

R-25E.

TO RUPERT

T.
9
S.



Subdivisions 1

AREA 39 ACRES

Allow



0.76 CFS OR 38 inches

200N 413
6-3676
Lavern Witherspoon
Rt. #4, Rupert, Idaho
Permit No. G-26247

Examination for Completion of Works & Beneficial Use

County Minidoka
Sec. 18 T 9 S R. 25 E. B. M.

Quantity: 0.76 a.f.s.

Source: Well

P.D.: Lot 4, Sec. 18, T. 9 S. - R. 25 E. B. M.

Use: Irrigation

Filed: March 13, 1956

Due: March 26, 1961

Extension: —

Completion of Works: —

Other Rights: none

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
MAY 28 1962

Department of Reclamation

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

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

for four consecutive weeks, commencing
with the issue date Jan. 12 1961, and
ending with the issue dated Feb. 2 1961.

Subscribed and sworn to before me this

14 day of Feb, 1961

Gene Funder Notary Public

Cost of Publication

Notary Fee

Total Cost

S26247

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

Notice is hereby given that
at 10:00 A.M., on the 14th day
of February 1961, at Rupert,
County of Minidoka, State of
Idaho, before H. V. Creason,
Notary Public, at (address)
Idaho First National Bank
Bldg., Rupert, Idaho, proof will
be submitted of the completion
of works for the diversion of
.76 cubic feet per second of un-
derground water from a well,
and of the application to bene-
ficial use of said water, in ac-
cordance with the terms and
conditions of Permit No. G-
26247, heretofore issued by the
Department of Reclamation of
the State of Idaho.

1. The name and postoffice
address of the person or cor-
poration holding said permit is
Lavern Witherspoon, Route #4,
Rupert, Idaho.

2. Said works of diversion will
be fully completed on the date
set for such completion, and
the amount of water, which said
works are capable of conveying
to the place of use is .76 cubic
feet per second.

3. The use to which said water
has been applied is irrigation
purposes, and the amount ap-
plied to beneficial use is .76
cubic feet per second.

4. The point of diversion of
said water is Lot 4 of Section
18, Twp. 9 S., Rge., 25 E., B.M.

5. The place where said water
is used is SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
18, Twp. 9 S., Rge. 25 E., B.M.

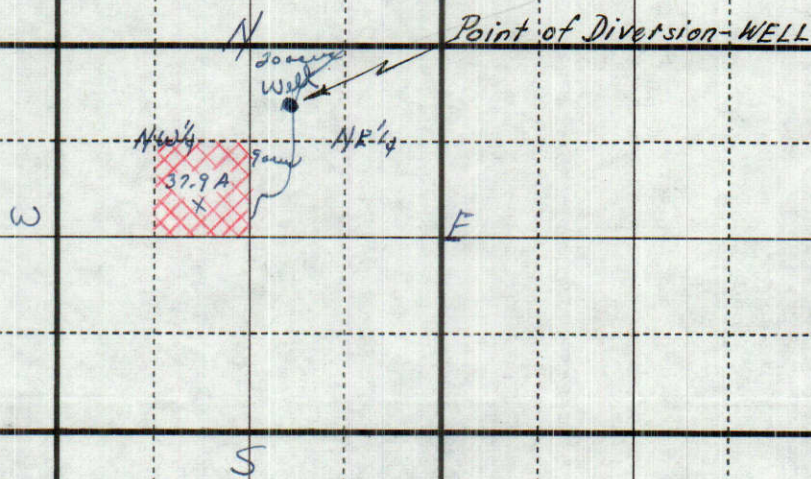
6. The date of priority which
said user is prepared to estab-
lish is March 13, 1956.

GEO. N. CARTER

State Reclamation Engineer

#65 Jan. 12 - Feb. 2.

Section 18, Twp. 9.S. Range 25.E



Permit Map No. 9-26247
As Approved
MAR 28 1956
MARK R. KULP
State Reclamation Engineer

526247

State of Idaho
License and Certificate of Water Right

Water License No. G-26247

Amount 0.76 c.f.s.

