-8283
Mobile 678-0248-1111
- ☒ Well Owner () Well Operator () Other, specify _____
3. Proposed well location NW 1/4 NE 1/4, or Gov't Lot No. _____
Sec. 16, Twp. 9, Rge. 22, County Minidoka
Street Address of Well Site 200 N 1085 W
Lot, block and subdivision -
4. Proposed use of well:
- () Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
- Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
- ☒ Non-Domestic: Any beneficial use not included within the definition of domestic.
- () Injection
- () Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
5. Well construction information:
- A. ☒ New well () Deepen () Replace - See Condition 9
- B. Proposed Surface Diameter 20" Proposed Maximum Depth 400' to 600'
- C. Anticipated bottom hole temperature:
- ☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)
6. Construction Start Date 11-29-90
7. Anticipated Well Driller Robert Denton
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Triple Ace Inc., Russell Patterson Date 11-29-90
Title President
(Owner, Firm Representative, Other)

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DEC 23 1991

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 11/29/90

If approved, this permit authorizes the constuction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

[Signature] FOR LOREN HOLMES
Signature of Authorized Department Representative

SOUTHERN REGION MANAGER
Title

Receipt No. SAW2P58 Received by MB Fee 200⁰⁰ Date 11-29-90

RECEIVED
DEC 23 1991

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

RECEIVED

Drilling permit No. 36-90-S-109

NOV 29 1990

Water right No. Pending TRANSFER
36-2060.2558, A37-12727

Department of Water Resources
Southern Region Office

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Russell Patterson, Applicant, requests issuance of a drilling permit prior to approval of a water right to withdraw water from the well.

The request is made for the following reason(s):

The driller I wanted to do it only
has time to do it now. Also I thought
my approved permit for diversion would
be approved by now. Transfer

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date 11-29-90

DEC 23 1991

Signature

Applicant

Russell V. Patterson

January 27, 1964

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

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

Dear Mr. Shillington:

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

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

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

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

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

20311

RT:ew

June 1, 1962

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

Creason and Creason
Attorneys at Law
P. O. Box 98
Rupert, Idaho

Attn: C. H. Creason

Dear Mr. Creason:

Enclosed is form 20, application to transfer water right.

We have the report of our field engineer on the works under Permit No. 21949. The well was producing 2.44 cubic feet per second, as measured over a cipolletti weir, to irrigate 160 acres in the S₂S₂, Sec. 16, T. 9 S., R. 22 E.

Water License No. 20311 has been issued for 4.42 c.f.s. from a well in the NE₁SW₁, Sec. 16, to irrigate 305 acres in the S₂, Section 16, T. 9 S., R. 22 E. of which 2.18 cubic feet per second is appurtenant to 150 acres in the S₂S₂, said Section 16.

Your letter of January 12, 1962 indicates that the water right under Water License No. 20311 will be transferred from the S₂S₂, Sec. 16, in order that the license under Permit 21949 can be issued for the full amount of the water from the well. Upon completion of the transfer, we will be in a position to issue said license.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

20311

RT:ew

cc: Arthur D. McClellan, Paul, Idaho

January 16, 1962

RE: License No. 20311
Howard W. Meffatt

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

Dear Mr. Creason:

Enclosed is departmental receipt No. 30896 in the amount of \$2.00
for the fee for making a certified copy of License No. 20311.

Thank you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. receipt

20311

January 11, 1962

RE: License No. 20311
Howard W. Moffatt

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

Dear Mr. Creason:

Enclosed is the certified copy of License No. 20311 which you requested in your letter of January 10, 1962.

There is a fee of \$2.00 for making the copy.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. copy of license

20311

CREASON & CREASON

ATTORNEYS AT LAW

RUPERT, IDAHO

January 10, 1962

H. V. CREASON
C. H. CREASON

BOX 98
HE 6-4131

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

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

Dear Mr. Carter:

Mr. Arthur McClellan has asked us to assist him in making proof on License No. 20311, and we would like to have a certified copy of this license. If you will kindly send us this copy and statement of fees for the same we will promptly remit.

Thanking you for your consideration, I am

Very truly yours,

CREASON & CREASON

CHC:mm

By Charles H. Creason

P 4927 License No 20311

20311

January 3, 1962

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

Arthur McClellan
Paul, Idaho

Dear Mr. McClellan:

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

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

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

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

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

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

20311

Arthur McClellan, continued
Page 2

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

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

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

Kindly return the forms at your earliest convenience.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. Form 10 2
36 1
20

Amendment to land list

20311

August 25, 1961

RE: License No. 20311
Permit No. 20322

Vern Roberts
Land Title & Escrow
Box 177
Burley, Idaho

Dear Mr. Roberts:

Enclosed is departmental receipt No. 30733 in the amount of \$6.25 covering fees for the certified copies of the above numbered permits.

Thank you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr
Enc. receipt

20311

August 23, 1961

Re: License No. 20311
Permit No. 20322

Vern Roberts
Land Title & Estrow
Box 177, Burley, Idaho

Dear Mr. Roberts:

Enclosed are certified copies of the License and
the Permit noted above.

License can be issued under Permit No. 20322 for
0.62 cubic feet per second from the well noted in License No. 20311
in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, for the irrigation of 480 acres in NE $\frac{1}{4}$, NW $\frac{1}{4}$,
Sec. 16, T. 9 S., R. 22 E., upon payment of fees totaling \$21.00
for the Certificate of Completion of Works and Certificate and
License of Water Right.

A second well, possibly in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, has
been used, at one time, with the above mentioned well to irrigate
all of Section 16. The permit, however, shows it is for irrigation
of the S $\frac{1}{2}$ of said Section 16.

The fees are \$2.50 for License No. 20311 plus \$3.75
for Permit No. 20322, or a total of \$6.25

Very truly yours,

OSD. M. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. copies

20311

March 5, 1956

RE: Permits Nos. 21949 - 20311 - 20322

Mr. Leonard H. Jacob
P. O. Box 425
Twin Falls, Idaho

Dear Mr. Jacob:

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

Filed February 20, 1951; Completion of Works proof due, February 24, 1956; Beneficial Use proof due, February 24, 1952;

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

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

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

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

20311

T:cu

Roy W. Thompson, Office Manager

20311

November 21, 1955

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

Dear Mr. Jacobs:

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

1. Under License No. 20311, make a transfer or change in place of use (see Idaho Statute 42-222) from the lands described in the license to the place where it is actually used or the N $\frac{1}{2}$ and the N $\frac{3}{4}$ of Section 16, Township 9 South, Range 22 East, B.M.
2. Permit No. 20322, appears to be the same well as described in No. 20311 and as such unless more water has been developed in the well, there is no water available for purposes of license.
3. If a transfer is made as suggested in Number 1 above, it leaves Permit No. 21949 free to mature to license in normal manner.

