

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

In Re SRBA	)	Water Right 36-07523
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 03, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

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

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

RULE 54(b) CERTIFICATE

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

Dated December 12, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

December 12, 2001

Charles R Hisaw
Pamela Hisaw
Rt 1 Box 1420
Paul, ID 83347

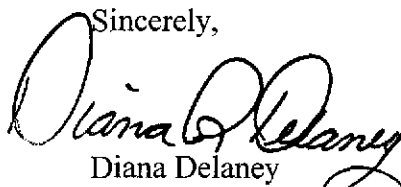
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-07523. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

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

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on December 03, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

SCANNED
FEB 07 2002

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07523

1997 DEC -3 PM 2:11
DISTRICT COURT
TWIN FALLS CO, IDAHO
FILED

NAME & ADDRESS: CHARLES R HISAW
PAMELA HISAW
RT 1 BOX 1420
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 2.68 CFS
624.0 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/26/1975

POINT OF DIVERSION: T07S R23E S04 SWSNE Within LINCOLN County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.68 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	IRRIGATION	Within LINCOLN County			
	T07S R23E S04	NESE 39	NWSE 40	SWSE 39	SESE 38
	156 ACRES TOTAL				
	DOMESTIC	Within LINCOLN County			
	T07S R23E S04	SWNE			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

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



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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07523

PAGE 1
NOV-26-1997

SCANNED
FEB 07 2002

**STARTING
LEFT
SIDE OF
FILE**

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7523 Priority February 26, 1975 Amount 2.68 cfs

THIS IS TO CERTIFY, that Charles R. Hisaw
of Paul, Idaho, has complied with the terms and conditions of Permit
No. 36-7523 issued pursuant to Application for Permit dated February 26, 1975,
and has submitted proof to the Department of Water Resources on November 13, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.68 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>2.68</u> cfs and	<u>624.0</u> acre feet	
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u> at <u>0.04</u> cfs and	<u>0.6</u> acre feet	
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 2.68 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
624.6 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Twp.
7S, Rge. 23E in the County of Lincoln

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	23E	4			D										39	40	39	38	156

Total number of acres irrigated 156

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of
July _____, 19 82.

For the Director

Norma C. Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Charles R. Hisaw
of (address) Route #1, Box 1420, Paul, ID , and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 36-7523 , and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ NE ¼, Section 4 , Township 7S , Range 23E , B.M.,
County of Lincoln . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.68 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre feet per annum)
Amount 0.04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	23E	4			D										39	40	39	38	156

Total number of acres to be irrigated = 156

4. a. Who owns the property at the point of diversion?
b. Who owns the land to be irrigated or the place of use?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

Show 40-acre subdivisions, townships, ranges and ditches.

This image shows a full page of handwriting practice paper. It features a grid of 6 rows and 10 columns. Each row is defined by two solid horizontal lines, with a dashed horizontal line centered between them. The vertical lines are solid. This layout provides a guide for letter height and placement, typically used for practicing cursive or specific penmanship techniques.

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

Signed at Twin Falls, this 30 day of June, 19 82.

Mary Jo Kusan
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Law Fee = \$20.00

