

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

36-2401

Application No. G- 36100
Permit No. G- 28139
District No.

1. Name of Applicant: Warren Neibaur

Postoffice address: P.O.Box ⁵¹¹585, Rupert County: Minidoka State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 6.4 or Idaho
Miners' inches or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15
Twp. 7 S, Rge. 23 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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.

7. Kind of works: Well, pump, ditches

8. Estimated cost of works: \$ 20,000.00

9. (a) Is reservoir to be used?

(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 five 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:

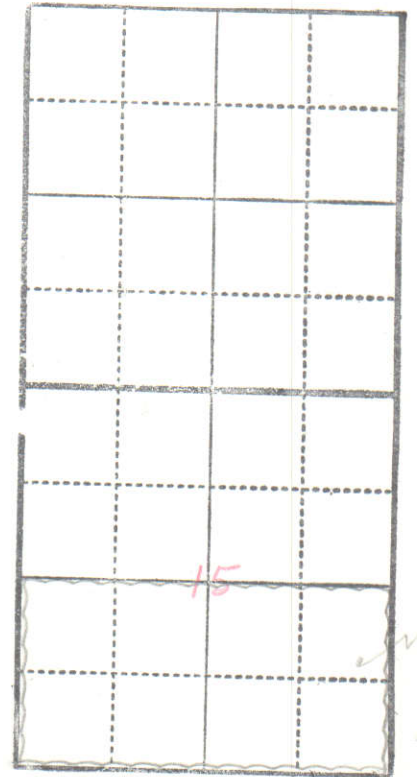
(d) Other resources:

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

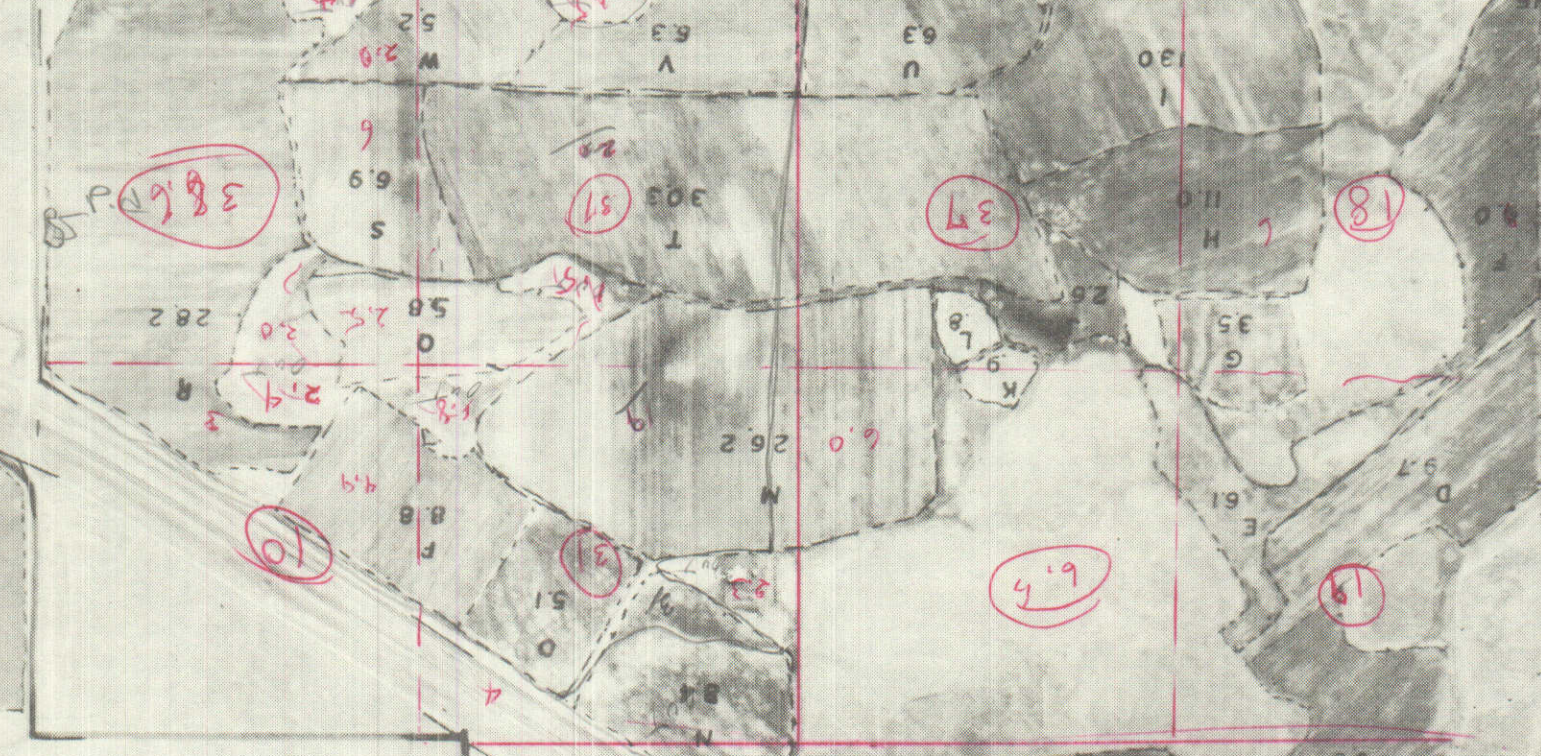
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.



15 14 23

22



15 14 10 11

9 10 15 16

33 2401

6-475 15-7-23



R 23 E

TO DITCH

T

7

S

SEE Photo

105 irrigated
acres.