You are correct in the assumption that there was a typographical error in the letter of May 27, 1955. The permit referred to was 21949. The place of use is the S $\frac{1}{4}$ of Section 16, rather than the whole S $\frac{1}{4}$.

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

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

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

Very truly yours,
MARK R. KULP
State Reclamation Engineer
By

20311

E. N. Humphrey
Deputy State Reclamation Engineer

LEONARD H. JACOB
ATTORNEY AT LAW
III 2ND STREET WEST
TWIN FALLS, IDAHO

RECEIVED
NOV 16 1955
Department of Reclamation

November 10, 1955.

Department of Reclamation
State Capitol
Boise, Idaho

Attention: Mr. E. N. Humphrey

Re: Permits Nos. 20322, 20311
and 21949

Dear Mr. Humphrey:

I am again writing you regarding the above numbered permits because of the matters hereinafter contained. I specifically wish to refer you to your letter to me of May 27, 1955, your letter to Mr. Arthur McClellan of Paul, Idaho of September 16, 1955, and the letter of March 18, 1955 from Mrs. Anderson of your office to me.

The $N\frac{1}{2}$ and the $N\frac{1}{2}S\frac{1}{2}$ is presently owned by Mr. Homer Ramseyer of this city and the $S\frac{1}{2}S\frac{1}{2}$ is being purchased on contract by Mr. Arthur McClellan from Mr. Howard Moffat.

According to the information in the various letters, it appears that under permit No. 20322 the well is located in the $NE\frac{1}{4}SW\frac{1}{4}$ and the water is to be used on the $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, with the permit calling for 6.40 cubic feet per second.

Permit No. 20311 has been ripened into a license with a well located in the $NE\frac{1}{4}SW\frac{1}{4}$ with the water to be used on the $S\frac{1}{2}$ of the section, and which permit calls for 4.42 cubic feet per second.

Permit No. 21949 provides that the well shall be in the $SE\frac{1}{4}SW\frac{1}{4}$ with the water to be used on the $S\frac{1}{2}S\frac{1}{2}$ and the permit calls for 3.2 cubic feet per second.

Your letter to me of May 27th apparently contains a typographical error with respect to paragraph number 5 since it mentions permit No. 21929. Paragraph number 6 of the letter states that the water is to be used on the $S\frac{1}{2}$ of Section 16. Could this possibly be permit No. 21949 and should not the water be used on the $S\frac{1}{2}S\frac{1}{2}$ of Section 16?

20311

#2

This is important to the various parties involved because in the past apparently the entire section was owned by a common owner or owners and water from the two wells was apparently used other than as provided in the various permits. You can readily see that permit No. 21949 provides for the maximum amount of water for 160 acres. However, there is an overlapping with a license No. 20311, which means that the $S\frac{1}{2}$ of said section under the permits and licenses is entitled to 7.62 cubic feet per second, exclusive of permit No. 20322, which is 1.22 cubic feet per second more than the law would allow.

Considering the two permits and the licenses on the $S\frac{1}{2}$ only and apportioning one-third of the water right under permit No. 20322, the $S\frac{1}{2}$ would receive better than 9.62 cubic feet per second, which is considerably more than is allowed by law.

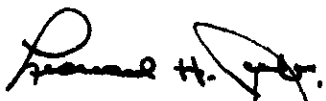
McClellan, of course, is concerned because he is interested in Permit No. 21949, and that permit only, because the well under that permit is located on his property. He is not interested in any rights under license No. 20311. Any help and suggestions you might give to clarify these matters would be greatly appreciated.

I might mention also that McClellan feels that you apparently inspected the wrong well, that is the North well, last summer when in fact the South well should have been inspected.

Is it possible to cancel license No. 20311 as it pertains to the $S\frac{1}{2}S\frac{1}{2}$ of said section? This would clarify permit No. 21949.

As previously stated, any suggestions and recommendations you might make would be greatly appreciated.

Very truly yours,


Leonard H. Jacob

LHJ:m

20311

✓
May 27, 1955

Re: Permits 20322 and 20311

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

Dear Mr. Jacob:

Unless a change has been made since I measured the wells on Section 16, Twp. 9 South, Range 22, East, B. M., the status is as follows:

1. There are only two wells.
2. These two wells furnish irrigation water for the whole of the section.
3. The flow of each has been measured; one for 221 inches (the north well) and the other for 158 inches.
4. The larger producing well, on the NE $\frac{1}{4}$ SW $\frac{1}{4}$, which is the one to which you refer, was being used to irrigate the NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{4}$ of the section when last I was there, but was formerly used on the South Half and was licensed to Howard Moffatt for that purpose, and on June 10, 1952 the license on Permit No. 20311 was sent to your office for Howard Moffatt.
5. The south well, on the SE $\frac{1}{4}$ SW $\frac{1}{4}$ is covered by Permit No. 219⁴~~29~~ in the name of Howard Moffatt. Priority February 20, 1951.
6. The water from the south well is used on the South half of Section 16.
7. Mr. Arthur McClellan stated that he had bought these four south forties along with the south well.

Now, unless a well has been enlarged or deepened and the flow from same increased, or another well drilled in that section, these are the facts as known by this office.

If it is desired to transfer the waters to lands on which they are presently used, this department will be glad to assist in any way possible in compliance with the Idaho statutes.

It will not be possible to issue an additional license to any one on the well referred to unless it is producing more water than when it was licensed.

20311

Leonard Jacob

Page 2

May 27, 1955

If this does not fully explain things pertaining to wells on Section 16, Twp. 9 South, Range 22 East, B. M., I will be glad to call at your office in the near future, when I am passing through Twin Falls, and discuss this with you.

We will be glad to be of assistance in any way possible to help you straighten this matter up.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH

20311

✓
May 17, 1955

RE: Permits Nos. 20322 & 20311

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

Dear Mr. Jacob:

This is in reply to your letter of May 4, 1955.

If I interpret your letter correctly, you are referring to the same well covered by License No. 20311.

This License, with a priority of February 3, 1948, was issued for the full output of the well, 4.42 cubic feet per second, to Howard W. Moffatt.

An additional License for this well cannot be issued unless it is producing additional water.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

20311

✓
June 10, 1952

RE: Permit No. 20311

Messrs. Smith & Jacob
Box 426
Twin Falls, Idaho

ATT: Mr. Leonard H. Jacob

Dear Mr. Jacob:

We enclose License and Certificate of Water Right issued under Permit No. 20311, confirming the right of Howard W. Moffatt to the use of 4.42 second feet of water from a well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 9 South, Range 22 East, B.M., with priority of February 3, 1948, for the irrigation of land in the S $\frac{1}{2}$ Section 16, Township 9 South, Range 22 East, B.M.