Received by DS Date June 30 1982

Publication prepared by SW/A Date

Published in _____

Publication dates
1990-1999
2000-2009
2010-2019
2020-2029
2030-2039
2040-2049
2050-2059
2060-2069
2070-2079
2080-2089
2090-2099
2100-2109
2110-2119
2120-2129
2130-2139
2140-2149
2150-2159
2160-2169
2170-2179
2180-2189
2190-2199
2200-2209
2210-2219
2220-2229
2230-2239
2240-2249
2250-2259
2260-2269
2270-2279
2280-2289
2290-2299
2300-2309
2310-2319
2320-2329
2330-2339
2340-2349
2350-2359
2360-2369
2370-2379
2380-2389
2390-2399
2400-2409
2410-2419
2420-2429
2430-2439
2440-2449
2450-2459
2460-2469
2470-2479
2480-2489
2490-2499
2500-2509
2510-2519
2520-2529
2530-2539
2540-2549
2550-2559
2560-2569
2570-2579
2580-2589
2590-2599
2600-2609
2610-2619
2620-2629
2630-2639
2640-2649
2650-2659
2660-2669
2670-2679
2680-2689
2690-2699
2700-2709
2710-2719
2720-2729
2730-2739
2740-2749
2750-2759
2760-2769
2770-2779
2780-2789
2790-2799
2800-2809
2810-2819
2820-2829
2830-2839
2840-2849
2850-2859
2860-2869
2870-2879
2880-2889
2890-2899
2900-2909
2910-2919
2920-2929
2930-2939
2940-2949
2950-2959
2960-2969
2970-2979
2980-2989
2990-2999
3000-3009
3010-3019
3020-3029
3030-3039
3040-3049
3050-3059
3060-3069
3070-3079
3080-3089
3090-3099
3100-3109
3110-3119
3120-3129
3130-3139
3140-3149
3150-3159
3160-3169
3170-3179
3180-3189
3190-3199
3200-3209
3210-3219
3220-3229
3230-3239
3240-3249
3250-3259
3260-3269
3270-3279
3280-3289
3290-3299
3300-3309
3310-3319
3320-3329
3330-3339
3340-3349
3350-3359
3360-3369
3370-3379
3380-3389
3390-3399
3400-3409
3410-3419
3420-3429
3430-3439
3440-3449
3450-3459
3460-3469
3470-3479
3480-3489
3490-3499
3500-3509
3510-3519
3520-3529
3530-3539
3540-3549
3550-3559
3560-3569
3570-3579
3580-3589
3590-3599
3600-3609
3610-3619
3620-3629
3630-3639
3640-3649
3650-3659
3660-3669
3670-3679
3680-3689
3690-3699
3700-3709
3710-3719
3720-3729
3730-3739
3740-3749
3750-3759
3760-3769
3770-3779
3780-3789
3790-3799
3800-3809
3810-3819
3820-3829
3830-3839

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 36-7523.

Witness my hand this 29th day of July, 19 82.

_____, 19 82 .
Norman C. Young
 For the Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Orginial Permit	36-7523	Ann S. Egan	4.3 cfs
Full Assignment	36-7523	Charles R. Hisaw	4.3 cfs

MICROFILMED

State of Idaho
Department of Water Resources

RECEIVED

MAY 27 1982

OK to process
RC 5/27/82

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Ann S. Egan (now Ann S. Rowen), hereby assign to Charles R. Hisaw
of Route #1 Box 1420, Paul, ID 83347
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 36-7523
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19 _____.

RECEIVED

MAY 12 1982

Department of Water Resources
Southern District Office

Ann S. Egan (Rowen)
Permit Holder

Spouse of Permit Holder

State of Maine)
County of Cumberland) ss.

On this 30th day of April, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (~~they~~) executed the same.

Joan B. Sutter

Notary Public residing at

seal

My commission expires:

8 July 1984

JOAN B. SUTTER
NOTARY PUBLIC/STATE OF MAINE
MY COMMISSION EXPIRES
8 JULY 1984

LEGAL OFFICE
NATURAL AIR STATION
BRIDGESWICK, MAINE 04011

36-7523

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 36-7523)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

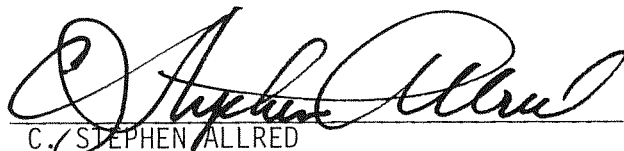
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

NOTED

9506

Identification No. _____
Application No. 36-7523

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Ann S. Egan Phone: _____
post office address Route #2, Kimberly, Idaho

2. Source of water supply Groundwater which is a tributary of _____

3. a. Location of point of diversion is NW ¼ of SE ¼ of Section 4 Township 7S
Range 23E B.M. Lincoln County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:
Allow 3.2 cfs
Amount 7.11 cfs for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .03 cfs for Stockwater purpose from January 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .08 cfs for Domestic purpose from January 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:
Allow 4.3 cfs
a. -7.22- cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 18 inches; proposed depth of well is 330 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ _____.