Water District No.

Priority March 13, 1956

THIS IS TO CERTIFY that

LAVERN WITHERSPOON

of Rupert, Idaho

, made application for a permit to appropriate the

public waters of the State of Idaho, dated March 13, 1956; that Permit No. G-26247 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

0.76 second feet, was issued thereunder on June 8, 1962, showing that said works

were completed on the 14th day of February, 1961; and that on the 14th

day of February, 1961,

LAVERN WITHERSPOON

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

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-26247 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

12 of Licenses at page 7288, on the 8 day of June, 1962;

The right hereby confirmed dates from March 13, 1956;

The Point of Diversion is located Lot 4

in the -- 1/4 -- 1/4, Sec. 18, Tp. 9 S., R. 25 E., B. M. County Minidoka

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 0.76 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.	25 E.	18	SE 1/4 NW 1/4	37.9	39
			Total number of acres to be irrigated:		39

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of June, 1962.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

43-5443
36-2733

APPLICATION FOR PERMIT 43-2443

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34136
Permit No. G- 26247
District No.

1. Name of Applicant: LAVERN WITHERSPOON
Postoffice address: Rt. #1, Rupert County: Minidoka State: Idaho
2. Quantity of water claimed: .76 cubic feet per second
 (a) Rate of withdrawal in cubic feet per second. .76 or Idaho
 Miners' inches 38 or gallons per minute.
 (b) Annual withdrawal in acre feet per annum 7
3. Source of water supply: Pumping (well)
4. Location of point of diversion or well is in the Lot 4 ~~1/4 of the~~ ~~1/4 of the~~ of Section 18
 Twp. 9 S , Rge. 25 E. , B.M., County of Minidoka
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
 Rge. , B.M.
 (b) Waste water or sewage effluent is to be returned to
 at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Pearless Pump & well
8. Estimated cost of works: \$3,500.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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

WM. L. WITHERSPOON

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:30 A.M. March 13, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26247

Recorded in Book 93 Page 26247 Approved March 26, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before May 26, 1956 and to continue diligently and **uninterruptedly** to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 26, 1958

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before March 26, 1961

Witness my hand this 26th day of March, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th
day of March, 1956

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG
Secretary of State.

By ROBERT E. SMYLIE
Governor

12.

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	
9 S	25 E	18			37.9		37.9
Permit No. G-26247 CERTIFICATE OF COMPLETION OF WORKS ✓ TO ALL WHOM IT MAY CONCERN: This is to certify that LAVERN WITHERSPOON of Rupert, County of Minidoka, and State of Idaho, the holder of Permit No. G-26247, issued upon Application No. G-34136, bearing date of priority of March 13, 1956, authorizing the diversion of .76 second feet of the waters of a well, County of Minidoka, State of Idaho, for irrigation purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.76 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is Lot 4, Sec. 18, T. 9 S., R. 25 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 39 acres in SE¹/₄NW¹/₄, Sec. 18, T. 9 S., R. 25 E., B. M. Witness my hand this 8th day of June, A. D. 1962. s/ RALPH W. THOMAS Deputy State Reclamation Engineer Proof of Completion of Works Made: February 14, 1961 LICENSE ISSUED FOR 0.76 SEC. FT. <i>page 7288</i>							

WILLIAM T. GOODMAN
LARRY R. DUFF
ALAN GOODMAN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4837

June 25, 1992

RECEIVED

JUN 26 1992

Department of Water Resources
Southern Region Office

Ms. Karen L. Gustafson
Secretary/Records Manager
Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Re: Final Proof on Permits 36-8226 and 36-8288

Dear Ms. Gustafson:

Enclosed please find the Proof Of Beneficial Use on the above permits together with our check for \$225.00.