We also enclose departmental receipt No. 24524 for the \$16.00 fee in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20311

LAW OFFICES
SMITH & JACOB
P. O. BOX 426
TWIN FALLS, IDAHO

GRAYDON W. SMITH
LEONARD H. JACOB
111 SECOND STREET WEST
TELEPHONE 2990

June 5, 1952

RECEIVED
JUN 6 1952
Department of Reclamation

Department of Reclamation
State Capital Building
Boise, Idaho

Re: Permit No. 20311

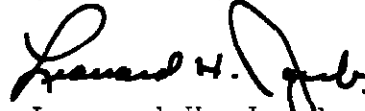
Gentlemen:

Pursuant to your letter of July 2, 1951, directed to Howard W. Moffat, the owner of subject permit, we are herewith enclosing his check in the amount of \$16.00.

It is requested that you issue the license and forward the same to our office.

Very truly yours,

SMITH & JACOB


Leonard H. Jacob

J:w
Enclosure

20311

✓
July 2, 1951

Re: Permit No. 20311

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

Dear Mr. Moffett:

The report of our Field Engineer on examination for beneficial use under Permit No. 20311 shows that your well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 9 South, Range 22 East, B.M. will deliver 221 inches of water which has been used to irrigate 305 acres in the S $\frac{1}{2}$ of said Section.

Therefore, upon receipt of the statutory fee of \$16.00, which is at the rate of \$2.00 for each 40 acre subdivision in which the land is located, a License will be issued for 221 inches or 4.42 second feet of water from said well.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

20311

Mr. Hoffatt has been living temporarily
in Pasco, Washington, on account of his
health (A back injury)

If he is not in Rupert when you make
examination, call on Mr. DeMary, of
the Rupert Abstract Co., who can show
you, or tell you, about the place.

20311

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

Permit No. 20311This proof is for Beneficial use

In Water District No. _____

1. Name of applicant Howard W. Moffatt, Rupert, Idaho
2. Source of water supply: Subterranean (well)
3. Location of point of diversion: Is in the NE¹ SW¹ of Section 16
T. 9 S. R. 22 E. County of Minidoka
4. Describe works as they exist, giving dimensions and capacities of same: The well is 230 feet total depth by 20" in diameter, cased down 50 feet. Pump sets down 230 feet. The H. equals 242 feet. There is no draw down. There is 5 stages, 18" bowls, 10" column. The curb is a heavy concrete, approximately 7' by 7' square. Motor and pump rests on concrete. There is no pump house or other protection. Motor is a U. S. 150 h.p., 440 v., 180 amps, 3 ph., 60 cycles, 1800 r.p.m., Serial #617986. Pump is a Fairbanks Morse #136430. Switches and controls are in an A. B. Panel, mounted on a wood frame near the pump. Delivery is to the Northeast through a 10" by 24" i.d. pipe which opens up into a 14" by 8' 4" long steel pipe, then into a concrete stand pipe which is 50" in diameter by 15" high, then through a 14" i.d. (continue below)
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: _____

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):

South Half Section 16, Township 9 South, Range 22 East, B. M.

35 in NE¹ SW¹ & 30.9 in SE¹ SE¹. Balance = full forty.

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

8. What large stream would the water here appropriated finally reach?
Remarks: by 6' long concrete pipe into an earth basin approximately 18' wide by 60' long, all located Northeast of the pump and North of the stand pipe. From the stand pipe, water is delivered by pipe line in the Southeast corner. From the basin, 3 openings enter ample size ditches which carry water to the fields.
Temp. equals 55° F. Water was measured over two weirs, one to the East and one to the West. .44' over the two foot cippolletti weir and .60' over the 18" cippolletti weir, made 4.52 cubic feet of water measured. Estimated a .10 leakage in the pipe to the Southeast. (Unable to control) Total delivery was 4.42 cubic feet.

See 21949 and 20372

This examination was made on the 27th day of June, 1951.

(Signed) E. H. Humphrey Examiner.

20311

Curb = concrete approx
7' x 7' sq. Motor rest on
concrete

Motor = U.S. 150 hp
817 986 - 440V - 1900 rpm
1800 rpm 3/4 - 60%.

Pump = Fairbanks Morse
PS 6430

Water Duke
A.B. Pumps with on
wood frame by pump

P.D. = transformers are
in line with pump
18 yds. N.

Temp = 55°F.

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.

Howard W. Moffatt
Rupert, Idaho
Permit No. 20311

Examination for Beneficial use

County Minidoka

14 (7) wells
95 - 2 1/2 F

A.C. Company 66 R

Pond - 17 ft diam

Th. 11 ft

Th. 11 ft

Th. 11 ft

Th. 11 ft

Th. 11 ft

Q = 6 1/2 cfs.

Plane = N 2 1/4 S W 4 Sec 16

Area = 305 = 5 1/2 S 1/2 16

3333 = depth
Well 24 1/2' deep x 20'
wid 60' down

Pump sets 250'

Ray Commons, Rupert
drilled well.

edium 12 pump 5' stop.

Frank Bodenhamer
Eden, Ida.
Ph 2267 Eden.

Return between 20 Sept - 12 Oct

Wait until larger pump

See office on

Fee 20-57

27-57

.43 on 2' weir 1.89

.6 on 18" weir 4.26

.44 - 2' w 1.95

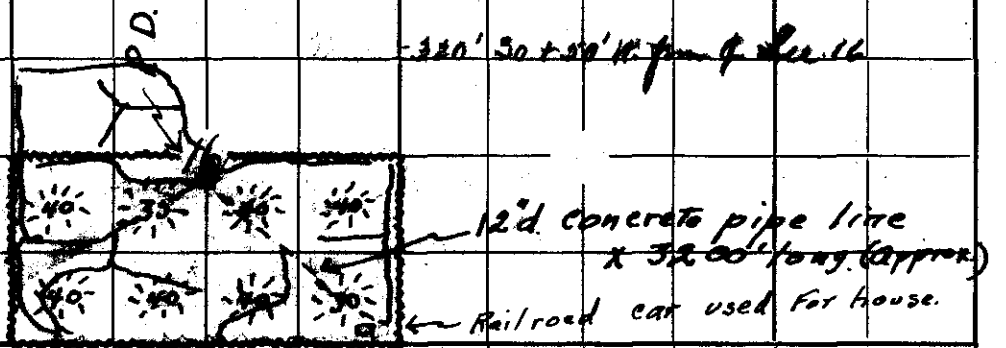
.61 - 18" w 2.43

.45 2.19

.44 - 2' 1.89

.60 - 18" 2.02

274.32
2.16



P.D. = 320' South of Section center line
 = 50' West of section center line

.44' over 2' Cip. Weir = 1.95 cfs

.60' " 18" " " = 2.37 "

4.32

Q = 221 inches of water.

Add 5% for leakage

4.42 cfs

T = 55 °F.

Area irrig. = 40 - 35 - 40 - 40 - 40 - 40 - 40 - 30
 = 305 acres

Delivery thru 10" x 8' x 4"
then goes up to 14" x 8' x 4"
with concrete stand pipe
30' x 16' h. then thru
14" d concrete 6' long
into pool approx. 60' x 18'
also N.E. of pump.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20311

REPORT ON PROOF OF Beneficial use

4.42 cfs
max

app. 6 1/3 c.f.s.