P.D.

UNION PACIFIC
R.R.

15			
19	6.5	31	10
18	37	37	36.6

195.1

Q measured 2.51 CFS

Q recommended 2.50 CFS

Volume 780.0 ac-ft

Acreage 195.1

Found 108.3

recommended 108.3 195.1 42B

Subdv. J

Amendments

☒ None

☐ 195.1

☐ 195.1

☐ 195.1

Late Proj

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28139 / 36-2401

This proof is for Comp. of Works & Bene. Use

In Water District No.

1. Name of applicant: Warren Neibaur *Bruneau Sheep Co. Rt #1 Paul, Idaho*2. Source of water supply: Subterranean3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15T. 7S R. 23E County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same:

*200 HP GE Motor # PHJ 691891
Peerless pump # 89572 10" discharge to standpipe
2 ditches & pipeline. Standpipe 4 feet in diameter has a
seam leaking with the water going to waste.*

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):

SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 15, T7S-R23E making a total of 320 acres to be irrigated

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

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

Remarks: should use cox meter

*met level accompanied this exam made with pygmy
meter R-149 in cement ditch 500 feet from well. Had
to go this far because the water was travelling
too fast to count before the point I measured.
At this point it levelled out some.*

This examination was made on the 20 day of Aug, 1920(Signed) William L. Davis

Examiner.

36 2401

*my
9-11-20*

B Runners Sheep Co.
Boo, Idaho

David Romer

8

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.

36 2401

OP 45
Warren Neibaur
P. O. Box 511, 4504-1300N
Rupert, Idaho
Permit No. G-28139 /36-2401
Measured by St. L. E. 1973
Corrected with

Examination for Completion of Works

County Mindoka

Quantity: 6.4 Sec. 15 T. 7S R. 23E

Source: Wec

P. D.: NESE-Dec 15-75-23E

Use: Irrigation

Filed: 9 September 59

Due: 11 September 64

Extension: —

Protest: —

Completion of Works: —

Other Rights: None

Z BERT DAVIS

7335644 105

7334961

25TH OF APRIL (REDEMPTION)
PER TIME OF YEAR TO
FIND BURKE OR
LEASE — USE
CAN AND NOTIFY
DEPT WHO THAT WITH
BUNKER WILL BE.

Made - Sept. 22/1964

RECEIVED

SEP 30 1964

Department of Reclamation

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Fern Hunter, being first

duly sworn, deposes and says that She is the Office Manager 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 dated Aug. 20, 1964, and ending with the issue dated Sept. 10, 1964.

Fern Hunter

Subscribed and sworn to before me this

28th day of Sept, 1964

Fern Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:00 P. M. on the 11th day of Sept, 1964, at Rupert, County of Minidoka, State of Idaho, before Bob Balch, Notary Public, at Box 305 Rupert, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 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 28139, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Warren Neibaur Box 511, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is NE 1/4 of SE 1/4 of Sec. 15 Tws 7S R 23 East BM County of Minidoka

5. The place where said water is used is So 1/2 Sec. 15 Tws 7 s R 23 EBM County Minidoka.

6. The date of priority which said user is prepared to establish is September 9, 1959.

State Reclamation Engineer
CARL E. TAPPAN

Filed 10th Aug 1964 - Sept 10th

R-23.E.



Permit Map No. **28139**
 As Approved **SEP 11 1959**
GEO. N. CARTER
 State Reclamation Engineer

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28139/36-2401 Priority Sept. 20, 1959 Amount 2.50 cfs
(late proof)

THIS IS TO CERTIFY, that WARREN NEIBAUR
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 28139/36-2401 issued pursuant to Application for Permit dated September 9, 1959,
and has submitted proof to the Department of Water Administration on September 22, 1964,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.50 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 2.50 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 2.50 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 7 S, Rge. 23 E, B.M.

in the county of Minidoka; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 780 acre feet per year or _____
4.0 acre feet per acre.

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 $\frac{1}{4}$	
7 S	23 E	15									6.5	19	18	37	10	31	37	36.6	195.1

Total number of acres irrigated 195.1

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 19 day of

June, 19 73.


Director

36 2401

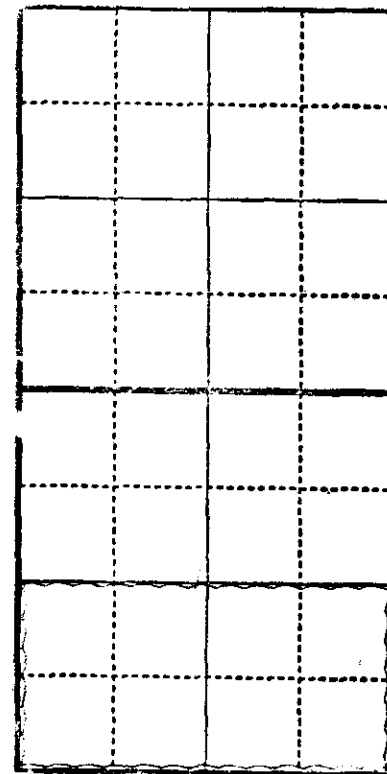
APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

36-2401

Application No. G- 36100
Permit No. G- 28139
District No.

1. Name of Applicant: Warren Neibaur
Postoffice address: P.O.Box ⁵¹¹585, Rupert County: Minidoka State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 6.4 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15
Twp. 7 S, Rge. 23 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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.
7. Kind of works: Well, pump, ditches
8. Estimated cost of works: \$ 20,000.00
9. (a) Is reservoir to be used?
(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 five 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) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks:

Idaho as herein set forth.