8. Description of proposed uses:
a. If water is **not** for irrigation: Same as 8b for stockwater

Domestic (1) Give the place of use of water: SW ¼ of SE ¼ of Section 4 Township 7S
Range 23E B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered 100 head of cattle

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water two.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	23E	4	~~25.25~~	~~25.25~~	~~40~~	~~40~~	~~25.25~~			~~40~~					40	40	40	40	160
			~~1t.1~~	~~1t.2~~			~~1t.3~~												355.75

Total number of acres to be irrigated Allow 160
~~355.75~~

c. Describe any other water rights used for the same purposes as described above. None

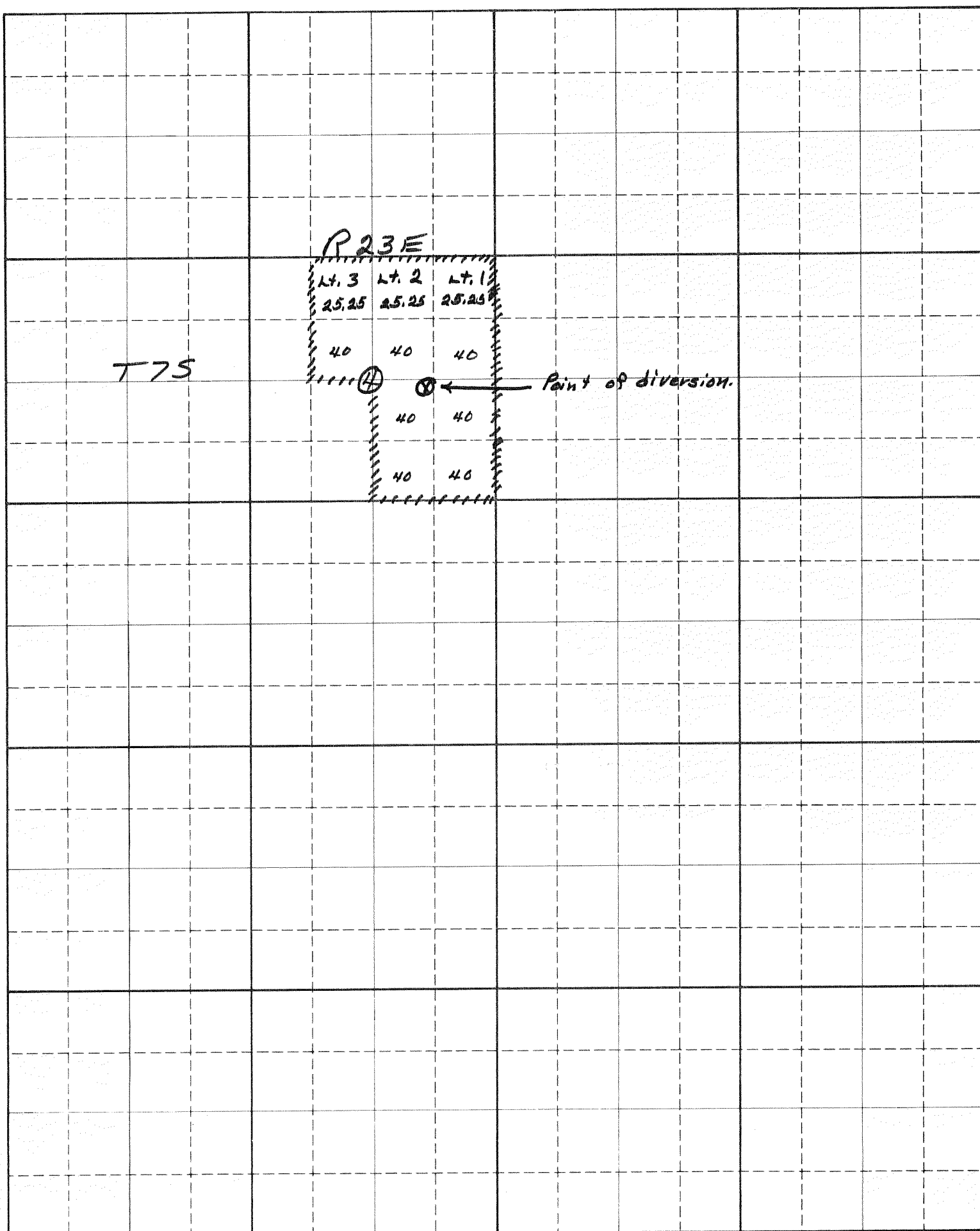
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use BLM - except the SE¼ is deeded estate.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DLE