The pump used for these permits was installed in the early 1950's replacing a previous diesel pump. It has no measuring device. We request that installation be waived on the condition that we provide a device for measuring at the time that the field examination is done. We also request that we be given 15 to 30 days advance notice of the examination, and what the examiner requests that we have present in the way of a measuring device.

Also, it appears to me that the following information should be noted in the file.

The well, subject of the above permits, was drilled in the mid 1940's to water 39 acres that the land owner had no water for from the Minidoka Irrigation District. The water pumped originally went into a common ditch with MID water to irrigate the property owned by LaVern Witherspoon. The well gradually became the sole source of the water for all the property. A license with a 1956 priority was issued for the original land that had no MID water.

In any event, we have the following water license and claim, all owned by Mr. Shillington, that are covering the same ground as the above permit.

1. Water license 36-2733 (formerly 9-26947).
2. Claimed Constitutional Appropriation prior to 1963 covering all land under permit 36-8226 (107 acres, including the 39 acres under original license 36-2733).

36-2733

Ms. Karen L. Gustafson
June 25, 1992
Page 2

3. Expanded use claims set out in filing in Snake River
Adjudication covering all 139 acres, Amended A
36-02733, combining and amending I.D. Number
A36-02733, A36-15183.

Now that Mr. Shillington has acquired the Patterson permits, we
feel that all of these matters should be combined with the
expanded use on license No. 36-2733 dating back to 1946, or
March 13, 1956 on the 68 acres and 1984 on the 32 acres under
permit 36-8388

Very truly yours,

GOODMAN & DUFF

COPY: ORIGINAL SIGNED BY

Larry R. Duff

LRD:ma
Enclosure
cc: W. H. Shillington
Robert Worstell



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 12, 1990

Larry R. Duff
Attorney at Law
717 7th St.
Box D
Rupert, ID 83350

RE: Shillington Objection to Amendment or Transfer of Water
Permits Nos. 36-8288 and 36-8226

Dear Mr. Duff:

Thank you for your letter dated September 4, 1990.

You have expressed some uncertainty about how to proceed with water rights owned by Mr. Shillington. I believe that you may select alternative means of attempting to protect and quantify the rights.

Depending on one's interpretation of the law, the adjudication claims may or may not be sufficient to protect water rights of your client. I refer you specifically to Idaho Code § 42-1416, and also Idaho Code § 42-245. Idaho Code § 42-1416 can be interpreted to supersede the requirement that water use developed after 1963 be represented by a right developed through the application-permit-license process. The correct interpretation of the statute is a matter for legal experts, however, and I will leave the final interpretation to you. If you feel your client must be further protected, I have enclosed the necessary application forms. It also seems to me that, if the representations in Mr. Shillington's objections are correct, an assignment from Patterson Farms of Idaho, Inc. would be a cleaner method to further protect your client's interest.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Patterson Farms of Idaho, Inc.
Southern Region

WILLIAM T. GOODMAN
LARRY R. DUFF
STEVEN A. TUFT
ALAN GOODMAN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

September 4, 1990

RECEIVED
SEP 5 1990

Mr. Gary Spackman
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Water License 36-2733

Dear Mr. Spackman:

I received a copy of your letter to Patterson Farms of Idaho, Inc. concerning Permits to Appropriate Water Nos. 36-8226 and 36-8288.

As you will note from the Objection filed by Mr. W. H. Shillington, this is really a case of an expansion of License 36-2733. I have since talked with Mr. Shillington and obtained copies of his filing in the Snake River Adjudication in which he did in fact file for the whole 138 acres. The remarks on the Department's filing notes indicate "this claim is an expansion of License 36-2733 and may require additional claim or application for permit". It appears to me that we should proceed to make this filing at this time. In view of the fact the expansion took part on more than one occasion, some of which were pre-1963 and some post-1963, I felt I should check and see how to approach this matter. I assume we would use an Application for Permit for the expansions after 1963. I am not sure what we would use for pre-1963.