Applicant.

Agent.

Date of first receipt at Department of Reclamation: 2:45 P.M. September 9, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28139

Recorded in Book 99 Page 28139 Approved September 11, 1959

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 _____ 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 March 11, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before September 11, 1964

Witness my hand this 11th day of September, 1959

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 11th
day of September, 1959.

STATE OF IDAHO

By s/ ROBERT E. SMYLLIE
Governor

By s/ ARNOLD WILLIAMS

Secretary of State.

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	
7 S	23 E	15									40	40	40	40	40	40	40	40	320

MADE SUB. D FOR 2.60 SEC. FI.
 LICENSE PAGE NO. _____

June 21, 1973

Re: Permit No. 28139/36-2401

Travelers Insurance Co.
707 S. W. Washington St.
Portland, Oregon 97205

Gentlemen:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

We are also enclosing Receipt No. 11026 for \$21.00 covering the licensing fee.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jc
Enclosures

36 2401



THE TRAVELERS

Real Estate Investment Department
Agricultural Division
J. H. Sackett, Manager

RECEIVED

JUN 12 1973

Department of Water Administration

June 11, 1973

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

ATTN: R. Keith Higginson
Director

RE: Permit 28139/36-2401
RE 10504 - Simplot Co.

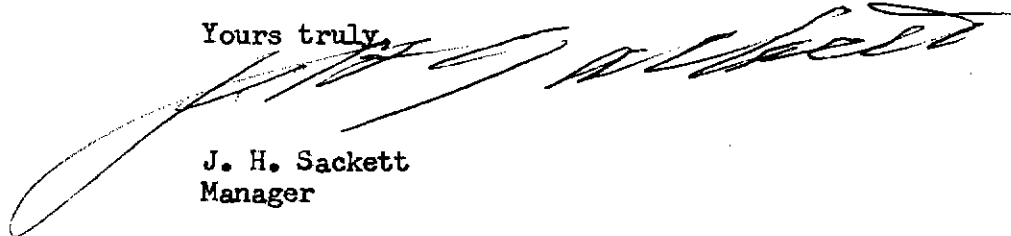
Gentlemen:

This is in response to your letter of June 8, 1973 addressed to Warren Neibaur indicating a pending cancellation of the Water Permit, because of nonpayment of the licensing fee.

Enclosed is our check in the amount of \$21.00 to cover the licensing fee. I trust that you will find this acceptable and that you will be able to issue the license.

Actually this property has been sold to Simplot and we carry a lien on it. The Water License is very important of course, and we appreciate this opportunity to make payment and secure the license.

Yours truly,



J. H. Sackett
Manager

JHS:tap
Enclosure

cc: Real Estate Investment Dept. - H.O.
cc: RER Jack C. McCall

36 2401

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

31755

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

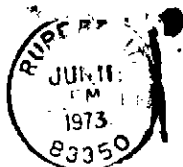
DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

36 2401

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$366



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

DEPARTMENT OF VETERAN AFFAIRS
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

36 2401

June 8, 1973 CERTIFIED MAIL *31755

Warren Neibaur
P.O. Box 511
Rupert, Idaho 83350

Dear Mr. Neibaur:

It appearing to the Department of Water Administration that the terms and conditions of Permit 28139/36-2401 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee in the amount of \$21.00,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before July 18, 1973, why said permit should not be cancelled.

Permit 28139/36-2401 claims the use of 6.4 cubic feet per second of water from a ground water source, the point of diversion was to be located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 7S, Rge. 23E, B.M. and the permit was approved Sept. 11, 1959.



R. KEITH HIGGINSON
Director

36 2401

cc: Travelers Insurance Co.
707 S.W. Washington St.
Portland, Oregon

March 8, 1973

Mr. Warren Neilbaur
P.O. Bx 511
Rupert, Idaho 83350

Dear Mr. Neilbaur:

A representative of this department has made an examination of the works covered by your Permit No. 28139/36-2401 and has found the following:

Quantity of water diverted: 2.50 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.50 cfs

The maximum quantity of water diverted shall not exceed 780 acre feet per season.

Beneficial Use: Irrigation of 195.1 acres within the S $\frac{1}{2}$ Sec. 15, Twp. 7S, Rge. 23E, B. M.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 7S, Rge. 23 E, B. M.

The priority date established is : Sept. 20, 1959 (late proof)