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

Ann S. Egan
(Applicant)

Received by mls Date 2-26-75 Time 12:00

Preliminary check by NOT Fee \$ 95.00

Receipted by cc Date 2-26-75 \$14744

1407 Publication prepared by CC Date 2-26-75

Published in Lincoln County Journal

Publication dates 3-6 & 3-13-75

Publication approved CC Date 3-14-75

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

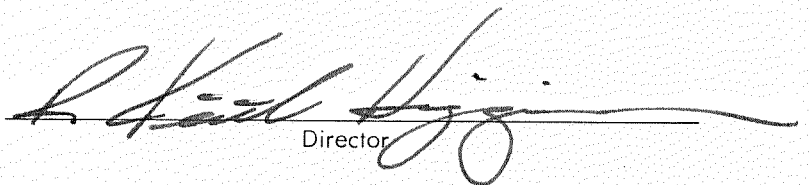
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7523, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 80.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19 day of April 19 75.


Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 26-7523 Ann S. Eggen

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) KDF 2-26-75

In form to receipt

(2) KDF 2-26-75

Send Copies to:

- ☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☒ Bureau of Land Management

(3) KDF 2-26-75

- ☐ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M. DLE
☐ Request Information from Applicant

(4) KDF 2-26-75

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) CC 3-14-75

Affidavit of Publication received(date) 3-14-75

(12) _____

Final date for protests 3-24-75
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

Approve _____ Deny ☒
NO DLE Filing
Proposed Priority _____

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

Department of Water Resources
No special conditions for approval

(15) District Santhem

By Bob Skyrnes

Date 4-8-75

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Glenna F. Olsen, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 16th day of MARCH, 1975, and the date of the last publication was on the 13th day of MARCH, 1975.

Glenna F. Olsen

Subscribed and sworn to before me this 13th day of March, 1975.
(SEAL)

Helen Mago
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice 32
Number of Insertions 2
_____ Lines tabular at 315c
32 Lines straight at 21c \$16.72
32 Subsequent lines at 15c \$4.80
TOTAL COST \$11.52

MICROFILMED

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ann S. Egan, Route No. 2, Kimberly, Idaho, has on 2-26-75 submitted Application No. 36-7523 for a permit to appropriate 7.22 cubic feet per second of water from groundwater by means of well, pump, sprinkler system within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T 7S, R 23E, B.M., Lincoln County to be used from January 1 - December 31 (Stockwater & Domestic) March 15 - Nov. 15 for Irrigation of 355.75 acres within the E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T 7S, R 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 24, 1975.