305 acres
8-40's.

February 21, 1951

Re: Permit No. 20311

Mr. Howard W. Moffatt, Secretary
Chamber of Commerce
Twin Falls, Idaho

Dear Mr. Moffatt:

This morning I received a letter from Mr. R. L. Nace. Following in quotes are two paragraphs from same, relating to the delivery from your well:

"On October 22, 1948 a pump and temporary Diesel engine were being installed and the tenant or owner stated that the rated pump capacity against the applicable head was 4.5 cu. ft. per sec. In 1949 our Mr. Feder found that a 160-HP electric motor had been installed.

We have made no measurement of the discharge rate of the well because we have not advanced to quantitative studies in the subject area. We cannot certify as to the discharge rate of the well, but have no reason to believe that the reported rate is seriously in error. The information herein is substantiated by original official records in our file."

In as much as a measurement has not been made, it will be necessary to have a accurate measurement of the delivery before License will be issued.

If you will advise me when the pumps start operating, I will try to get a measurement of the delivery quite early in the season so that License can be issued for you as soon as possible.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

20311



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
GROUND WATER BRANCH
209 Fidelity Building
Boise, Idaho

RECEIVED
FEB 21 1951
Department of Reclamation

February 20, 1951

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

Attention: Mr. Humphrey

Dear Mr. Kulp:

Mr. Howard W. Moffat recently visited this office with an inquiry concerning an irrigation well in NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 16, T. 9 S., R. 22 E. In our records the well is numbered 9S 22E-16cal. I first visited this well on September 3, 1948, when it was being drilled and was informed that it was the property of the Mesa Land Co. Later I was informed that the owner was Andrew Jean, presumably the owner of the company. On October 22, 1948 I sounded the well, obtaining a total depth of 333 feet, and a depth to water of about 240.7 feet below the land surface. The well has been measured since about 15 times, and the average static water level has been about 240 feet below the land surface.

On October 22, 1948 a pump and temporary Diesel engine were being installed and the tenant or owner stated that the rated pump capacity against the applicable head was 4.5 cu. ft. per sec. In 1949 our Mr. Fader found that a 160-HP electric motor had been installed.

We have made no measurement of the discharge rate of the well because we have not advanced to quantitative studies in the subject area. We cannot certify as to the discharge rate of the well, but have no reason to believe that the reported rate is seriously in error. The information herein is substantiated by original official records in our file.

This information is furnished at the request of Mr. Moffat, who asserts that he is the owner of record of the well and well site. If we can be of further service please advise us.

Very truly yours,


R. L. Nace
District Geologist

20311

✓
September 1, 1950

Re: Permit No. 20311

Mr. Howard W. Moffett
Rupert, Idaho

Dear Mr. Moffett:

I expect to make inspection for beneficial
use under your Permit No. 20311 on Tuesday or Wednesday,
September 5th or 6th, 1950.

Please arrange to be on your ranch so that
you can accompany me.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

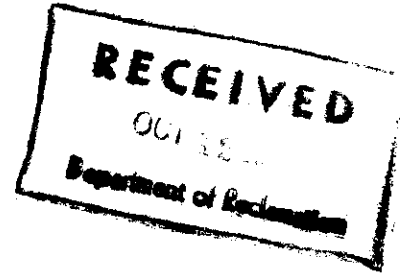
20311

Pasco Chamber of Commerce

P. O. Box 550
Pasco, Washington

10 October 1949.

20311



Mrs. Jeanne L. Anderson
Chief Clerk
Office of State Reclamation Engineer
State of Idaho
Boise, Idaho

Dear Mrs. Anderson:

A letter from Mr. A.C. DeMary at Rupert has called my attention to the fact that I did omit one necessary document.

I have enclosed the Affidavit of Publication of the Minidoka County News as signed by Mr. Larry H. Robinson and attested by Mr. DeMary.

Please forgive the oversight and thanks again.

Sincerely,

H. W. Moffat
H.W. Moffat

20311

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
.....60-..... 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 Sept. 8....., 1949., and
ending with the issue dated Sept. 29., 1949.

Larry H. Robinson

Subscribed and sworn to before me this

3rd day of Oct, 1949

96 D. Mary Notary Public

Cost of Publication \$11.50

Notary Fee ✓

Total Cost \$11.50

20311

October 7, 1949

Re: Permit No. 20311

Mr. Howard W. Moffat
Box 550
Pasco, Washington

Dear Mr. Moffat:

We acknowledge receipt of your letter of October 5, enclosing depositions of yourself and two witnesses in Proof of Beneficial Use under your Permit No. 20311 and also enclosing some pictures which are returned herewith. These pictures are certainly very interesting and show some wonderful results from your work, and we trust, as you state, that you need have no further worry in regard to your irrigation problems.

All that is necessary now to complete your proof, is for us to have the Affidavit of Publication which the paper was instructed to send Mr. DeMery and we are sending him a copy of this letter so that he may see that same is forwarded to us.

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

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact Mr. DeMery so that arrangements may be made to have him shown over the project.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

CC: Mr. DeMery.

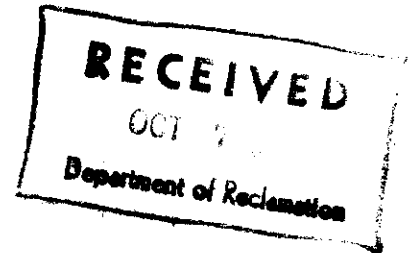
20311

Pasco Chamber of Commerce

P. O. Box 550
Pasco, Washington

5 October 1949.

Mrs. Jeanne L. Anderson
Chief Clerk
Office of State Reclamation Engineer
State of Idaho
Boise, Idaho

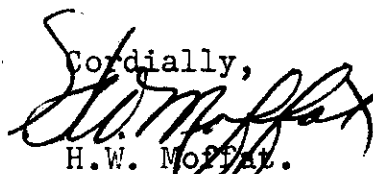


Dear Mrs. Anderson:

I enclose the two Form #17's prepared by Mr. A.C. DeMary at Rupert and my own Form #16, prepared and notarized here at Pasco, Washington. Pictures of the development are also enclosed for the record if you desire. I would appreciate the return of the pictures if they are not necessary.

Please advise me of any and all further action needed according to the statutes. I sincerely trust that I need only worry about the laws of supply and demand, as well as the fortunes of good crops now.

Thank you for all your courtesy and interest in my problems.

Cordially,

H.W. Moffat.

20311

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20311

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Howard W. Moffat, 1323 West Shoshone Street, Pasco, Washington
Mailing address---Box #550

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. Owner---Buying on contract sale from State of Idaho

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

Ans. 20311, February 23rd, 1948. Date of priority---April 1st, 1949. ^{4/3 - 48}

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

Ans. Subterranean. Point of diversion---NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 16, T9s, R22EBM.