A fee totaling \$ 21.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

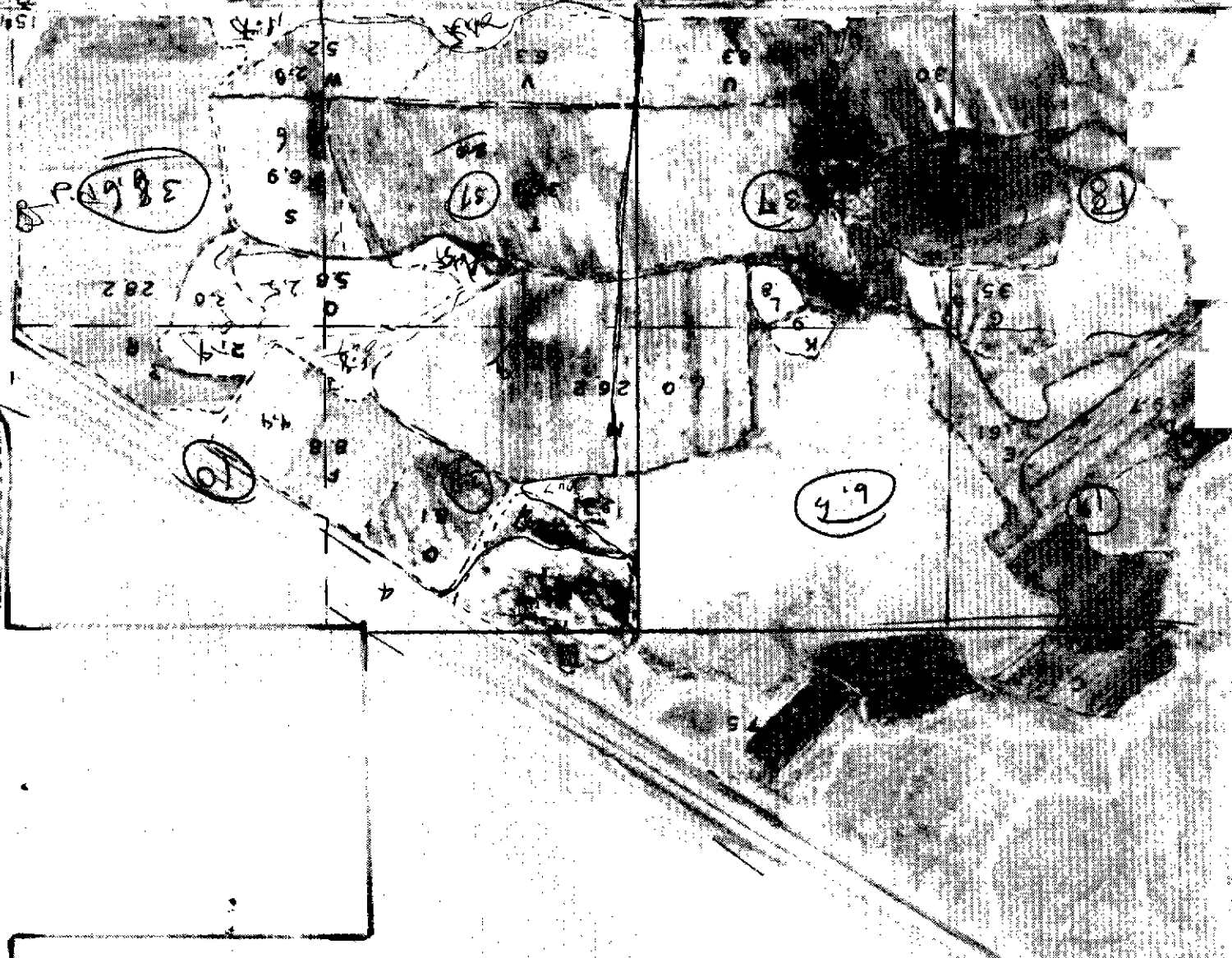
Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 2401

