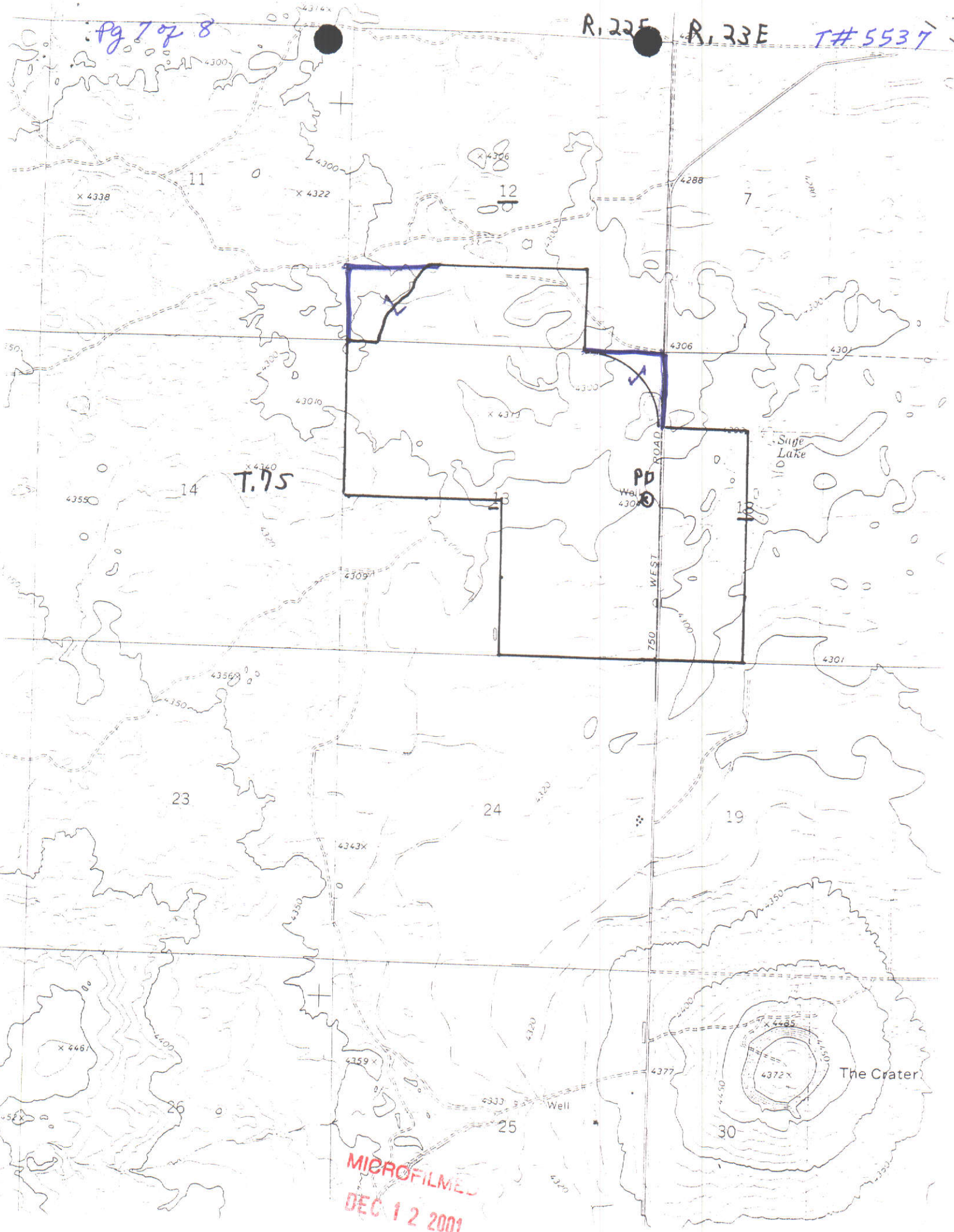


Pg 7 of 8

R. 22E

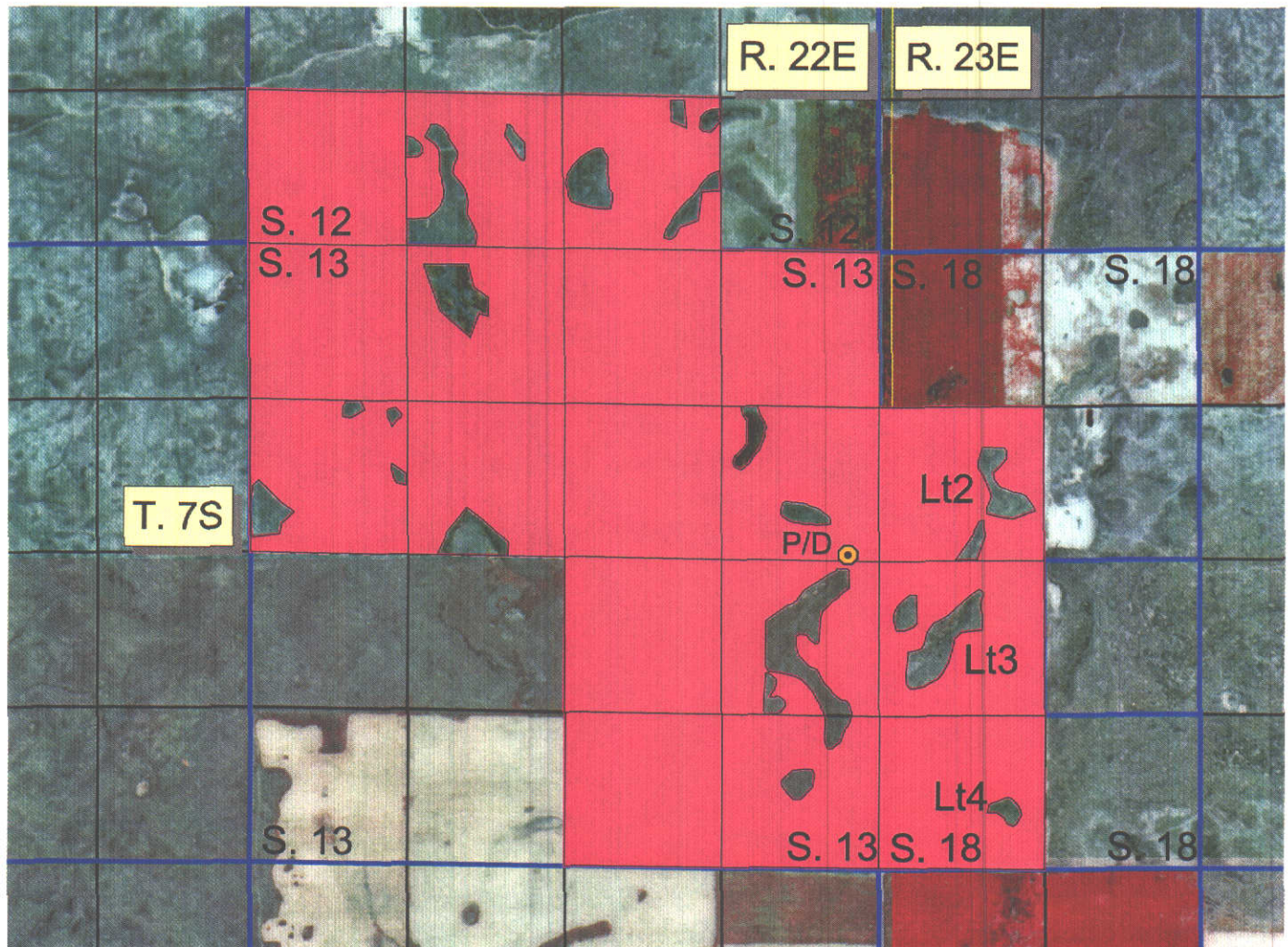
R. 33E

T# 5537



MICROFILMED
DEC 12 2001

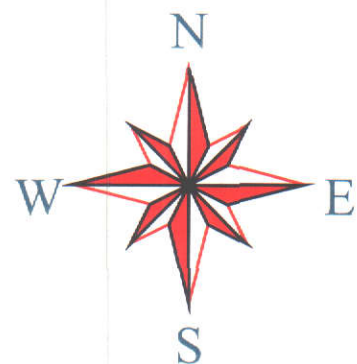
IDAHO AG PROPOSED PPU



0.3 0 0.3 0.6 Miles

 Proposed PPU

Prepared By J E Stanton
7-29-1999
MICROFILMED
DEC 12 2001



T # 5537

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Lincoln } SS.

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

each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 31st day of January,

19 74, and the date of the last publication was on the 7th

day of February, 19 74.

Darlene Gaskin

Subscribed and sworn to before me this 14th

day of February, 19 74.
(SEAL)

Helen Magaffa
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice 77

Number of Insertions two

..... Lines tabular at 315c

77 Lines straight at 21c 16.17

77 Subsequent lines at 15c 11.55

TOTAL COST 27.72

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 36-2403--36-2398

Notice is hereby given that G. R. Fairbrother of 375 N. Overland, Burley, Idaho, has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. (1) 36-2403 and (2) 36-2398 and recorded as follows:

Amount: (1) 1.88 cfs
(2) 2.71 cfs

Priority: 10-12-59
(2) 7-30-59

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M., Lincoln County.

(same for both licenses)