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.

Ans. A 20" well drilled to the depth of 238', pulling water from a stand of 167'. Conversion ditches, 6' wide at bottom, 8' at waterline, 3' in depth, with 16" headgates. Approximately 2 miles of canal. Well is powered by a 150 H.P. electric motor.

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. Water used for irrigation on cultivated crops. Use located in S $\frac{1}{2}$, Section 16, T9S, R22EBM. Originally sagebrush land. Water applied to the entire 320 acres. Improvements include well, power line, ditching, implement shed, headgates and all other instillations necessary to land irrigation. (Pictures of 1949 crops accompany Form #16.)

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

Ans. Used agriculturally only.

20311

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

Ans. Six and one-third 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. Original owner and buying on contract sale from State of Idaho

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

Ans. The above described water has been used since April 1st, 1949
for the purpose of irrigation under correagation system. The
absolute amount indeterminable, but sufficient to irrigate 320
acres.

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 water available other than the water herein
described.

(Sign)

Howard W. Moffat

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 Tano, County of Franklin,
Washington 9th day of Sept, A. D. 1949.
State of Idaho on this

My commission expires

Dec 6/49

20311

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20311

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. Thomas D. Jean, age 67. Residence, Hazelton, Idaho. Farmer by occupation.

Ques. 2. Are you acquainted with Howard Wintors Moffatt, the holder of Permit No. 20311 // ? How long have you known him and where does he reside?

Ans. Have known him about three years.

Ques. 3. Have you read or heard read said Permit No. 20311, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. The source of water supply is from a well 238 ft deep, water standing approximately 167 ft from the surface and showing no draw down when pumped to the capacity of the pump and motor. The water is diverted at the well. There is a concrete pipe laid 3226 feet to the SE corner of the section and there diverted into an open lateral running north and south. Another lateral runs diagonally from the well to the south-west corner of the section with side laterals. Another 10" concrete pipe line runs for about 800-ft in the N¹/₂SW¹/₄ of this section.

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

Ans. Have seen at least 6 1/3 sec.ft. of water pumped from this well, altho not that much has been required this year.

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

Ans. Water is used solely for irrigation. The land has been broken out of sage brush but there are no permanent improvements on the land save the well and pump equipped with an electric motor of 150 H.P. The following areas have been cultivated this year:-- NE¹/₄SE¹/₄ 40 A. SE¹/₄SE¹/₄ 30 A. NW¹/₄SE¹/₄ 40 A.; SW¹/₄SE¹/₄ 5 A.; NE¹/₄SW¹/₄ 30 A.; NW¹/₄SW¹/₄ 10 A.; SE¹/₄SW¹/₄ 30 A.; SW¹/₄SW¹/₄ 5 A. All the land has been cleared and all would have been in cultivation this year had not operations been delayed in the spring. There apparently is no lack of water for successful reclamation of all the land.

20311

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Used only for irrigation purposes.

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

Ans. ~~The character of the land reclaimed is open soil with no rocks and equal to any land in the Snake river valley. My opinion is that when the land is once saturated, the duty of water will be the same as on other tracts in the valley, approximately 2 to 2 1/2 acre feet per year.~~

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. 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 seen the crops being irrigated five different times during the 1949 crop season in a satisfactory manner. In my mind the pumping equipment and the supply of water will produce in the neighborhood of 6 to 6 1/2 sec. feet.

(Signed) Thomas B. Jean

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 1st day of October, A. D. 19 49.

A. C. De Mary
Notary Public.

My commission expires July 6, 1951.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20311

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. Frank Bodenhamer. Age 35. Residence, Paul, Idaho. A farmer.

Ques. 2. Are you acquainted with Howard Wintors Moffat, the holder of Permit No. 20311? How long have you known him and where does he reside?

Ans. Have known him for about two years. He now lives at Pasco, Washington.

Ques. 3. Have you read or heard read said Permit No. 20311, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. The source of water supply is from a well about 240 feet deep in which the water stands at about 170 feet from the surface. The well is located near the NE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16 T 9 So R 22 E.B.M. The diameter of the well is 20-in and equipped with casing and pump for 14-in. The water is pumped into a basin near the pump. Is conveyed to the SE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of the section in a 12-in concrete pipe 3226 feet long; from there it is conveyed in laterals north and south. from the basin at the well, another lateral runs diagonally to the SW corner of the Sec. with branch laterals.

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

Ans. The well and pump will furnish approximately 6 to 6 $\frac{1}{2}$ sec. feet of water at the top of the well, which I have seen demonstrated.

Ques. 6. 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. The water has been used on every 40 acre tract in the half section for irrigation purposes. The land last spring was sage brush land and is now all cleared. The following areas of the half section have been cultivated this year, 1949:- NE $\frac{1}{4}$ SE $\frac{1}{4}$ -40 acres in peas; SE $\frac{1}{4}$ SE $\frac{1}{4}$ -30 A. peas; NW $\frac{1}{4}$ SE $\frac{1}{4}$ -30 A. peas and 10 A. potatoes; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - all cleared but only 5 A. in peas. NE $\frac{1}{4}$ SW $\frac{1}{4}$ -30 A. potatoes; NW $\frac{1}{4}$ SW $\frac{1}{4}$ -10 A. potatoes; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -5. A. potatoes; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 A. potatoes:

20311

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Used only for surface irrigation.

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

Ans. The character of the land is a rather heavy soil of good depth and during the crop season will require about 5/8 of an inch per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No. Have been leasing the land during the crop season of 1949.

Ques. 10. 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. Owing to delay in preparing the land this year, only 190 acres have been cultivated, but the supply of water is ample to irrigate the entire tract of 320 acres. This being the first year of cultivation, more water was required than will be necessary after the soil becomes saturated. The water in this well was measured three times this past summer by the Geological Survey and there was no draw down in the water supply.

(Signed) Frank Bodinham

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 1st day of October,
A. D. 1949.

A. B. D. Mary

Notary Public.

My commission expires July 6, 1951.

September 8, 1949

Re: Permit No. 20311

Mr. A. C. DeMery
Rupert, Idaho

Dear Mr. DeMery:

At the request of Mr. Howard W. Moffett, we enclose the necessary forms of deposition to be used in taking Proof of Beneficial Use under his Permit No. 20311, about which he telephoned you last Saturday.

Notice of this proof has been sent to the Minidoka County News for publication once a week for four weeks prior to October 1, and they have been instructed to send the Affidavit of Publication (which is a part of the proof) together with statement of costs to Mr. Moffett in your care.