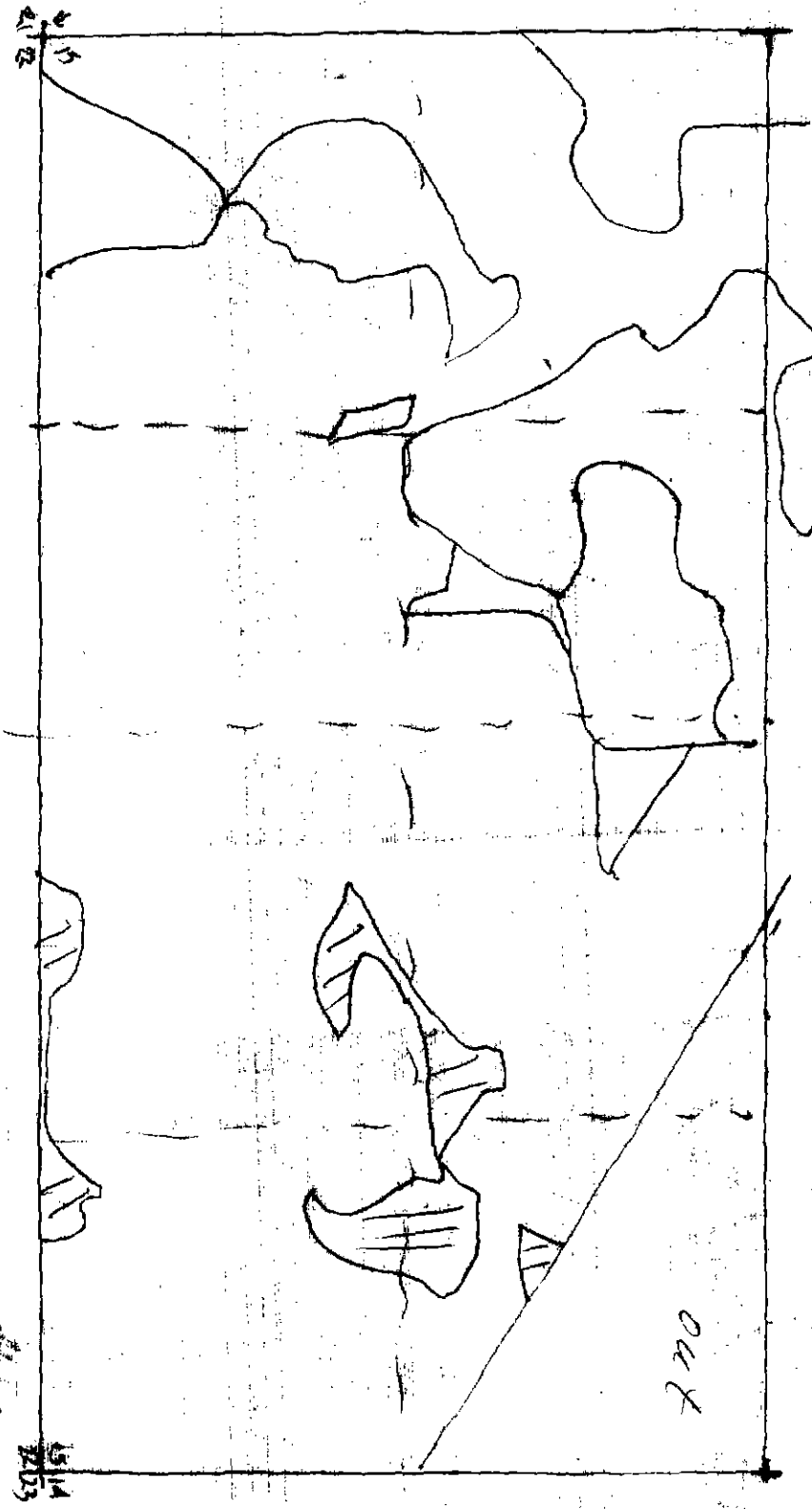
15 14 23 22



10 11 15 14

32 2401

6-475 15-7-23-



36 2401

R 23 E

T
7
S

TO DISTRICT

SEE PHOTO 185 irrigation
acres.

P.D.

UNION PACIFIC
R.R.

15			
19	6.5	31	10
18	37	37	36.6

195.1

Q measured 2.5 CS
Q recommended 2.50 CS
Volume 7100.0 ac ft
Acreage * 195.1
Found 108.3
recommended 108.3 195.1 42B
Subdiv. 1
Amendment No. 1
Type of use 1
Date of use 1

Lat. 16,

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28139 /36-2401

REPORT ON PROOF OF Completion of Works & Bene. Use

Warren Weibaur
P. O. Box 511
Rupert, Idaho

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28139 / 36-2401

This proof is for Comp. of Works & Bene. Use In Water District No. BRUNER SHEEP CO.1. Name of applicant Warren Nelbaur Rt #12. Source of water supply: Subterranean Paul, Idaho3. Location of point of diversion: Is in the NE 1/4 of Section 15T. 7S R. 23E County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same:

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Peerless pump # 89572 10" discharge to standpipe
2 ditches & pipeline. Standpipe 4 feet in diameter has a
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(Submit map on attached plat, showing location and details of above description.)

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Mr. Sewer accompanied this exam made with pygmy
meter R-149 in cement ditch 500 feet from well. Had
to go this far because the water was travelling
too fast to count before the point I measured.
At this point it levelled out some.

This examination was made on the 20 day of Aug, 1920(Signed) William L. Davis Examiner.

Bureau Sheep Co.

Paul, Idaho

1/10/1904

7

INSTRUCTIONS TO EXAMINERS

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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.

36 2401

Warren Neilson

P. O. Box 511, HSCW-1300N
Rupert, Idaho

Permit No. G-28139 1965-1966

532-282

Examination for Completion of Works

County Minidoka

Quantity: 1.4 Sec. 15 T. 7 S. R. 23 E

36-

Source: Well

P. D.: NESE-sec 15-7S-23E

Use: Irrigation

Filed: 9 September 59

Due: 11 September 64

Extension: -

Protest: -

Completion of Works: -

Other Rights: None

Made - Sept. 22/1964

ZBROT DAVIS

733564-1

7334961

25TH OF APRIL (REDEMPTION)

POOR TIME OF YEAR TO

FIND BUYER OR

LEASEE - WELL

CAN AND WORKED

DEPT WOULD THAT NEW

OWNER WILL BE.

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 5, 1968

Re: Permit No. G-28139 **36-2401**

Mr. J. H. Sackett
Mortgage & Loan Department
Travelers Insurance Company
421 S. W. 6th Avenue
Portland, Oregon 97204

Dear Mr. Sackett:

It has been brought to our attention that your insurance company has taken over the land formerly owned by Mr. Warren Neibaur of Rupert, Idaho. Mr. Neibaur supplied a statement of completion of works and beneficial use to our department on September 22, 1964. Our department has since attempted to make the required examination, but our efforts have proven unsuccessful.

In our conversation with Mr. Elbert Davis on July 1, 1968, he requested we notify you of the present status of the well. Before we can issue a license on the well we are required to make an examination. If you desire you could have a licensed engineer measure the water pumped from your well and determine the amount of acreage that has been irrigated from this well in the last few years. An inspection must be completed before we can issue a license.

If you would rather have our department make the inspection, please inform us as to when we can make it.

Very truly yours,

Dick

Dick Stickle
Field Examiner

DS:dj

Copy to: Mr. Elbert Davis
P. O. Box 1077
Twin Falls, Idaho 83301

28139

36-2401

July 5, 1968

Re: Permit No. G-28139

Mr. J. H. Sackett
Mortgage & Loan Department
Travelers Insurance Company
421 S. W. 6th Avenue
Portland, Oregon 97204

Dear Mr. Sackett:

It has been brought to our attention that your insurance company has taken over the land formerly owned by Mr. Warren Neibaur of Rupert, Idaho. Mr. Neibaur supplied a statement of completion of works and beneficial use to our department on September 22, 1964. Our department has since attempted to make the required examination, but our efforts have proven unsuccessful.

In our conversation with Mr. Elbert Davis on July 1, 1968, he requested we notify you of the present status of the well. Before we can issue a license on the well we are required to make an examination. If you desire you could have a licensed engineer measure the water pumped from your well and determine the amount of acreage that has been irrigated from this well in the last few years. An inspection must be completed before we can issue a license.