The water is used for irrigation of 232 acres from April 1 to October 31, within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 7S, R. 22E, B.M.

TO BE CHANGED AS FOLLOWS:

Amount: 4.47 cfs

Points of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M., Lincoln County.

The water will be used for irrigation of 226 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M.

Any protest against the approval of the above change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Blvd N., Twin Falls, Idaho, on or before February 18, 1974.

R. KEITH HIGGINSON
Director
1-31-2tcL

Department of Water Administration
Southern District Office

36 2398

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36039
Permit No. G- 28078
District No.

Assigned to

36-2398
Lemon C. Phillips
Pt #1 - Paul
Boyl 169
Ida

1. Name of Applicant: George Dee Anderson

Postoffice address: Rt. 1, Paul ~~Idaho~~ County: Minidoka State: Idaho

2. Quantity of water claimed: 320 miner's inches

(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: Drilled well

4. Location of point of diversion or well is in the #1 -SW NE 13
#2 -SE 1/4 of the NE 1/4 of Section 13
Twp. 7 S , Rge. 22 E , B.M., County of Lincoln

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: Drilled well to be cased and equipped with turbine type pump and motor

8. Estimated cost of works: \$15,000

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:

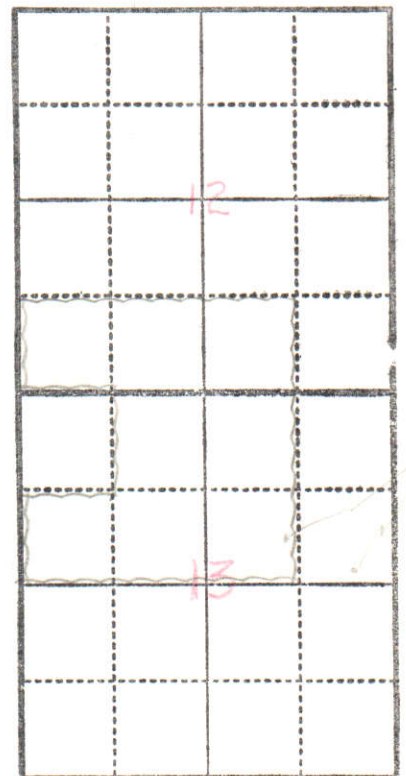
(d) Other resources:

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

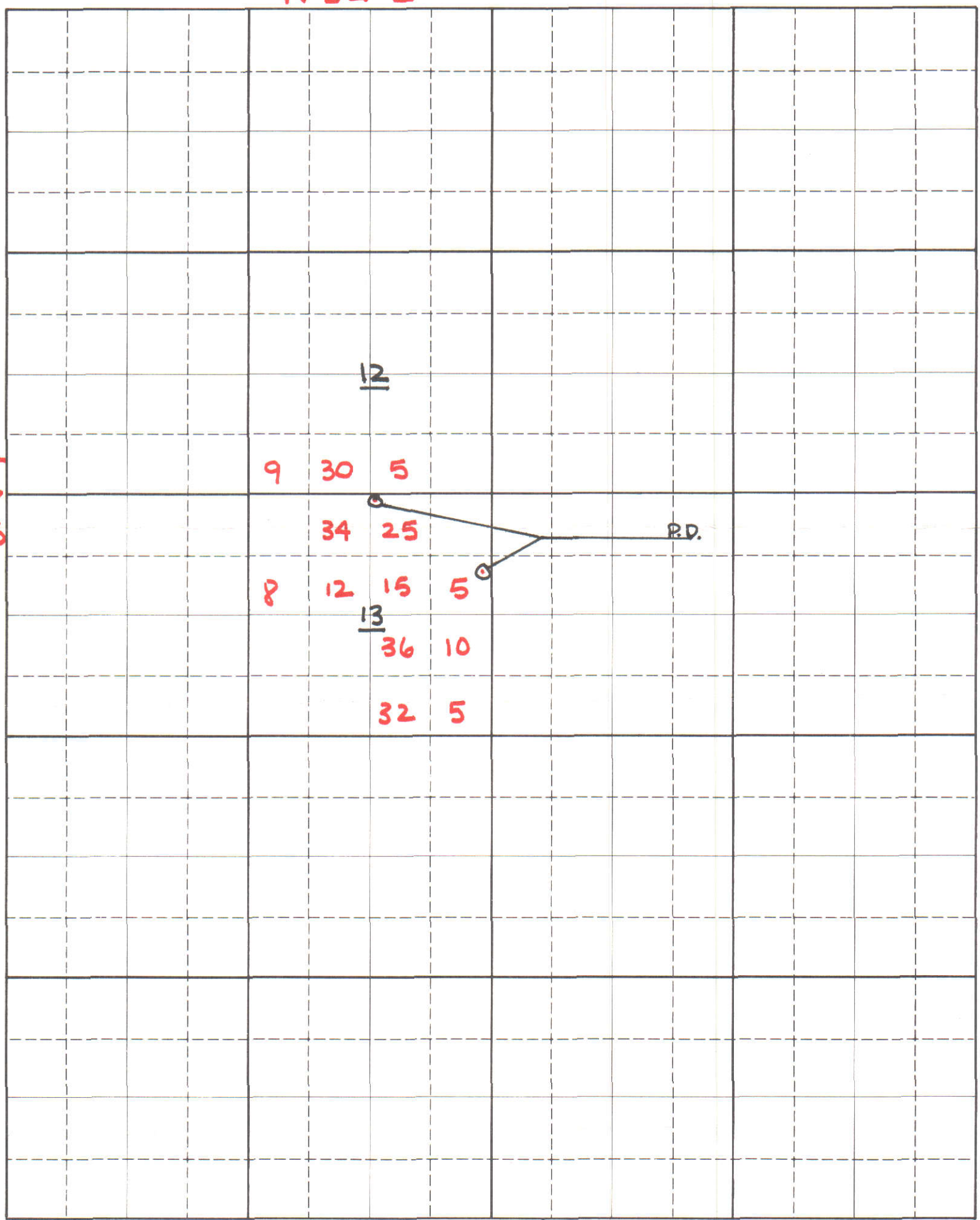
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

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



R. 22 E

T
7
S



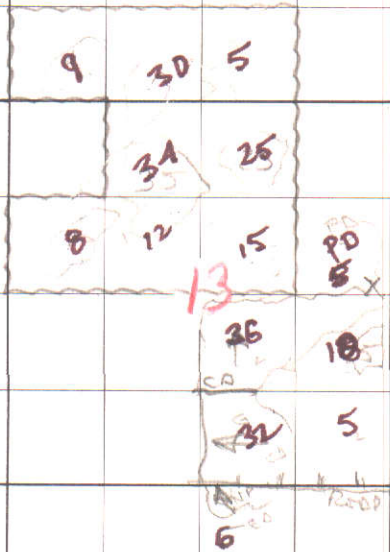
SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

Rye 22E

Reinman

12

Temp 75



11

59
69

35

~~148~~

138

PHOTO WITH G-29289

AREA - ¹³⁸~~148~~ ACRES

SUBD - 8

Q - ALLOW .901"/ACRE OR 2.71 c.f.s.

VOL - 592 AC-FT / SEASON

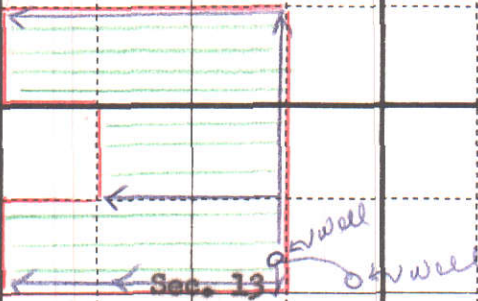
PRIORITY - 7-30-59

NAME OF APPLICANT.....George Dee Anderson.....

Form No. 0

T 7 S - R 22 E., B.M.

Sec. 12



Permit Map No. *g* 28078
As Approved
AUG 5 1959
GEO. N. CARTER
State Reclamation Engineer

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

Notice is hereby given that on the 29th day of July, 1966, at Boise, County of Ada, State of Idaho, before Sharron Deroin, Notary Public at 224 Idaho Building, 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-28078, 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 Vernon C. Phillips, Route No. 1, Box 169, Paul, Idaho.

Said works of diversion will be fully completed on the date 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T7S-R22E, B.M.

5. The place where said water is used is T7S-R22E, B.M. Sec. 12 - S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13 - W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

6. The date of priority which said user is prepared to establish is 7/30/59.

R. KEITH HIGGINSON
Deputy State Reclamation Engineer
Jy7-28

RECEIVED
AUG 1 1966

Department of Reclamation

AFFIDAVIT OF PUBLICATION

**LINCOLN COUNTY JOURNAL
SHOSHONE, IDAHO**

John H. George,
being first duly sworn, says that he is the

Publisher of
the Lincoln County Journal, a newspaper published weekly at Shoshone, Idaho, having legal publication rights within the State of Idaho, and that the notice, a true copy of which is hereto attached, was

published in said newspaper for 4
consecutive weeks, beginning with the issue of

July 7, 1966
and ending with the issue of

July 28, 1966

John H. George

Subscribed and sworn to before me this

28th day of July, 1966

Ellen M. Miller
Notary Public, Shoshone, Idaho

28078

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66957

This is to certify that: IDAHO AG INC
PO BOX 123
RUPERT ID 83350
(208)436-0292

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
36-7883A	WR/License	01/15/1980	8.00 cfs	1544.0 af	386.0	386.0	GROUND WATER
36-2398	AJC/License	07/30/1959	2.71 cfs	552.0 af	138.0	138.0	GROUND WATER
36-2403	AJC/Decreed	10/12/1959	1.76 cfs	352.0 af	88.0	88.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

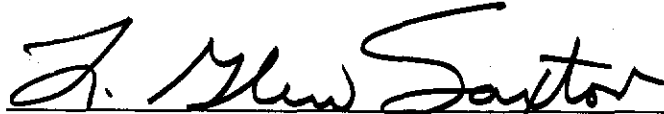
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-7883A	NO	NO	YES	NO	NO	NO
36-2398	NO	NO	YES	NO	NO	NO
36-2403	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-7883A	36-7883A	5.64 cfs	1544 af	386.0	678.0	N/A	N/A	N/A	N/A	N/A
36-2398	36-2398	2.71 cfs	552 af	138.0	678.0	N/A	N/A	N/A	N/A	N/A
36-2403	36-2403	1.76 cfs	352 af	88.0	678.0	N/A	N/A	N/A	N/A	N/A
TOTALS		5.64 cfs	2448 af	612	678		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 36-7883A
As Modified by Transfer No. 66957

In accordance with the approval of Transfer No. 66957, Water Right No. 36-7883A is now described as follows.