At the time set for proof, two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder should appear before you for the purpose of executing the depositions. We understand that Mr. Moffett will send his own deposition to you prior to that date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

CC: Mr. Howard W. Moffett

20311

September 8, 1949

Re: Permit No. 20311

Mr. Howard W. Moffatt
Box 556
Pasco, Washington

Dear Mr. Moffatt:

We enclose Certificate of Completion of Works issued under your Permit No. 20311 for the diversion of 6 1/3 second feet of water from a well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, Township 9 South, Range 22 East for the irrigation of the S $\frac{1}{2}$ of said Section.

We have sent to the Minidoka County News, copy of Notice of Beneficial Use Proof to be made under this Permit on October 1, 1949 before Mr. A. C. DeMary and enclose herewith, a copy of letter we are today addressing Mr. DeMary in regard to taking these proofs.

The newspaper has been instructed to publish the notice once a week for four weeks, prior to October 1, and to send you the Affidavit of Publication, together with statement of costs, in Mr. DeMary's care.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20311

A Brief Message From The Minidoka County News

September 7

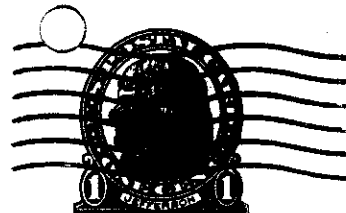
Dear Sir:

We received the the legal notice
for publication and it will appear in September
8 paper , copy will follow.

Minidoka County News

Rupert, Idaho

20311



THIS SIDE OF CARD IS FOR ADDRESS

Mark R. Kulp

Department of "eclamation

Boise, Idaho

20311

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **September 6, 1949**

Re: Permit No. 30311

Minidoka County News
Rupert, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 1, 1949**, the date set for proof, the expense of the publication to be paid by the applicant, **Howard W. Moffatt** of **Rupert,**

Idaho, to whom you should furnish proof of publication on or prior to the date set for proof, **in care of A. C. DeMay,**
Rupert, Idaho

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

Very truly yours,

MARK R. KUIP

State Reclamation Engineer

By

Chief Clerk

20311

Form 10

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

Notice is hereby given that at 11:00 A. M. on the 1st day of October, 1949,
at Rupert, County of Minidoka, State of Idaho, before
A. C. DeMery, Notary Public, proof will be submitted of the
application to beneficial use of 6.1/3 cubic feet per second of the waters of a well
in accordance with the terms and conditions of Permit No. 20311
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

Howard A. Moffat, Rupert, Idaho.

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

The amount applied to beneficial use is 6.1/3 cubic feet per second.

The place where said water is used ~~(if for irrigation, give full and accurate description of the~~
~~lands irrigated)~~ South half Section 16, Township 9 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is none

The right to take water from such works is based upon Permit No. 20311.

The source of supply from which such water is diverted is subterranean flow from a well
in the NE 1/4 SW 1/4 Section 16, Twp. 9 South, Range 22 East, B. M.

The date of priority which said user is prepared to establish is February 3, 1948

MARK R. KUTP

State Reclamation Engineer.

20311

*B. 337
P. 221*

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 3, 1949

(P. O.) Boise, 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.



(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.

Permit No. 20311

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

SS.

Howard W. Moffat

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 20311, and that his postoffice address is Rupert

State of Idaho

Second: That the name of the stream ^{FROM} which said water is to be ~~directed~~ is ~~subterranean flow from a well~~Third: That the point of diversion of said water is ~~subterranean flow from a well~~ in the NE¹/₄ SW¹/₄ Section 16, Twp. 9 S., Range 22 E., B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 23, 19 53

Fifth: That the use for ~~which~~ said water is intended is irrigationSixth: That on the date ~~above~~ mentioned, the works constructed under said permit were (~~constructed~~) fully completed and consisted of the following:

I. Kind of works: One well, electric pump-50 H. P.

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

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

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

Seventh: That said works are capable of conducting to the place of intended use 6-1/3 second feet of water.

Eighth: That water appropriated under said permit is available for 320 acres of land described as follows: South half Section 16, Twp. 9 South, Range 22 E., B.M.

Ninth: Remarks: That The works consist of a 20 inch well, drilled to 238 feet, and the water stands at 167 feet. Cased top 78 feet, balance rock stratum. Equipped with 50 H. P. electric pump.

Howard W. Moffat
(Sign Here)Subscribed and sworn to before me this 3rd day of SEPTEMBER, 19 49

My commission expires Feb. 16, 1954

Dillon W. Lister
Notary Public.

20311

February 26, 1948

Re: Permit No. 20311

Mr. Howard W. Moffat
Rupert, Idaho

Dear Mr. Moffat:

We enclose Permit No. 20311 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 20283 for \$6.50 filing fee.

As you will note we typed this application over, but regret that at some place on its way to be signed by the proper State Officials it seems to have acquired some blots of ink.

We are also returning your original application which is of no use and it may be destroyed.

Very truly yours,

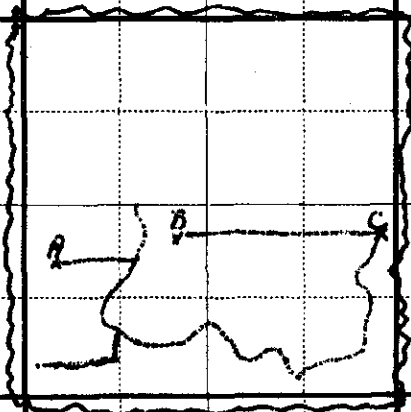
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20311

The first well to be drilled will be "B", below. Wells "C" and "A" will be drilled in that order, but will be drilled only if necessary to obtain six and one third (6 1/3) second feet of water, as applied for in Application for Permit. If Well "B" will furnish six and one third (6 1/3) second feet of water, wells "C" and "A" will not be drilled.

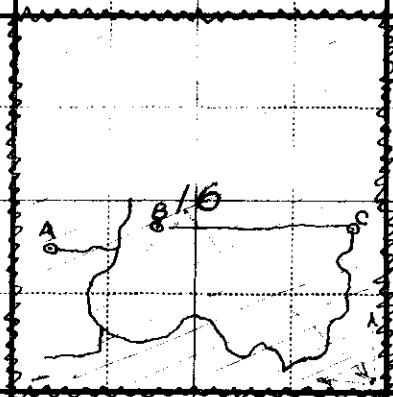


S 1/2 Sec 16 T9S R22E

20311

TOWNSHIP-9 SOUTH RANGE-22 EAST

17



15

~Note~

Points of Diversion are Wells AB, & C.

Permit Map No. 20311
As Approved
FEB 23 1948
MARK R. KULP
Commissioner

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Boise, Idaho, February 6, 1948

Application No. 27910

Mr. Howard Winters Moffat
C/o Lawrence H. Duffin
Fisher Building
Rupert, Idaho

SIR:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

1. Question 4, states location in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T.9 S., R.22 E.B.M. Question 8 mentions two 14" wells. Sketch map indicates that there are three wells, A.B.C, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, respectively. Clarify this, stating definitely the number of wells, and their location
2. Under Question 10, are the dimensions of the headgate 16 inches by 16 inches?
3. Check Question 11- especially as to depth of water, which you give as 6 feet. Also length of conduit, or ditch.