If you would rather have our department make the inspection, please inform us as to when we can make it.

Very truly yours,

Dick Stickle
Field Examiner

DS:dj

Copy to: Mr. Elbert Davis
P. O. Box 1077
Twin Falls, Idaho 83301

78139

TITLE INSURANCE
COMPLETE INSURANCE COVERAGE

RUPERT ABSTRACT COMPANY

ESTABLISHED 1913
POST OFFICE BOX 305 TELEPHONE 436-6651
RUPERT, IDAHO 83350

R. L. BALCH
J. A. HOFFMAN

September 29, 1964

RECEIVED
SEP 30 1964

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Permit G-28139
Warren Neibaur

Attention: H. Petri, Water Rights Clerk

Dear Mr. Petri:

Enclosed herewith is the Affidavit of Publication from
the Minidoka County News in connection with the above
mentioned permit.

Very truly yours,

RUPERT ABSTRACT COMPANY

BY *Carroll Hickman*

cn
encl.

AN AFFILIATE OF

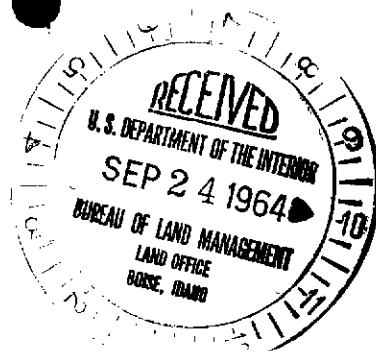
THE TITLE INSURANCE COMPANY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28139

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER



RECEIVED
SEP 25 1964

Department of Reclamation

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

Warren Neibaur, residence 17 $\frac{1}{2}$ miles NW of Rupert, Idaho; farming; Box 511, Rupert, Ida.

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:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G 28139 - approval date 9/11/59; priority 9/21/59

Ques. 4. State source of water supply: deep well
Give location of point of diversion, showing subdivision, section, township and range:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T 7 S, R 23 EBM

Ques. 5. Describe your works of diversion: open ditches & sprinklers

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 6.4 cu ft/sec Give name of canal or ditch

or other works by which water is conducted to such place of use: private ditches

_____ ; if a well, state depth of well 430 ft. ; depth and size of casing: 20" for 18 ft. ; depth to water 290 ft. ; if pump is used,

state discharge of pump: 6.4 cu ft per sec. ; tell how it was measured or determined: State Rec. Engineer ; if sprinkler irrigation, give number and size of nozzles and

operating pressure: 11/64 on sprinkler nozzles

Ques. 6. State for what purpose water is used: irrigate crops
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22 acres irr.; SE $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres irr.; NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres irr.; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres irr.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres irr.; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres irrigated all

in Sec. 15, T 7 S, R 23 EBM

State nature of all improvements which have been made as a direct result of said use:

Dwelling located on unit; unit is fenced; ditches and drops are placed for proper cultivation and irrigation of crops

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

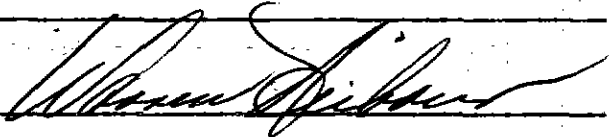
Ques. 7. If for other than irrigation purposes, state purpose and how used:
- - - - -

Ques. 8. What is the minimum amount of water required for the purpose specified above:
- - - - - 6.4 cfs

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:
- - - - -

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: XXXX June 1959- 320 inches Time used since first use:
each crop season since 1959

Ques. 11. Describe all other water rights appurtenant to same place of use:
none

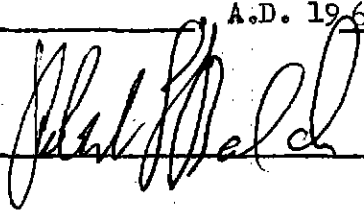
(sign) 

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

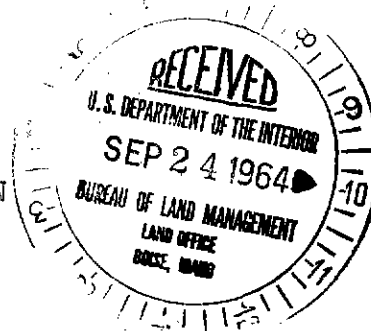
Rupert, County of Minidoka

State of Idaho, on this 22nd day of Sept. A.D. 1964.

My Commission expires: 7/1/65



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-28139



RECEIVED
SEP 25 1964

Department of Reclamation

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:

Harry A. Pruett, 38, Paul, Idaho, farm foreman, Paul, Idaho

Ques. 2. Are you acquainted with Warren Neibaur, the holder of
Permit No. G-28139? How long have you known him and where does he reside:

Ques. 3. Have you read or heard said Permit No. G-28139 read, and are you familiar
with its provisions and conditions: Yes: x No:

Ques. 4. State source of water supply: Subterranean - deep well

State place of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T 7 S., R 23 EBM

Describe works for conveying water to place of use: open dirt ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 6.4 How much water have you seen being so
conveyed: 6.4

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 22 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 39 acres

all in Township 7 South R. 23 EBM

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Contour is rolling 1 inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: None

Ques. 10. When did you first see this water used: Spring, 1959

Other times you have seen such use: Every crop season since 1959. I have personally some of the land each year

(Signed)

Harry A. Gruett

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 22nd day of September,
1964
A. D., ~~1962~~.