R. KEITH HIGGINSON
Director
3-6-21c-L

O.K.
cc
2-147

RECEIVED

MAR 14 1975

Department of Water Resources
Southern District Office

PUBLICATION RATES

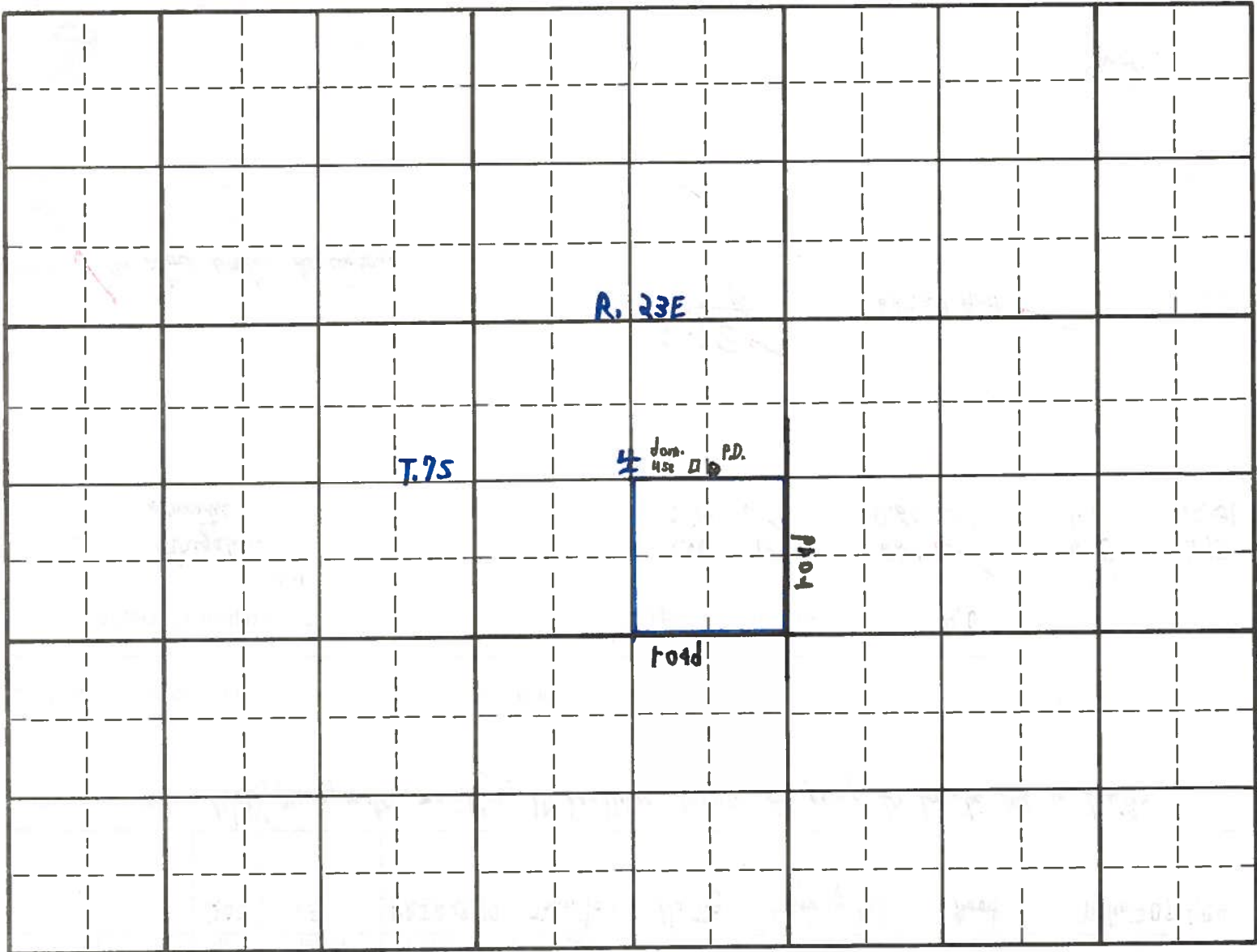
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

Nº 3047

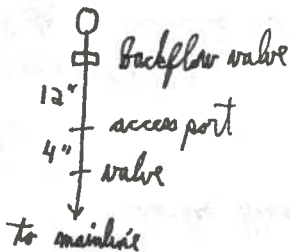
2

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 NE 1/4 Sec. 4 T. 7S R. 23E

Place(s) 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	
7S	23E	4			D										39	40	39	38	156

- Recommended Amendments:
- ☒ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☐ None

☒ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other
- domestic use

Examiner's Signature

Checked by

Approved by

7-13-81

7-20-81

12/16/81

Date

Date

Date

August 6, 1980

Charles R. Hisaw
Route 1, Box 155B
Paul, Idaho 83347

Dear Mr. Hisaw,

Enclosed is your request for an extension of time.

We are returning it because Ms. Ann S. Egan had already submitted proof to beneficial use on Permit No. 36-7523 on November 13, 1978. Therefore, an extension request is not necessary.

Your request that the proof of beneficial use previously filed be cancelled probably should not be granted because the portion of the water permit application that covered the DLE was not approved when the permit was approved.

A copy of a letter the Department sent to Ms. Egan on March 24, 1975 is enclosed.

We did not receive any evidence from Ms. Egan that a Desert Land Entry application had been filed with the Bureau of Land Management and therefore, the permit was only approved for the amount she owned.

In summary, our records show that there are no present water right filings on the DLE lands originally identified on Ms. Egan's application.

There also is another item which you should be aware of.

On June 25, 1980 I returned to Ms. Egan the assignment form which assigned her permit to you, because it was not notarized. To this date this assignment has not been returned.

Without this assignment the permit legally belongs to Ms. Egan and a future Water License will be recorded in her name.