Right Holder: IDAHO AG INC
 PO BOX 123
 RUPERT ID 83350

Priority Date: 01/15/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	5.64 CFS	1,544.0 AF
			5.64 CFS	1,544.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 13 Twp 07S Rge 22E LINCOLN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 22E 12									40.0	33.0					34.0		107.0
07S 22E 13	40.0	40.0	40.0	37.0	36.0	40.0	37.0	37.0					31.0	40.0	40.0	38.0	456.0
07S 23E 18			38.0										36.0	41.0			115.0
			L 2										L 3	L 4			

Total Acres: 678

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

MICROFILMED

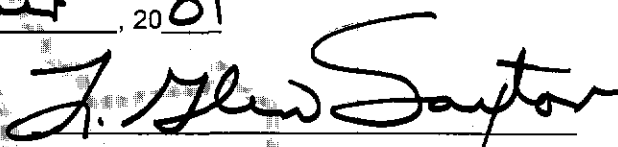
WATER RIGHT NO. 36-7883A
As Modified by Transfer No. 66957

CONDITIONS OF APPROVAL

6. Rights 36-02398, 36-02403 and 36-07883A when combined shall not exceed a total diversion rate of 5.64 cfs.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 386 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/23/2001.

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

Dated this 23rd day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 36-2398
As Modified by Transfer No. 66957

In accordance with the approval of Transfer No. 66957, Water Right No. 36-2398 is now described as follows.

Right Holder: IDAHO AG INC
 PO BOX 123
 RUPERT ID 83350

Priority Date: 07/30/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.71 CFS	552.0 AF
			2.71 CFS	552.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 13 Twp 07S Rge 22E LINCOLN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 22E 12									40.0	33.0					34.0		107.0
07S 22E 13	40.0	40.0	40.0	37.0	36.0	40.0	37.0	37.0					31.0	40.0	40.0	38.0	456.0
07S 23E 18			38.0										36.0	41.0			115.0
			L 2										L 3	L 4			

Total Acres: 678

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

MICROFILMED
 1980 FEB 20

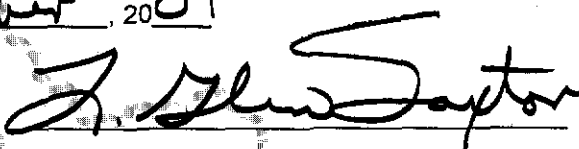
WATER RIGHT NO. 36-2398
As Modified by Transfer No. 66957

CONDITIONS OF APPROVAL

6. Rights 36-02398, 36-02403 and 36-07883A when combined shall not exceed a total diversion rate of 5.64 cfs.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 138 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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

Dated this 23rd day of October, 2001



Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 36-2403
As Modified by Transfer No. 66957

In accordance with the approval of Transfer No. 66957, Water Right No. 36-2403 is now described as follows.

Right Holder: IDAHO AG INC
 PO BOX 123
 RUPERT ID 83350

Priority Date: 10/12/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.76 CFS	352.0 AF
			1.76 CFS	352.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 13 Twp 07S Rge 22E LINCOLN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 22E 12									40.0	33.0					34.0		107.0
07S 22E 13	40.0	40.0	40.0	37.0	36.0	40.0	37.0	37.0					31.0	40.0	40.0	38.0	456.0
07S 23E 18			38.0										36.0	41.0			115.0
			L2										L3	L4			

Total Acres: 678

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

MICROFILMED

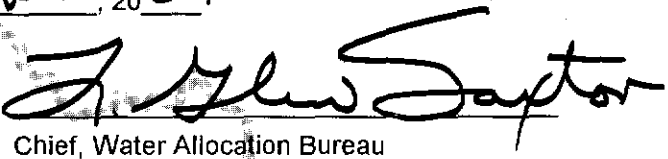
WATER RIGHT NO. 36-2403
As Modified by Transfer No. 66957

CONDITIONS OF APPROVAL

6. Rights 36-02398, 36-02403 and 36-07883A when combined shall not exceed a total diversion rate of 5.64 cfs.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of ~~88~~ 88 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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

Dated this 23rd day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5537-6957

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

FEB 10 2000

PART 1

MAR 29 1999

Department of Water Resources
Southern Region

Department of Water Resources

Name of applicant Idaho Ag. Inc.Phone 436-0292Post Office address PO Box 123, Rupert, ID 83350

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right, create PPU
2. Describe the reason for the proposed changes Farm is being split by sale. Only 1 well will leave our property, 9 rights are being swapped on 2 tracts. Transfer will show how our water rights will be used after the sale.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|-------------------|-----------------------|------------------|----------------------------|
| <u>36-02398</u> | <u>7-30-1959</u> | <u>2.71/552.0</u> | <u>Irrig.</u> | <u>4-1</u> to <u>10-31</u> |
| <u>36-02403</u> | <u>10-12-1959</u> | <u>1.76/332.0</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| <u>36-07883A</u> | <u>1-15-1980</u> | <u>5.46/1413.6</u> | <u>"</u> | <u>"</u> to <u>"</u> |
2. Total amount of water being transferred 5.46 cubic feet per second and/or 2317.6 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	13	7S	22E	Lincoln	

5. Lands irrigated or place of use:
- Permissible Place of Use of 645.6 ac/yr

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	22E	12										40	33				34		81.6 107
		13	40	40	40	37	36	40	37	37					31	40	40	38	449 456
	23E	18			38											643	644		
					42											36	41		115

MICROFILMED

Total acres 645.6 678

PART 1

6. General Information:

a. Description of diversion system Existing well & pump, sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

Will be irrigated with other rights under companion transfer.

d. Remarks:

The measured pumping capacity of this well is 5.46 cfs, and we only want to transfer this amount.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

DEC 12 2001

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02398

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.71 CFS	552.0 AF

SOURCE

GROUNDWATER

Priority: 07/30/1959

LOCATION OF POINT(S) OF DIVERSION:SENE , Sec. 13, Township 07S, Range 22E
LINCOLN CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	22E	12	SWSW 9	SESW 30	SWSE 5	44
		13	NWNE 25	SWNE 15	NENW 34	
			SWNW 8	SENW 12		94
Total number of acres irrigated:						138

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02403 & 36-07883.