I would appreciate it if you would send me the necessary forms for such applications or proof of expansion so we can proceed with the necessary proof for Mr. Shillington, who owns the real estate, wells and water in question in this matter.

Very truly yours,

GOODMAN & DUFF

Larry R. Duff
Larry R. Duff

LRD:KH

cc: Mr. W. H. Shillington

June 8, 1962

Re: Permit No. G-26247

Lavern Witherspoon
Route #1
Rupert, Idaho

Dear Mr. Witherspoon:

Enclosed are Certificate of Completion of Works
and License of Certificate of Water Right issued on Permit
No. G-26247.

Also enclosed is departmental receipt No. G-7013
in the amount of \$7.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

PR:ew
Enc. certificates
receipt

G26247

May 31, 1962

Re: Permit No. G-26247

Mr. Lavern Witherspoon
Route #1
Rupert, Idaho

Dear Mr. Witherspoon:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26247 shows the well is (are) capable of conveying 38 miner's inches, or 0.76 c.f.s. of water for the irrigation of 39 acres.

Upon receipt of the statutory fees, totaling \$7.00, we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$2.00, based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of March 13, 1956 to the use of 0.76 second feet of subterranean water with the point of diversion in Lot 4, Sec. 18, to irrigate 39 acres in SE 1/4 NW 1/4, Sec. 18, T. 9 S., R. 25 E., B. M.

Very truly yours,

W. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rula
Chief Clerk

EPR:ew

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

May 31, 1962

Re: Permit No. G-26247

Mr. Lavern Witherspoon
Route #4
Rupert, Idaho

Dear Mr. Witherspoon:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26247 shows the well is (are) capable of conveying 38 miner's inches, or 0.76 c.f.s. of water for the irrigation of 39 acres.

Upon receipt of the statutory fees, totaling \$7.00, we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$2.00, based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of March 13, 1956 to the use of 0.76 second feet of subterranean water with the point of diversion in Lot 4, Sec. 18, to irrigate 39 acres in SE 1/4 NW 1/4, Sec. 18, T. 9 S., R. 25 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By: *Edna P. Rule*
(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

26247

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26247

~~REPORT ON PROOF OF Completion of Works & Beneficial Use~~

Lavern Witherspoon, Rt. #4, Rupert, Idaho

R-25E

TO RUPERT

40

P.D.

39

RIVER

SHANK

T.
9
S.

Subdivisions 1

AREA 39 ACRES

Allow

Ⓢ

0.76 CFS OR 38 inches

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

Permit No. G-26247This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Lavern Witherspoon2. Source of water supply: Pumping (well)3. Location of point of diversion: Is in the _____ Lot 4 of Section 18T. 9 S R. 25 E.B.M. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same: 83 H.P. Cummins
diesel motor # 7709 F.M. Pomona turbine pump # PH 7786 10" discharge
into concrete distribution box 30' x 4' x 1 1/2' 10" x 60' column 16" x 81' casing
h: 27 20 30 depth well 81'
Johnson Gear Box on pump # 12438 RATIO 2:1 50 B.H.P. @ 1750 RPM

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

37.9 acres in SE 1/4 NW 1/4 Sec. 18., Twp. 9 S., Rge. 25 E.B.M.

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

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

Remarks: Mr. Lavern Witherspoon along

Measurement was made with a Cippolletti weir
3.53 CFS. on 176.5 inches

This examination was made on the 22nd day of May, 1962(Signed) Ron Heberger Examiner.G26247

6-3476
Lavern Witherspoon
Rt. #1, Rupert, Idaho

Permit No. G-26247

Examination for Completion of Works & Beneficial Use

County..... Minidoka

Sec. 18 T 9 S R. 25 N.B.M.