I am sure that you as permit owners of this property would want to clear this matter up.

If you have any questions on this matter please contact me at 334-4162.

UNRECORDED

Charles R. Hisaw
Route 1, Box 155B
Paul, Idaho 83347

Page 2

I will be looking forward to your response.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosures

MICROFILMED

WATER RIGHT
DATA ENTRY LOG

[illegible]

June 25, 1980

Ms. Ann S. Egan
Rt. #2
Kimberly, Idaho 83341

Dear Ms. Egan:

We are returning your assignment of permit because it has not been notarized.

It is required by law that the signatures on the assignment be notarized at the time of signing by the permit owner. Enclosed for your convenience is another assignment of permit form. Please return after it has been signed and notarized.

If you have further questions please feel free to contact our office for assistance.

Sincerely,

JIM JOHNSON
Supervisor, Water Distribution

JJ:jg

Enclosures

TITLE INSURANCE
GOODING AND LINCOLN COUNTIES
RALF M. LUCKE AND HELEN H. LUCKE
TELEPHONE 934-4427

P.O. BOX 28
GOODING, IDAHO 83330

RECEIVED

APR 28 1980

Department of Water Resources

RECEIVED

APR 23 1980

Department of Water Resources
Southern District Office

April 23, 1980

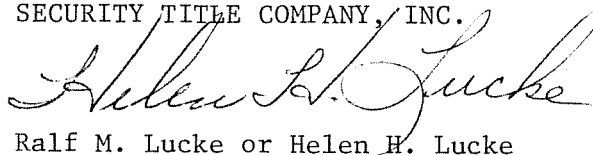
State of Idaho
Department of Water Resources
1031 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Gentlemen:

This is to advise you that Charles R. Hisaw, holder of License Nos. 36-2444; 36-7523; and 36-7835 has mortgaged the rights hereunder to the United States and agreed that he will not assign or emend the license without the consent of the Farmers Home Administration.

Sincerely,

SECURITY TITLE COMPANY, INC.



Ralf M. Lucke or Helen H. Lucke

RML/drl



Policy Issuing Agent
Safeco Title Insurance



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

December 5, 1978

Ann S. Egan
Route 2
Kimberly, ID 83341

Dear Ms. Egan:

Re: Permit No. 36-7523

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Twin Falls.

Sincerely,

RITA FLECK
Water Rights

**STARTING
RIGHT
SIDE OF
FILE**

This
Right has been
Decreed in the
SRBA.

MICROFILMED

JAN 09 2003

August 6, 1982

RE: Permit No. 36-7523

Charles R. Hisaw
Route #1, Box 155B
Paul, ID 83347

Dear Mr. Hisaw:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 9, 1982

RE: Permit No. 36-7523

Charles R. Hisaw
Route #1, Box ~~1558~~ 1420
Paul, ID 83347

Dear Mr. Hisaw:

A representative of this Department made an examination of the works covered by your Permit No. 36-7523 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.68 cfs Source: groundwater

The maximum quantity diverted shall not exceed 624.6 acre feet
per year.

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 7S, Rge. 23E, Lincoln County

Beneficial use: Domestic use for 1 unit and irrigation of 156 acres within
the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, Twp. 7S, Rge. 23E

Priority date established: February 26, 1975

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

June 7, 1982

RE: Permit No. 36-7523

Charles R. Hisaw
Route #1, Box 155B
Paul, ID 83347

Dear Mr. Hisaw:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
house
Boise, Idaho 83720

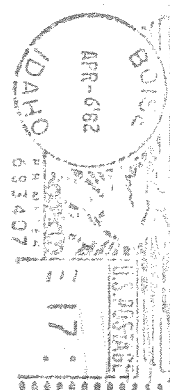
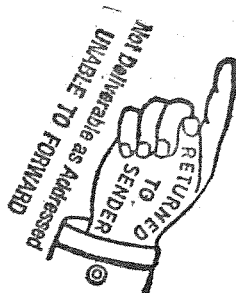
RECEIVED

APR 8 1982

Department of Water Resources

REGISTERED
FIRST-CLASS

Ann S. Egan
Route #2
Kimberly, ID 83341



Jim

FROM Kay Walker

DATE 4/30/82

TO 36-7523

SUBJECT assignment

as per a tele-con with Loren Holmes
Charles Nisaw has located
Ann Egan and she will assign
the permit to him. The assignment
should be on its way to us
very shortly.