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DEC 12 2001

PART 2

TRANS NO. 5537

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02403

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.76 CFS	352.0 AF

SOURCE

GROUNDWATER

Priority: 10/12/1959

LOCATION OF POINT(S) OF DIVERSION:SESENE , Sec. 13, Township 07S, Range 22E
LINCOLN CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	22E	13	SENE 5	NESE 10	NWSE 36	
			SWSE 32	SESE 5		88
				Total number of acres irrigated:		88

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02398 & 36-07883.

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DEC 12 1981

A. DESCRIPTION OF RIGHT AS RECORDED:

This right was a permit when the SRBA Basin Director's Report was filed with the court.

Water Right No. 36-07883

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	9.49 CFS	1992.0 AF

SOURCE

GROUNDWATER

Priority: 01/15/1980

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 12, Township 07S, Range 22E
SENE , Sec. 13, Township 07S, Range 22E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	22E	12	SWSW 4	SESW 3	SWSE 29	36
		13	NWNE 15	SWNE 25	SENE 32	
			NENW 2	NWNW 40	SWNW 29	
			SENE 25	NESE 21	NWSE 4	
			SWSE 8	SESE 33		234
23E	7	Lot 4(SWSE)	37	SESE 1		38
	18	NENE 34		Lot 1(NWNE) 41	Lot 2(SWNE) 38	
		Lot 3(NWSE) 36		Lot 4(SWSE) 41		190
				Total number of acres irrigated:		498

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. Rights 36-02398, 36-02403, 36-07669 and 36-07883 when combined shall not exceed a total diversion rate of 9.49 cfs.
3. Rights 36-02398, 36-02403, 36-07669 are also diverted from the point(s) of diversion described above.

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DEC 1, 1980

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Some land has been in CRP program for the last 10 years

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 36-07883* 5.46

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

1. amount 7.24 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) 1540.0 AFA for _____ purposes from _____ to _____
 amount 1678.4 for _____ purposes from _____ to _____
 (cfs/ac-ft) * System capacity, not licensed rate
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	13	7S	22E	Lincoln	Idaho Ag. well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	22E	12											4	3			29		36
		13		15	25	32	2	40	29	25					21	4	8	33	234
				34.6															
	23E	18		38	38										36	41			~~115~~ 149.6
				43	142										143	144			

LTI

Total acres 385 419.6

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

1. amount 2.15 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) 452.0 AFA for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	12	7S	22E	Lincoln	Orlo Maughan well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	22E	7															37	1	38
		18	34	41															~~45~~
				143															40.4
				6.4															

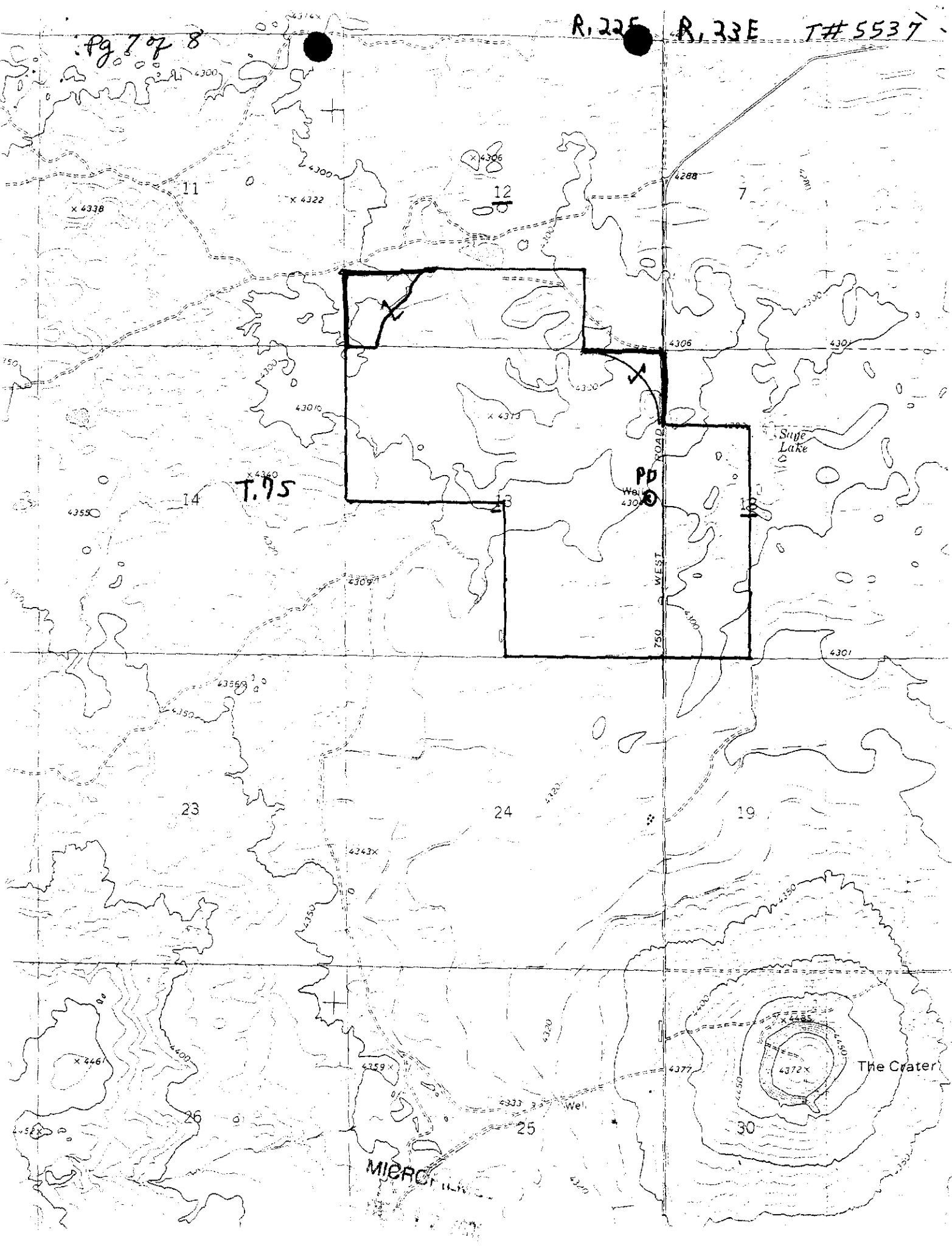
Total acres ~~113~~ 78.4

Pg 7 of 8

R. 22E

R. 23E

T# 5537



PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Subscribed and sworn to before me this 26th day of March, 19 99.