Quantity: 0.76 *acres*

Source: *Well*

P.D.: *lot 4, Sec. 8 T. 9 S. - R. 25 N.B.M.*

Use: *Irrigation*

Filed: *March 13, 1956*

Due: *March 26, 1961*

Extension: —

Completion of Works: —

Other Rights: *none*

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
MAY 28 1962

Department of Reclamation

February 28, 1961

Re: Permit No. G-26247

Lavern Witherspoon
Route #4
Rupert, Idaho

Dear Mr. Witherspoons:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Minidoka County Idaho, all submitted in proof of completion of works and beneficial use on Permit No. G-26247.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Creason & Creason
Attorneys at Law
Rupert, Idaho

J26247

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

February 14, 1961

RECEIVED
FEB 15 1961

Department of Reclamation
HE 6-4131

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. G-26247
Lavern Witherspoon
Rt. 4
Rupert, Idaho

Gentlemen:

Enclosed herewith please find Deposition of Holder
and Deposition of two Witnesses in the above matter
together with Proof of Publication of Completion of
Works.

Trust you find everything in order and advise us of
any accruing fees and we will immediately forward the
same.

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

Encls.

826247

RECEIVED
FEB 15 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G 26247

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

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

Ans. Lavern Witherspoon, Route # 4, Rupert, Idaho, age 41 and
a farmer

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. Does not apply

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

Ans. No. G 26247 dated March 26, 1956, and propose to establish
March 26, 1956 as date of priority.

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

Ans. Subterranean water; Lot 4 of Section 18, Twp. 9 S., Rge.
25 E., B.M., Minidoka County, Idaho.

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

Ans. Water is pumped by Pearlless Pump and place directly into
irrigation lateral and delivered to irrigated ground by smaller ditches
all being used as gravity irrigation system. I have a well 81 feet
deep, 16 inch casing and 28 feet to water. I use a pump and 165 inches
as measured by Bureau of Reclamation.

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. This water is used for irrigation
I irrigate the SE 1/4 NW 1/4 of Section 18, Twp. 9 S., Rge. 25 E., B.M.,
and being 37.9 acres. All the land is cultivated and I have been able
to raise hay, potatoes, beans, and various row crops.

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

Ans. George Perry, Rupert, Idaho

B26247

JD

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

Ans. Irrigation only

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

Ans. .76 cubic feet per second

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

Ans. Does not apply

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

Ans. Well was completed, pump installed and water applied to the lands herein described for growing of crops in the crop season of 1956 and full use of the water has been applied to this land since said date and each year and the entire tract of land has produced average crops each year from 1956 to and including the year 1960.

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

Ans. None

(Sign)

Lavern Witherspoon

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Rupert, County of Minidoka

State of Idaho, on this 14th day of February, A. D. 1961

Notary Public for Idaho

Residing at Rupert, Idaho

My commission expires Feb. 28, 1962.

826247

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 15 1931
Department of Reclamation

Permit No. G. 26247.

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

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

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

Ans. James Sullivan, 29, Route # 4, Rupert, Idaho, and my
occupation is farming.

Ques. 2. Are you acquainted with Lavern Witherspoon, the holder of Permit No. G. 26247? How long have you known him and where does he reside?

Ans. I've known him for more than 20 years and he resides at
Route 4, Rupert, Idaho

Ques. 3. Have you read or heard read said Permit No. G. 26247, 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. This is water pumped from a well and being subterreanean water,
the point of diversion being located in Lot 4 of Section 18, Twp. 9 S.,
Rge. 25 E., B.M., Minidoka County, Idaho. The water is pumped from
a well and placed in a lateral and then into smaller ditches that
take the water to the crops.

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. .76 cubic feet per second

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

Ans. 165 inches, the Bureau of Reclamation did the measuring.

J26247

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

Ans. The water is used for irrigation of 37.9 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Twp. 9 S., Rge. 25 E., B.M., Minidoka County, Idaho. All the land is cultivated and has been placed in crops such as hay, potatoes, beans, grain and other row crops.

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

Ans. Does not apply

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

Ans. This land was desert entry land and has now been reclaimed and placed under cultivation. I would estimate it will require .76 cubic feet per second.

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

Ans. No

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

Ans. I live on the adjoining farm and have seen the water being applied to the land for the past four years.