KW

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 5, 1982

RE: Permit No. 36-7523

Ann S. Egan
Route #2
Kimberly, ID 83341

Dear Ms. Egan:

On January 14, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

cc: Charles R. Hisaw

RECORDED

April 5, 1982

RE: Permit No. 36-7523

Ann S. Egan
Route #2
Kimberly, ID 83341

Dear Ms. Egan:

On January 14, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
cc: Charles R. Hisaw

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 25, 1982

RE: Permit No. 36-7523

Charles R. Hisaw
Route #1, Box 155B
Paul, ID 83347

Dear Mr. Hisaw:

Enclosed is an amendment of a permit form to change the point of diversion and place of use of water under Water Permit No. 36-7523. This permit was filed by Ann S. Egan on February 26, 1975. On June 23, 1981, a field examiner from our Department made an exam on this permit. I note from the exam that you accompanied him during his visit.

If you presently own the land in which the water under this permit is used than you would have an interest in having a license issued. However, an amendment is needed before the license can be issued, and the only person that can legally sign the amendment is the permit holder which is Ann Egan.

There are two options available to you: One, have Ann Egan assign Permit 36-7523 ownership to you and then you could sign the amendment and a license would be issued in your name, or two, forward the amendment to her for signature and payment of the filing fee. Once the amendment is received a license would be issued in her name, however, the water right would be appurtenant to the land and if you are the owner it would be yours by proof of ownership of the land.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 14, 1982

RE: Permit No. 36-7523

Ann S. Egan
Route #2
Kimberly, ID 83341

Dear Ms. Egan:

A representative of this Department made an examination of the works covered by your Permit No. **36-7523** and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **2.68 cfs** Source: **groundwater**

The maximum quantity diverted shall not exceed **624.6** acre feet per year.

Point of diversion: **SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 7S, Rge. 23E, Lincoln County**

Beneficial use: **Domestic use for 1 unit and irrigation of 156 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, Twp. 7S, Rge. 23E**

Priority date established: **February 26, 1975**

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE

NOV 13 1978

Department of Water
Southern District Office

1. a) Name of permit holder Ann S. Egan
- b) Post office address Route #2 - Kimberly, Idaho 83341
2. Permit number 36-7523
3. Date of priority that you are prepared to establish 2-26-1975
4. a) Source from which water was appropriated groundwater
- b) Location of the point of diversion: SW 1/4 SE 1/4, Section 4
Township 7S, Range 23E Boise Meridian. Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
- | | | | | |
|---|-----------------------|---|----------------------------------|-------|
| Amount <u>3.2</u>
(cfs &/or acre-feet per annum) | for <u>irrigation</u> | purposes from <u>Mar. 15</u>
(month-day) | to <u>Nov. 15</u>
(month-day) | incl. |
| Amount <u>.03</u>
(cfs &/or acre-feet per annum) | for <u>stockwater</u> | purposes from <u>Jan. 1</u>
(month-day) | to <u>Dec. 31</u>
(month-day) | incl. |
| Amount <u>.08</u>
(cfs &/or acre-feet per annum) | for <u>Domestic</u> | purposes from <u>Jan. 1</u>
(month-day) | to <u>Dec. 31</u>
(month-day) | incl. |
- b) Total amount appropriated 3.31 cfs and/or acre-feet per annum.
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:
none
6. If the means of diversion and conveyance are owned by someone other than the permit holder:
- a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
- b) Describe the agreement of understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):
Well pump, mainline and lateral sprinkler lines - 125 H.P. well pump & motor and
20 H.P. Booster pump, 300 ft of 8" column, total depth is 330 ft, static water at
260'
- b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)
Will install access port when specifications are received from the Dept. of Water
Resources.

Exam typed 12-5-78 by My

c) Give well driller's name and address and the date the well was completed: _____

Mack Gray - Kimberly, Idaho - April

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Is now used for domestic water during the summer and watering of approximately 150 head of stock in fall and winter. Both of the above uses may be year round in the future.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	23E	4													40	40	40	40	160

Total number of acres irrigated 160

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

NOV 13, 1978
(Date)

Paul S. Egan
(Signature)

State of _____)
County of Twin Falls) ss.