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 12-19-02

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments

Received by J. F. Stanton Date 3-26-99 Protest filed by None

Prelim. check by [Signature] Fee \$100.00 5021949

Receipted by [Signature] Date 3-26-99

Published in Lincoln Co. Journal Copies of protest forwarded by _____

Pub. dates 10/7 & 10/14/99 Hearing held by _____ Date _____

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

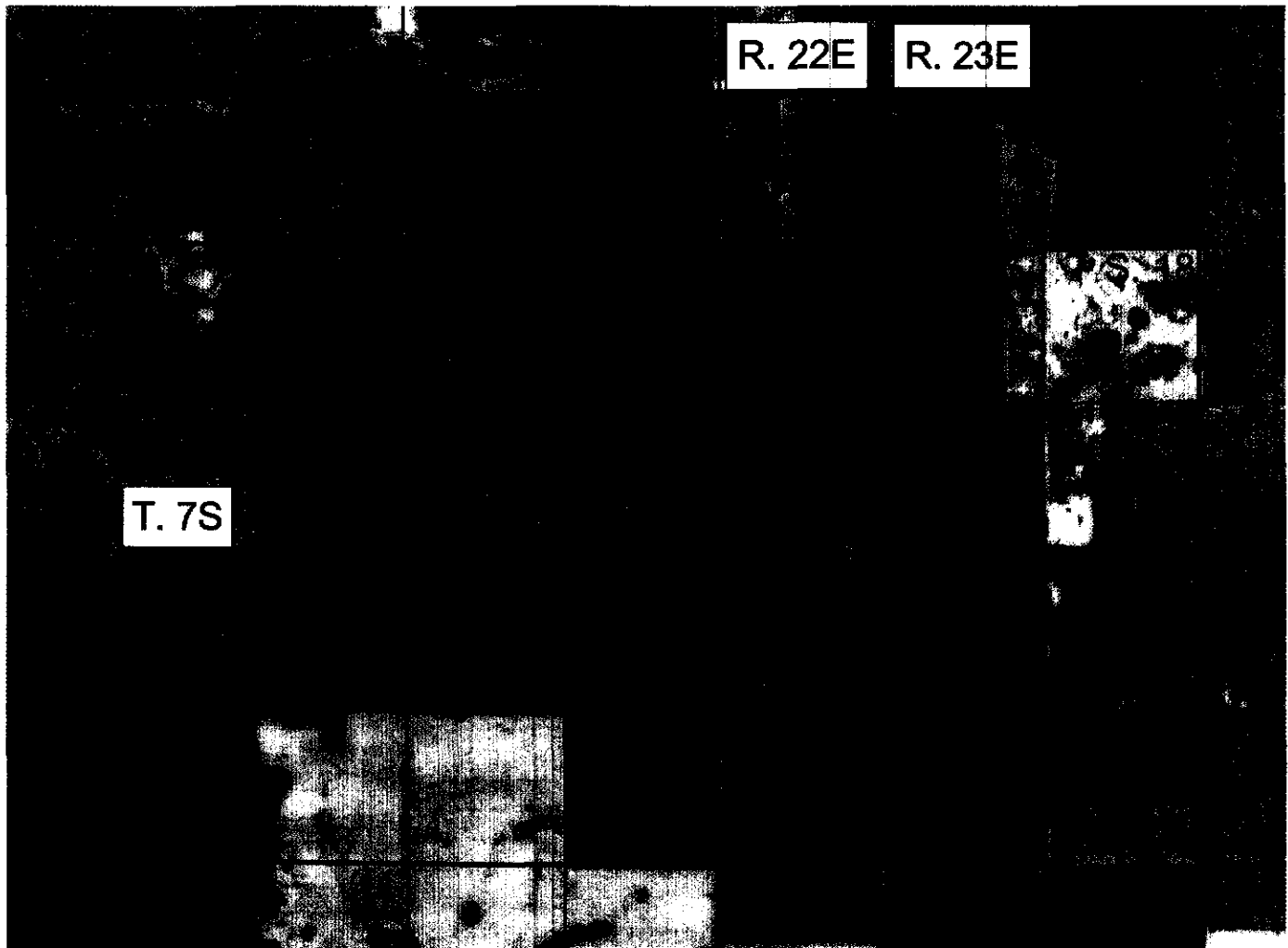
_____ rec'd. _____ by [Signature]

Copy of transfer sent to lien holder _____

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OCT 12 2001

IDAHO AG PROPOSED PPU



Prepared By J E Stanton
7-29-1999

DEC 12 2001

T # 5537

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TRANSFER BY BLAINE LARSEN)
AND BLAINE LARSEN FARMS, INC.)
OF WATER RIGHT AND CLAIM NOS.)
35-02821B, 35-02728, 35-02844, 35-7361,)
35-07632, A35-10948, 36-02727, 35-07495,)
35-07605, 35-07586, 36-02398B, 36-07022,)
36-02632, 36-07272, 36-07897, 36-02300,)
36-07015A, 36-02074B, 36-02198B, 36-02122B,)
36-02124B, 36-02127B, 36-02190B, 36-02193B,)
36-02195B, 36-02197B, AND APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
36-7883(Part).)

MEMORANDUM DECISION
AND ORDER

Blaine Larsen and Blaine Larsen Farms, Inc. (Larsen) filed applications to transfer or amend a total of 27 separate water rights and permits to allow use of ground water for irrigation of lands near Hamer, Idaho for the 1993 irrigation season. Notices describing these applications were published in the South Idaho Press, Burley, Idaho; Times-News, Twin Falls, Idaho; Post-Register, Idaho Falls, Idaho; Lewiston Morning Tribune, Lewiston, Idaho; Morning News, Blackfoot, Idaho; Rigby Star, Rigby, Idaho; Lincoln County Journal, Shoshone, Idaho; and Idaho Statesman, Boise, Idaho.