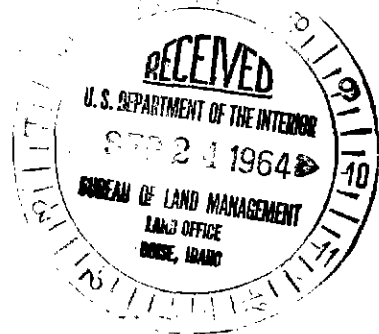
Robert P. Bald

Notary Public for State of Idaho

Residing: Rupert, Idaho

My commission expires: 7-1-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-28139



PROOF OF APPLICATION OF WATER TO BENEFICIAL USE SEP 25 1964

and Completion of Works

Department of Reclamation

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:

Henry McCurie, 39 yrs., Acequia, Idaho, farm laborer, Box 15, Acequia, Ida.

Ques. 2. Are you acquainted with Warren Neibaur, the holder of
Permit No. G-28139 ? How long have you known him and where does he reside:

3 years, resides Rupert, Idaho (13 miles North and 4½ miles West)

Ques. 3. Have you read or heard said Permit No. G-28139 read, and are you familiar
with its provisions and conditions: Yes: Yes No:

Ques. 4. State source of water supply: Subterranean

State place of diversion: NE¼SE¼ Sec. 15, T. 7 S., R. 23 EBM

Describe works for conveying water to place of use: Pump, well, irrigation ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 6.4 How much water have you seen being so

conveyed: 6.4 cubic ft. second approximately

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

~~40~~ acres - NW¼SW¼	~~22~~ acres - NE¼SE¼
~~40~~ acres - SW¼SW¼	~~39~~ acres - SE¼SE¼ all in Sec. 15, T. 7 S.,
~~40~~ acres - NE¼SW¼	Rge 23 EBM
~~40~~ acres - SE¼SW¼	
~~40~~ acres - NW¼SE¼	
~~40~~ acres - SW¼SE¼	

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Some rock outcroppings, soil being cultivated is of clay loam

character, I would say. Amount of water required would be about 6.4 cu. ft per second

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No.

Ques. 10. When did you first see this water used: Sept. 10, 1961, about.

Other times you have seen such use: I have seen the water in use several times each year since that time.

(Signed)

Henry McEwen

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 22nd day of September,

A. D., 1962.

Robert J. Habel

Notary Public for State of Idaho

Residing: Rupert, Idaho

My commission expires: 7-1-65

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

Notice is hereby given that at 3:00 P. M., on the 11th day of Sept. 1964, at Rupert, County of Minidoka, State of Idaho, before Bob Balch, Notary Public, at Box 305 Rupert Idaho, proof will be submitted of the completion of works for the diversion of 6.4 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 28139 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Warren Neibaur Box 511. 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15 Tws 7 S R 23 East BM County of Minidoka

5. The place where said water is used is So $\frac{1}{2}$ Sec. 15 Tws 7 S R 23 EBM County Minidoka.

6. The date of priority which said user is prepared to establish is September 9, 1959.

State Reclamation Engineer
CARL E. TAPPAN

No. 165 Aug. 20 - Sept. 10
28/39

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
STATE OF IDAHO,) ss.
Fern Hunter, being first

duly sworn, deposes and says that She is the
Office Manager 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 dated Aug. 20, 1964, and
ending with the issue dated Sept. 10, 1964.

Subscribed and sworn to before me this

28th day of Sept, 1964

Fern Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

Department of Reclamation

Form of Application
COMPLETED

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that
at 3:00 P. M. on the 11th day
of Sept. 1964, at Rupert, Coun-
ty of Minidoka, State of Ida-
ho, before Bob Balch, Notary
Public, at Box 305, Rupert,
Idaho, proof will be submitted
of the completion of works
for the diversion of 6.4 cubic
feet per second of under-
ground water from a well and
of the application to beneficial
use of said water, in accord-
ance with the terms and con-
ditions of Permit No. G 28139,
heretofore issued by the De-
partment of Reclamation of
the State of Idaho.

1. The name and post office
address of the person or cor-
poration holding said permit
is Warren Neibaur Box 511,
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 6.4 cubic feet per sec-
ond.

3. The use to which said
water has been applied is Irri-
gation, purposes, and the
amount applied to beneficial
use is 6.4 cubic feet per sec-
ond.

4. The point of diversion of
said water is NE 1/4 of SE 1/4 of
Sec. 15 Tws 7 S R 23 East BM
County of Minidoka.

5. The place where said
water is used is So 1/2 Sec. 15
Tws 7 S R 23 EBM County
Minidoka.

6. The date of priority
which said user is prepared to
establish is September 9, 1959.

State Reclamation Engineer

CARL E. TAPPAN

1M April 1962

September 30, 1964

Re: Permit No. 28139
Warren Neibaur

Warren Neibaur
P. O. Box 511
Rupert, Idaho

Dear Mr. Neibaur:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the MINNEAPOLIS COUNTY NEWS, all submitted in proof of completion of works and beneficial use on Permit No. 28139

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

ct
EPR:

28139

September 25, 1964

RE: Permit G-28139
Warren Neibaur

Rupert Abstract Company
Box 305
Rupert, Idaho 83350

Gentlemen:

Receipt is acknowledged for Proof of Application of Water to Beneficial Use and Completion of Works for the above permit holder. However, proofs cannot be further processed until receipt of the Affidavit of Publication from the Minidoka County News.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. PETRI
State Water Rights Clerk