(Signed)

James Sullivan

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 14 day of February, A. D. 1961.

Mason

Notary Public.

Residing at Rupert, Ida

My commission expires Feb. 28, 1962.

B26247

RECEIVED
FEB 15 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G 26247

Proof of Application of Water to Beneficial Use
and Completion of Works
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. Dean Valentine, Route # 4, Rupert, Idaho, 44 years old
and a farmer

Ques. 2. Are you acquainted with Lavern Witherspoon, the holder of Permit No. G 26247? How long have you known him and where does he reside?

Ans. I have known Lavern Witherspoon for 20 or 25 years and he
resides on Route 4, Rupert, Idaho.

Ques. 3. Have you read or heard read said Permit No. G 26247, 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. This water is placed on the above land by a deep well and
pump. The point of diversion is in Lot 4 of Section 18, Twp. 9 S.,
Rge. 25 E., B.M., Minidoka County, Idaho. This water is pumped from
the well by a pump into a lateral and then on into smaller ditches
and irrigated by gravity flow.

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. .76 cubic feet per second

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

Ans. 165 inches. This water was measured by the Bureau of
Reclamation.

S26247

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

Ans. This water is used for irrigation. The land upon which this water is placed is approximately 40 acres and being the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 9 South, Range 25 E., B.M., Minidoka County, Idaho. The entire tract of land is cultivated and has been planted in hay, grain and beans.

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

Ans. ---

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

Ans. This was desert land and has been placed under water and crops are now being grown thereon.

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

Ans. no

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

Ans. I live nearby and have seen the water applied to the above ground for the past four years

(Signed) Dean W. Valentine

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 14 day of February, A. D. 1961

[Signature]

Notary Public.

My commission expires Feb. 28, 1962.

Residing at Rupert, Idaho

S26247

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

RECEIVED
FEB 15 1961

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

Department of Reclamation

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

for four consecutive weeks, commencing

with the issue date Jan. 12 1961, and

ending with the issue dated Feb. 2 1961

Subscribed and sworn to before me this

14 day of Feb, 1961

Ernest Hunder Notary Public

Cost of Publication

Notary Fee

Total Cost

826247

is used is SE
18, Twp. 9 S., Rge. 25 E., B.M.
6. The date of priority

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

January 9, 1961

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Re: Permit No. G-26247
Lavern Witherspoon

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

Attention: H. V. Creason

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-26247, in the name of Lavern Witherspoon. Final Proof is to be made before you, as Notary on the 11th day of February, 1961, ~~1959~~, at 10:00 o'clock A.M., at Idaho First National Bank Bldg., Rupert, Idaho.

As of this date we have mailed the Notice to the Minidoka County News with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~Stanhope~~ ^{Rule}
Chief Clerk

Encl.

EPR:Pk

cc: Applicant

26247

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26247
Lavern Witherspoon

Date: Jan. 9, 1961

Minidoka County News,
Rupert, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 14, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

Lavern Witherspoon of **Route #1, Rupert, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

B26247

Creason & Creason

ATTORNEYS AT LAW

RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

January 6, 1961

RECEIVED
BOX 98
HE 6-4131

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. G-26247
Lavern Witherspoon

Gentlemen:

Enclosed herewith please find Form No. 11 which has been
duly signed by Mr. Witherspoon, together with Form 36 in
duplicate.

Trusting you find everything in order, I beg to remain,

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

26247

RECEIVED
JAN 9 1961
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 6, 1961

(P. O.) Rt. # 4, Rupert, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Minidoka County News of Rupert, Idaho published in
the county in which the works are situated. *Minidoka Co.*

Lauren Witherspoon

(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.