Protests against the granting of the proposed transfers and permit amendment were filed by the Idaho Department of Fish and Game (Fish and Game); Owsley Canal Company, Jackett Canal Company, Holley Water Users, Jefferson Irrigation Company,

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Producers Canal Company, Montevieu Canal Company, and Independent Canal Company (hereafter referred to collectively as Mud Lake Canals); U.S. Fish and Wildlife Service (USFWS); Edward Breiter (Breiter); Idaho Power Company (Idaho Power); and The Twin Falls and North Side Canal Companies (TF&NSCC).

A hearing concerning the protests against approval of the transfer applications and permit amendment was held at Rigby, Idaho February 23, 24 and 25, 1993. The Director of the Department of Water Resources served as hearing officer.

Prior to the start of the hearing the USFWS and Idaho Power withdrew their protests. Also, prior to the start of the hearing the Mud Lake Canals petitioned for a continuance of the hearing which was denied by Order of the Director dated February 17, 1993. The Mud Lake Canals participated at the beginning of the hearing on February 23, 1993, but withdrew their protest following noon recess on that date and discontinued their participation in the hearing. Their withdrawal was based on the fact that the applications propose water right transfers for the 1993 irrigation season only. (Tr. p. 83-85).

The TF&NSCC filed a protest related to only part of the applications but orally moved to intervene in all the applications being considered. This motion was granted by the Director. (Tr. p. 13).

It was agreed that the Director would take notice of the files and records of the Department, particularly the following:

- 1) The record of the 1988 hearing held on Larsen's applications for permits for the Larsen "A" wells.

MEMORANDUM DECISION
AND ORDER - Page 2

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2) The record of decision in the Montevue Canal Company application for water right transfer dated May 11, 1990.

3) The claims to water rights filed by Larsen in the Snake River Basin Adjudication.

The hearing proceeded with the applicant, Larsen, represented by Jeffrey C. Fereday; protestant, Fish and Game, represented by Stephen V. Goddard; and TF&NSCC represented by Gary Slette. Protestant Edward Breiter represented himself, however, he did not remain throughout the hearing and did not testify or make a statement although the hearing officer stated that an opportunity to do so would be provided.

At the conclusion of the hearing, the parties agreed at the request of the Director to provide briefs on the following two questions along with other matters to be addressed in summation of the evidence:

1) What is the role of the public interest criterion under Section 42-222, Idaho Code, in balancing the need for protecting existing water rights under the prior appropriation doctrine against the need to provide for the full economic development of the water resources of the state?

2) What evidentiary value, if any, should the Director place in this transfer proceeding upon the results of pumping the Larsen "A" wells over some indeterminate time period as projected by the U.S.G.S. steady state hydrologic model?

The Director, having considered the evidence and testimony presented at the hearing on the matter, the files and records of the Department of which notice was taken, and the briefs submitted by the parties, now enters the following Findings of Fact, Conclusions of Law, and Order.

MEMORANDUM DECISION
AND ORDER - Page 3

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FINDINGS OF FACT

1. The Transfer Applications filed by Larsen propose to change the points of diversion and places of use of all or parts of licensed or claimed ground water rights as follows:

<u>Appl.</u> <u>No.</u>	<u>Location</u> <u>Sec. Twp. Rng.</u>	<u>County</u>	<u>Quan.</u> <u>cfs</u>	<u>Acreage</u>
35-02821B	24 4S 30E	Bingham	0.60	30
35-02728	23 4S 30E	Bingham	3.40	170
35-02844	23 4S 30E	Bingham	3.30	165
35-07361	23 4S 30E	Bingham	0.54	27
35-07632	16 4S 31E	Bingham	4.40	264
A35-10948	16 4S 31E	Bingham	0.56	28
35-02727	36 6S 22E	Lincoln	5.10	320
35-07495	36 6S 22E	Lincoln	4.58	320
35-07605	19 4N 35E	Jefferson	4.00	200
35-07586	19 4N 35E	Jefferson	6.41	391
36-02398B	13 7S 22E	Lincoln	2.44	124
36-07022	4 7S 23E	Lincoln	4.64*	232
36-02632	4 7S 23E	Lincoln	1.94*	97
36-07272	3 9S 23E	Minidoka	1.50	78.5
36-07897	25 6S 22E	Lincoln	2.84	203
36-02300	25 6S 22E	Minidoka	3.88	194
36-07015A	28 8S 22E	Minidoka	0.97	152.6
36-02074B	28 8S 22E	Minidoka	0.75	80
36-02198B	17 7S 24E	Minidoka	0.62	34.3
36-02122B	26 6S 24E	Minidoka	0.67	47.9
36-02124B	35 6S 24E	Minidoka	0.40	20
36-02127B	2 7S 24E	Minidoka	2.47	160
36-02190B	26 6S 24E	Minidoka	1.20	120
36-02193B	26 6S 23E	Minidoka	2.16	160
36-02195B	8 7S 24E	Minidoka	0.49	43
36-02197B	7 7S 24E	Minidoka	<u>2.00</u>	<u>147</u>
			60.52	3808.3

* Diversion of water under these two rights is limited to a combined maximum rate of 5.24 cfs.

MEMORANDUM DECISION
AND ORDER - Page 4

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2. Larsen proposes to divert the quantities of water specified in Finding of Fact No. 1 from wells located in Clark and Fremont Counties at locations shown on Attachment A and Applicant's Exhibit No. 12, for irrigation of a total of 4,230.4 acres of land described in Attachment B. Attachments A and B are incorporated herein by reference.

3. Claimed right No. A 35-10948 is included in Finding of Fact No. 1 and is based on a beneficial use claim. The right is subject to determination in the Snake River Basin Adjudication of water rights.

4. Larsen also has proposed to amend Permit 36-07883(Part) to allow the use of 9.97 cfs, out of the authorized 11.48 cfs, to be diverted from wells shown on Attachment A for irrigation of the 4,230.4 acres in the Attachment B tract of land. Permit 36-7883 provides for diversion of the 11.48 cfs from three wells for irrigation of 574 acres of land in Lincoln County. The prorated acreage represented by 9.97 cfs out of 11.48 cfs is 498 acres.

5. Transfer and amendment of the licensed rights, claim and permit as requested by Larsen would allow diversion of a total of 70.49 cfs of water from the Attachment A wells for irrigation of a total of 4,306.3 acres of land. Approval of all the transfers and amendment is unnecessary since the total acreage proposed to be irrigated is 4,230.4 acres or some 76 acres less than the rights would allow.

6. It is the position of Fish and Game that approval of the transfers and amendment will result in harm to prior water rights; that water is not available to satisfy the rights as they are proposed to be transferred; and that approval would not be in the public interest. The public interest concern includes possible induced losses of flow in the Henry's

Fork and Snake Rivers.