HP:ct

TITLE INSURANCE
COMPLETE INSURANCE COVERAGE

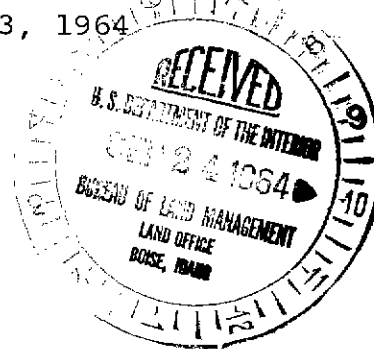
RUPERT ABSTRACT COMPANY

ESTABLISHED 1913
POST OFFICE BOX 305 TELEPHONE 436-6651
RUPERT, IDAHO 83350

R. L. BALCH
J. A. HOFFMAN

September 23, 1964

RECEIVED
SEP 25 1964
Department of Reclamation



Land and Survey Office
Bureau of Land Management
P. O. Box 2237
Boise, Idaho

In re: Warren Neibaur
Permit No. G-28139

Gentlemen:

We are enclosing Proof of Application of Water to Beneficial Use and Completion of Works for the above permit holder, together with two Depositions of Witness for Henry McCurie and Harry A. Pruett, and an affidavit regarding taking of the proofs in this office.

Yours very truly,

RUPERT ABSTRACT COMPANY

By Eileen Hollinger

eh
encls.

AN AFFILIATE OF THE TITLE INSURANCE COMPANY

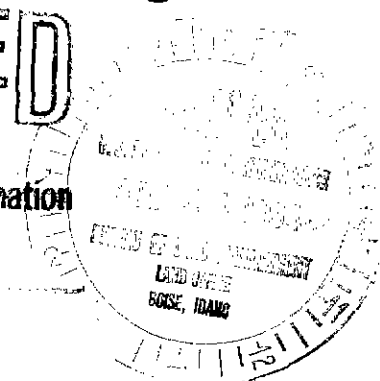
MEMBER OF THE AMERICAN TITLE ASSOCIATION AND THE IDAHO LAND TITLE ASSOCIATION

28139

RECEIVED

SEP 25 1964

Department of Reclamation



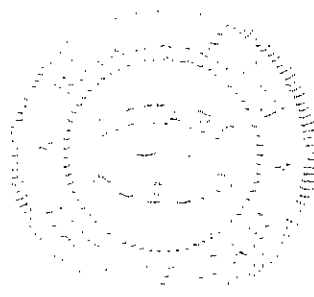
State of Idaho)
County of Minidoka) ss

This is to certify that the office of Rupert Abstract Company, the place designated for proof taking under Permit # G28139, Warren Neibaur, was open from the hour of 8:30 A. M. until 5:00 P. M. on September 11, 1965 and no objections were lodged to the proof.

It was impossible to hold this proof as the claimant and witnesses were unable to appear.

Robert P. Bald

Subscribed and sworn to before me on this 22nd day of September, 1964.



Barbara J. Felsen
Notary Public for Idaho
Resides in Rupert,
Comm. exp. 2-28-68

RECEIVED

AUG 11 1964

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

Aug. 10, 1964

(P. O.)

Box 511 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.

Warren Schubert

(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

NOTICE OF PROOF OF COMPLETION OF WORKS

AUG 11 1964

and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 3:00 P.M., on the 11th day of Sept.
19 64, at Rupert, County of Minadoka, State of Idaho,
 before Bob Balch, Notary Public, at (address) Box 305
Rupert, Idaho, proof will be submitted of the completion of works for
 the diversion of 6.4 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 28139, 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 Warren Neibaur Box 511 Rupert, Idaho

2. Said works of diversion will be fully completed on the date set for such comple-
 tion, and the amount of water which said works are capable of conveying to the place of
 use is 6.4 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
6.4 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15 Tws 7S R 23
East BM County Of Minadoka

5. The place where said water is used is So $\frac{1}{2}$ Sec. 15 Tws 7s R 23 E BM County Minadoka

6. The date of priority which said user is prepared to establish is September 11, 1959

CARL E. TAPPAN

State Reclamation Engineer

Re: Permit No. G-28139
Warren Neibaur

Date:

Minidoka County News,
Rupert, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to September 11, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant Warren Neibaur
of Box 511, 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,

Carl E. Tappan
CARL E. TAPPAN
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

August 11, 1964

Re: Permit No. G-28139

Mr. Warren Neibaur,
Box 511,
Rupert, Idaho.

Dear Mr. Neibaur:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. G-28139. The proofs are to be made at 3:00 o'clock P.M., on the 11th day of September, 1964, before Bob Balch, Box 305, Rupert, Idaho, Notary Public.

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

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. 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, the 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

28139

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28139

July 1, 1964

Warren Neibaur
Box 585
Rupert, Idaho

Dear Mr. Neibaur:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28139 are due not later than Sept. 11, 1964

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 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 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 the 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, 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 two Forms 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,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures Form 36 and 11

28139

September 23, 1959

Re: Permit No. G-28139

Mr. Warren Neibaur,
Box 585,
Rupert, Idaho.

Dear Mr. Neibaur:

We enclose Permit No. G-28139 in which we 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-4323 which was issued covering payment in the amount of \$6.50 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

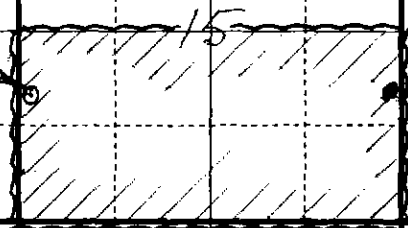
Encl.
EPR:pmk

28139

R-23E.

T
7
S.

Point of Diversion



Permit Map No. 28139
As Approved SEP 11 1959
GEO. H. CASTER
State Reclamation Engineer