You are allowed 60 days from date of first return for correction, as stamped in second line on back of application, to file completed application. If received after that date application can be refiled under a new number with later priority, requiring additional fee.

Yours truly,

MARK R. KULP
STATE RECLAMATION ENGINEER.

By _____

Chief Clerk

Encl: App. 27910

20311

January 30, 1948

Mr. Lawrence H. Duffin
Fisher Building
Rupert, Idaho

Dear Mr. Duffin:

We return herewith the application of Howard Winters
Moffet in order that he may sign same on the line indicated on
the third page.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

20311

January 26, 1948

Mr. Lawrence H. Duffin
Fisher Building
Rupert, Idaho

Dear Mr. Duffin:

We have had no reply to office letter addressed to you on December 29, 1947, enclosing the application of Howard Moffet for permit to appropriate water from a well in order that same might be corrected.

No doubt you have overlooked this matter and we are for that reason calling it to your attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

20311

December 29, 1947

Mr. Lawrence H. Duffin
Fisher Building
Rupert, Idaho

Dear Mr. Duffin:

We acknowledge receipt of your letter of December 28th, enclosing the application of Howard Moffat for permit to appropriate 8-1/3 second feet of subterranean water from a well, for the irrigation of the South Half section 16, Township 9 South, Range 22 East, B.M.; also Mr. Moffat's check for the \$6.50 filing fee.

We return the application herewith, with the request that you have it made out on the official form, enclosed, and direct your attention to the pamphlet of regulations and instructions enclosed in our letter to you of December 26th.

Question 14 should show the acreage to be irrigated in each 40-acre subdivision.

Question 4 should state the point of diversion (location of the well) to a 40-acre subdivision. Should it be necessary to change this later on, it can be done by way of amendment, on a form furnished by this department.

It is not necessary to furnish a tracing with an application of this size, but it is required that duplicate sketch maps be furnished, on the forms enclosed, showing the location of the well, and the land to be irrigated; also the course of the ditches.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

20311

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO

1. Name of applicant: Howard Moffat. Residing at: Rupert, Idaho, County of Minidoka.
2. The quantity of water claimed is six and one-third ($6 \frac{1}{3}$) cubic feet per second.
3. Source of water supply: Subterranean. County of Minidoka.
4. Location of point of diversion: on the below described 320 acres.
5. To be used for irrigation of 320 acres in the following legal subdivisions:

The Southeast quarter ($SE\frac{1}{4}$) and the Southwest quarter ($SW\frac{1}{4}$) of Section Sixteen (16), Township Nine (9) South, Range Twenty-two (22) E. B. M.
6. Estimated cost of works: \$10,000.
7. Description of works for diversion: 1. Kind of works:
One (1) fourteen (14) inch well equipped with pump capable of pumping three (3) second feet of water on the above described 320 acres with culverts and ditches from location of pump, gravity flow. Exact location of pumps and earth-works not yet determined, but at least one pump will be located on the above described real property.
8. Time required for the completion of the construction of such work is five (5) years.
9. Time required for the complete application of the water to the proposed use is four (4) additional years.


Howard Moffat

LAWRENCE H. DUFFIN
ATTORNEY AT LAW
FISHER BUILDING
RUPERT, IDAHO
December 26, 1947

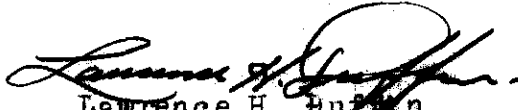
Mark Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Sir:

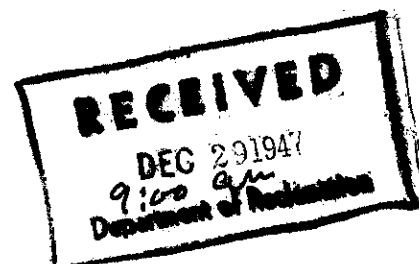
Enclosed herewith is Application for Permit, in triplicate, to appropriate certain subterranean waters located in Minidoka County, State of Idaho, together with a check for \$6.50 to cover the filing fee, on behalf of Mr. Howard W. Moffat of this city.

Inasmuch as this is a well project and does not include any earth-works except gravity flow ditches from the well itself, it is believed that no map and plan for the same is necessary.

Very truly yours,


Lawrence H. Duffin

LHD:vc
enc. 4



20311

February 25, 1966

Re: Transfer of Water Right No. 1064

Gerald Morgan and
W. H. Shillington,
Box 201,
Rupert, Idaho.

Gentlemen:

We enclose Order Granting Transfer and Certificate of Transfer of Water Right No. 1064, together with Departmental Receipt No. G-10182, which was issued covering payment in the amount of \$1.00 for the recording of the abovesmentioned transfer.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Certificate
Receipt

RWH:pmk

T-1064

36-2060

C
O
P
Y

February 16, 1966

Re: Transfer of Water Right

Messrs. Gerald Morgan and
W. H. Shillington,
Box 201,
Rupert, Idaho.

Gentlemen:

As there were no protests to your application
for transfer of water right, we will issue a Certificate
upon receipt of the Affidavit of Publication and \$1.00
for the recording fee.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

C
O
P
Y

T-1064
36-2060

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
STATE OF IDAHO,) ss.
Ruth DeThomas

being first
duly sworn, deposes and says that she is the

Editor 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 two consecutive weeks, commencing with the issue dated Jan 27, 1966, and ending with the issue dated Feb 3, 1966

Ruth DeThomas

Subscribed and sworn to before me this

21st day of February, 1966

James E. Stephenson Notary Public

Cost of Publication

Notary Fee

Total Cost

RECEIVED
FEB 24 1966

Department of Reclamation

Notice is hereby given that Gerald Morgan & W. E. Shillington of Box 201, Rupert, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the place of use of the waters of subterranean source as follows: Amount: 4.2 cfs. feet per second. Priority: Feb. 3, 1948 Point of diversion: NE 1/4 SW 1/4, Section 16, Township 9 S. Range 22 E. B. M. Place of Use: S 1/4 Sec 16, T. 9 S., R. 22 E. B. M. To be transferred To Point of diversion: No change Place of Use: S 1/4 N 1/2, N 1/2 S 1/4, Sec. 16, T. 9 S., R. 22 E. B. M.

And that on the 15th day of February, 1966, at 10:00 o'clock A. M. at Room 100, Idaho House, Idaho, before me

[Signature] or his
Oppar
and
all papers to be filed and sent for his consideration and reason or reasons why a certificate should not be issued authorizing such transfer.

CARL E. TAPPAN

T-1064

36-3060

James E. Stephenson

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

January 24, 1966

Re: Transfer of Water Right
Gerald Morgan & W. H. Shillington

Minidoka County News,
Rupert, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **February 15, 1966** the date set for hearing; the expense of the publication is to be paid by the applicant **Gerald Morgan & W. H. Shillington of Box 201, Rupert, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

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

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

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

Encl.