D26247

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

RECEIVED
JAN 9 1961
Department of Reclamation

Notice is hereby given that at 10:00 A. M., on the 14th day of February 1961, at Rupert, County of Minidoka, State of Idaho, before H. V. Creason, Notary Public, at (address) Idaho First National Bank Bldg., Rupert, Idaho, proof will be submitted of the completion of works for the diversion of .76 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 26247, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lavern Witherspoon, Route # 4, Rupert, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is .76 cubic feet per second.
3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is .76 cubic feet per second.
4. The point of diversion of said water is Lot 4 of Section 18, Twp. 9 S., Rge. 25 E., B.M.
5. The place where said water is used is SE 1/4 of Section 18, Twp. 9 S., rge. 25 E., B.M.
6. The date of priority which said user is prepared to establish is March 26, 1956

Geo. H. Carter
State Reclamation Engineer

B26247

(Signature)

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G- 26247

Date: Jan. 3, 1961

Lavern Witherspoon
Route #1
Rupert, Idaho

Dear Sir:

The date for proofs of Completion of Works and Application of Water to Benefi-
cial Use, as set out under the terms of Permit No. G- 26247 are due not later
than March 26, 1961.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town; the address of the place where the depositions will be executed, and, the name of notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
STATE RECLAMATION ENGINEER

Enclosures 36 - 11

826247

March 30, 1956

RE: Permit No. G-26247

Mr. Lavern Witherspoon
Route # 1
Rupert, Idaho

Dear Mr. Witherspoon:

We enclose Permit No. G-26247 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. G-1752 for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

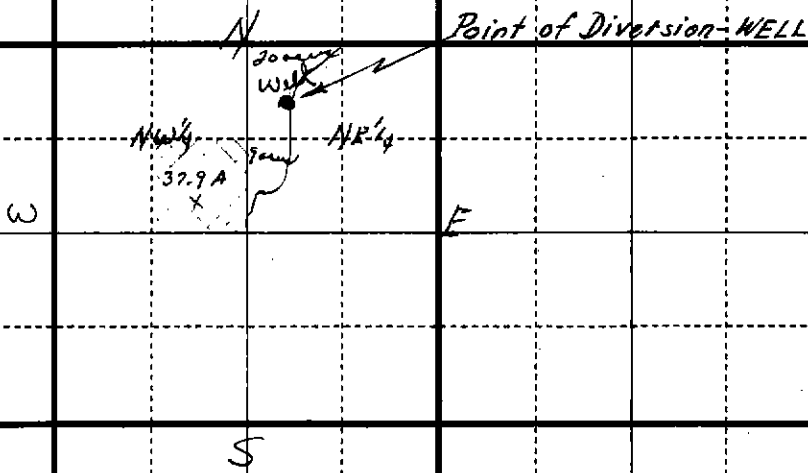
Chief Clerk

R:hll

Enc.

G26247

Section 18, Twp. 9.S. Range 25.E



Permit Map No. 9-26247
As Approved
MAR 26 1956
MARK R. KULP
State Reclamation Engineer

CREASON & CREASON

ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

March 12, 1956

Box 98
PHONE 35

RECEIVED
MAR 13 1956
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed herewith Application for Permit to appropriate
the subterranean water of the State of Idaho of Lavern
Witherspoon, together with his check for the sum of \$5.00.

Kindly advise if this application be in order and if the
fee is correct.

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

Encl.

826247

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

Notice is hereby given that at 10:00 A.M., on the 14th day of February 1961, at Rupert, County of Minidoka, State of Idaho, before H. V. Creason, Notary Public, at (address) Idaho First National Bank Bldg., Rupert, Idaho, proof will be submitted of the completion of works for the diversion of .76 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26247, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lavern Witherspoon, Route #4, Rupert, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is .76 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is .76 cubic feet per second.

4. The point of diversion of said water is Lot 4 of Section 18, Twp. 9 S., Rge., 25 E., B.M.

5. The place where said water is used is SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Twp. 9 S., Rge. 25 E., B.M.

6. The date of priority which said user is prepared to establish is March 13, 1956.

GEO. N. CARTER

State Reclamation Engineer

#65 — Jan. 12 - Feb. 2.