On this 13th day of November, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Loren O'Halloran
Notary Public
Residing at Twin Falls

My commission expires 1 year

March 24, 1975

RE: application for permit No. 36-7523 - Ann S. Egan

Ann S. Egan
Route #2
Kimberly, Idaho 83341

Dear Ms. Egan:

Your Application for Permit No. 36-7523 indicates that the proposed place of use is owned by the United States Bureau of Land Management. You further indicate that an application for desert land entry will be filed with the Bureau of Land Management.

Please be advised that this Department cannot proceed with your application for permit to appropriate water until we have evidence that you have filed a desert land entry application. You must submit your entry number to this office within 15 days of the date of this letter or your Application for Permit No. 36-7523 will be considered filed for speculation and delay, and therefore, will be denied.

Very truly yours,

BOB HAYNES
Southern District Engineer

BH:cc

cc: Bureau of Land Management
IDR - Boise

MICROFILMED

April 21, 1975

Re: Permit No. 36-7523

Ms. Ann S. Egan
Route 2
Kimberly, Idaho 83341

Dear Ms. Egan:

Enclosed is a copy of your approved Application for Permit No. 36-7523. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

March 24, 1975

RE: application for permit No. 36-7523 - Ann S. Egan

Ann S. Egan
Route #2
Kimberly, Idaho 83341

Dear Ms. Egan:

Your Application for Permit No. 36-7523 indicates that the proposed place of use is owned by the United States Bureau of Land Management. You further indicate that an application for desert land entry will be filed with the Bureau of Land Management.

Please be advised that this Department cannot proceed with your application for permit to appropriate water until we have evidence that you have filed a desert land entry application. You must submit your entry number to this office within 15 days of the date of this letter or your Application for Permit No. 36-7523 will be considered filed for speculation and delay, and therefore, will be denied.

Very truly yours,

BOB HAYNES
Southern District Engineer

BH:cc

cc: Bureau of Land Management
IDR - Boise

MICROFILMED

February 26, 1975

RE: Application No. 36-7523 - Ann S. Egan

Bureau of Land Management
Room 334, Federal Building
550 West Fort
Boise, Idaho 83720

Gentlemen:

This is to advise you that the above referenced application for permit has been filed with this Department in connection with a Desert Land Entry. A copy of the application is enclosed for your reference.

If we can be of any further assistance, please contact us.

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

enc.

cc: Boise - IDWR

MICROFILMED

February 26, 1975

RE: Application For Permit No. 36-7523 - Ann S. Egan

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

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 publication dates allowing ample time for you to submit us 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.

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

MICROFILMED

Bill submitted: 2-14-75 cc

MICROFILMED

shoni legal (send galley proof)

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that
Ann S. Egan, Route No. 2,
Kimberly, Idaho, has on 2-26-75
submitted Application No. 36-
7523 for a permit to appropriate
7.22 cubic feet per second of
water from groundwater by
means of well, pump, sprinkler
system within the NW₄SE₁₄,
Sec. 4, T 7S, R 23E, B.M.,
Lincoln County to be used from
January 1 - December 31
(Stockwater & Domestic)
March 15 - Nov. 15 for irrigation
of 355.75 acres within the E_{1/2},
E_{1/2}NW₁₄, Sec. 4, T 7S, R 23E,
B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd., North, Twin Falls, Idaho,
83301 on or before March 24,
1975.

R. KEITH HIGGINSON
Director
3-6-24c-L

A.K. 02
3-3-75

Mid

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ann S. Egan

Route #2, Kimberly, Idaho

has on 2-26-75 submitted Application No. 36-7523

for a permit to appropriate 7.22 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from groundwater

by means of well, pump, sprinkler system

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T 7S, R 23E, B.M., Lincoln County

to be used from January 1 - December 31 (Stockwater & Domestic) March 15 - Nov. 15
for Irrigation of 355.75 acres

within the E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T 7S, R 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 24, 1975.

R. KEITH HIGGINSON

Director

Published in the Lincoln County Journal

on 3-6 and 3-13-75

MICROFILMED