RWH:pmk

T-1064

36-2060

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Gerald Morgan & W. H. Shillington of Box 201, Rupert, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the ~~point of diversion~~ ~~and~~ place of use of the waters of subterranean source as follows:
Amount: 4.42 cubic feet per second. Priority: Feb. 3, 1948
Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 9 S., Range 22 E., B.M.
Place of Use: S $\frac{1}{2}$ Sec. 16, T. 9 S., R. 22 E. B. M.

To Be Transferred To
No change
Point of Diversion: / ~~xxxxxx Section xxxxxx Township xxxxxx Range xxxxxx B.M.~~
Place of Use: S $\frac{1}{2}$ Sec. 16, T. 9 S., R. 22 E. B. M.

And that on the 15th day of February, 1966, at 10:00 o'clock A. M.
Room 107 Statehouse,
at Boise, Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

CARL E. TAPPAN

State Reclamation Engineer

T-1064

36-2060

Application For Transfer of Water Right

STATE OF IDAHO

County of

Minidoka

SS.

JAN 24 1966

Department of Reclamation

Gerald Morgan & W.H. Shillington, being first duly sworn, deposes and says:

That his name is *Gerald Morgan and W.H. Shillington*; that he is of lawful age, a citizen

of the United States and of the State of Idaho, and that his postoffice address is *Box 201,*

Rupert, Idaho

That he is the owner and using a certain water right, bearing date of priority of *2-3*, 19*48*,

for *4.42* cubic feet per second of the waters of *Subterranean Flow*

County of *Minidoka*, State of Idaho, decreed to

by decree of Judge of the Judicial District of the State of

Idaho, in and for the county of, in the case of

vs., said decree bearing date of

for obtained by virtue of License No. *20311*, issued by the State Department of Reclamation of

the State of Idaho, dated *6-9*, 19*52*, bearing date of *Feb. 3*, 19*48*)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. in the County of *Minidoka* and State of Idaho, to-wit:

5 1/2 Sec. 16 T9S R22E

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. *Purchase*

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said ~~stream~~ ^{well} in the *NE 1/4 SW 1/4* of Section *16*, Township *9S*, Range *22E*, B. M., and con-

ducted to the above described lands through *private ditches*

as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of *4.42* cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of *Minidoka* and State of Idaho, to-wit:

5 1/2 N 1/2, N 1/2 S 1/2 Sec. 16 T9S R22E BM

That reasons for desiring to make such transfer are as follows: *Allow issuance of License No. 21949*

That he intends to divert and convey said 4.42 second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

private ditches

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section 16, Township 9S, Range 22E, and thereafter conduct same to the above described land through the private ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

No Change

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Ernest Morgan
H. H. Sherrington

Applicant.

Subscribed and sworn to before me this 27th day of December 1965

William T. Bodum
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Subterranean

Where is the diversion point located? NE 1/4 SW 1/4 Sec 16 T9S R22E

Through what ditch is it now conducted? private

How much land is now irrigated by the water sought to be transferred? 320

Give the description: S 1/2 N 1/2, N 1/2 S 1/2 Sec. 16 T9S R22E BM

What is the total amount of water in inches, or second feet, dedicated to said land? ⁵¹⁰⁴
~~422~~ cfs

What kind of crops are being raised? Potatoes, Beets, Hay & Grain, & Beans

How much water per acre is now required to irrigate said land? $5\frac{1}{8}$ "

What will be the effect on the land now irrigated, if the use of water on it is discontinued? None

Give location of new point of diversion, if change is to be made. None

Through what ditch will it be conducted after transfer? Private Ditch

How much water will be required per acre to irrigate the land to which this water is transferred?.....

5.04
~~XXXXXXXX~~ cfs

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. Permit 21949 in other ownership

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. None except Permit 20322 from same well for .62 cfs.

Signed

Applicant.

PREPARED BY
IDAHO LAND & APPRAISAL SERVICE
BOX 219100
ELECTRONIC
RECEIVED

STATE OF IDAHO,

County of _____

SS.

I, _____, Watermaster of _____

Water District No. _____, County of _____, State of Idaho, whose postoffice address

is _____, have read or heard read the foregoing affidavit and petition

of _____, and, of my own knowledge, believe the same to be true

as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer

issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

transfer prayed for) for the following reasons:_____

Watermaster, District No.

Dated at _____, Idaho, this _____ day of _____, 19____

T-1064
36-2068

Name of Applicant Gerald Morgan & W. H. Shilling

Township 9 South - Range 22 East, B.M.

SEC.

SEC.

SEC.

SEC.

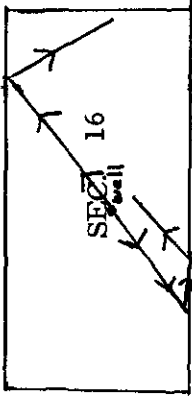
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**NOTICE OF PROPOSED
TRANSFER OF WATER
RIGHT**

Notice is hereby given that Gerald Morgan & W. H. Shillington of Box 201, Rupert, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the place of use of the waters of subterranean source as follows: Amount: 4.42 cubic feet per second. Priority: Feb. 3, 1948 Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 9 S. Range 22 E., B. M. Place of Use: S $\frac{1}{2}$ Sec. 16, T. 9 S., R. 22 E. B. M. To Be Transferred To Point of Diversion: No change. Place of Use: S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 16, T. 9 S., R. 22 E. B. M.

And that on the 15th day of February, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

CARL E. TAPPAN

State Reclamation
Engineer

No. 569 Jan. 27 - Feb. 3

**NOTICE OF PROPOSED
TRANSFER OF WATER
RIGHT**

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And that on the 15th day of February, 1966, at 10:00 o'clock A. M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer or his

authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

CARL E. TAPPAN

State Reclamation
Engineer

No. 569 Jan. 27 - Feb. 3

Tell Watts when transfer
is made.

R. H.

T-1064

36-2060

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Gerald Morgan + W. H. Shillington of
Box 201 Rupert, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing Them to change the ~~point of diversion~~
~~and the~~ place of use of the waters of Subterranean Source as follows:
Amount: 4.42 cubic feet per second. Priority: Feb. 3, 1948
Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 9 S, Range 22 E, B.M.
Place of Use: S² Section 16 T. 9 S. R. 22 E

To Be Transferred To
No Change
Point of Diversion: $\frac{1}{4}$ $\frac{1}{4}$, Section , Township , Range , B.M.
Place of Use: S²N², N²S² Section 16; T. 9 S. R. 22 E. B.M.

And that on the 15th day of Feb, 1966, at 10:00 o'clock A. M.
at Room 107 Statehouse Boise Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

State Reclamation Engineer

T-1064
36-2060