7. TF&NSCC's protest is based on a position that pumping from the Larsen "A" wells depletes flows of the Henry's Fork and Snake River and will thereby injure prior rights to water from those sources.

8. The wells shown on Attachment A, and others not proposed for operation in 1993, are referred to as the Larsen "A" wells and were drilled without the benefit of approved permits from the Department. Some of the Larsen "A" wells were used for irrigation water supply beginning in 1986 and the others from 1987. Larsen filed applications for permanent water rights for these wells in April and November 1986. These applications were protested and a hearing was held on the protests in Rigby, Idaho in 1988. No decision was reached on these pending applications due to the fact that the applicant and the parties who filed protests and others, including the Department and the U.S. Geological Survey (USGS), entered into an agreement (Applicant's Exhibit No. 11) for the USGS to conduct a three-year study of the ground and surface water resources of the area. During the study period, which has extended over more than four years, Larsen has operated the Larsen "A" wells under authority of approved annual transfers of ground water rights similar to those being considered here.

9. Applicant's Exhibit No. 11, which outlines the proposed USGS study which has been the basis for annual consideration of approval of one-year transfer applications to cover use of the Larsen "A" wells provides:

Results of the study will be published as a Water-Resources Investigation by

MEMORANDUM DECISION
AND ORDER - Page 6

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the U.S. Geological Survey. Contents of the report will include a description of the geologic setting, surface-water system, ground-water system, surface-water/ground-water interactions, chemical quality of ground and surface water and lake and wetland bottom sediments, and an evaluation of model results that address water availability for real and hypothetical recharge and discharge conditions. Model description and calibration will be presented in the report appendix.

10. Although the study has apparently been completed, the final study report providing the information indicated in Finding of Fact No. 9 is not yet available. The hearing record does include Applicant's Exhibit No. 9, Geohydrologic and Chemical Data from Wells in the Mud Lake Area, Eastern Idaho, 1988-91 and Applicant's Exhibit Nos. 1, 2, 3, 4A, 4B, 4C, and 4D which contain information developed by the USGS during the course of the study. Joseph Spinazola, USGS hydrologist, appeared as a hearing witness and described the study activities which included the development of a hydrologic computer model.

11. Much of the hearing testimony by the hydrologic experts Spinazola, Dr. Charles Brockway, Terry Scanlan and Alan Robertson centered on the USGS model. It was described as an equilibrium-condition, steady-state hydrologic model of projected effects in the study area from operation of several groups of wells and from changes in water use practices on the Egin Bench.

12. Spinazola was unable to identify or forecast the time in the future when such condition might be reached. Model documentation was not provided so information on the number of annual cycles of model stresses used to reach equilibrium conditions could not be determined.

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13. It was indicated by several witnesses that the USGS had difficulty with model calibration and convergence and that the model did not produce transient-state condition results anticipated by the entities which funded the study activities. As a result, the USGS was forced to use a technique of superposition which was described by Brockway as giving him "concern about the ability of the model to simulate over the full range of stresses." (Tr. p. 34). The model used numerous estimates of ground water withdrawals, ground water underflow across model boundaries, stream flow gains and losses, precipitation and other information.

14. Spinazola testified that the initial transient-state modelling results were not approved by reviewers within the USGS because of the addition of "some amount of stream flow loss to the Henry's Fork." (Tr. p. 106). Regarding the possible need for adding stream flow loss from the Henry's Fork, Spinazola testified as follows:

Maybe I had an error in well pumpage or recharge from tributary underflow or recharge from precipitation and irrigation returns. (Tr. p. 109).

15. Spinazola testified further that he adjusted the stresses in the model with regard to Henry's Fork gains and losses in order to obtain "relatively good correspondence between the measured water levels and the simulated water levels" and that such adjustment was the basis for rejection by USGS reviewers. The hearing record includes this colloquy between the applicant's attorney and witness Spinazola on this subject:

Q Let me see if I can characterize what was going on here. Is it accurate to say that in your transient model runs the model was finding less water recharged into the aquifer than the aquifer itself was telling you it had based on well levels actually measured in the field?

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A Yeah, that's right. And I might add too that that doesn't mean that it was gains and losses to the Henry's Fork. That doesn't mean that that was the culprit. But given the method that I used that was my best insight as to where my problem lay. But that didn't mean necessarily that that in actuality was the problem.

Q So in other words you went to the Henry's Fork and just projected greater losses out of the Henry's Fork in order to make the model result add up to with what you actually saw in terms of water table measurements in the aquifer?

A That's right.

Q Okay. And your reviewers didn't like that?

A No, they didn't like that.

Q So what happened next?

A Well, at that point they gave me the option of spending the time to analyze the gain and loss regimen in Henry's Fork in greater detail and try to improve my estimates of what those gains and losses actually were or to step back and rely on the steady state analysis to address the custom runs which we were aware of at that time. We decided to go with the steady state mainly because of the time element involved. (Tr. p. 111-112).

16. The USGS model used information (stresses) from an eleven-year period, 1980-1990. This included an estimate of average annual pumpage from the Larsen "A" wells. However, the USGS erred in the estimate since the Larsen "A" wells have operated only since either 1986 or 1987. The figure developed for the average annual pumpage from these wells was based on the accumulated total pumpage during the five-year period, 1986 through 1990, divided by eleven years. The result, 5,300 acre feet per year (Applicant's Exhibit No. 1), is an under-estimate of the average annual pumpage of the Larsen "A" wells and the model would thus also under estimate any impact from such pumpage. Larsen

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provided information (Applicant's Exhibit No. 14) indicating that the average annual pumpage from the Larsen "A" wells is actually about 8,985 acre feet.

17. The Larsen "A" wells have now operated for six or seven years and it is the apparent intention of Larsen to continue to pump these wells in future years if approval for such continued use can be obtained.

18. Pumping of water from wells results in ground water declines. The USGS model projected that at equilibrium conditions, which may occur at some indeterminate future point in time, the decline caused by Larsen "A" well pumping, adjusted by Scanlan for the USGS error in estimation of pumping, may be a maximum of as much as from 1.6 to 4.0 feet in the immediate vicinity of the wells and less than 0.4 foot elsewhere in the study area (Applicant's Exhibit No. 15). This projected decline was described as an average annual condition and seasonal declines resulting from well pumping would be greater.

19. Witness Scanlan estimated the drawdown of water levels caused by the pumping of the Larsen "A" wells using the Theis equation. Assuming a pumping rate for the Larsen "A" wells of 32,500 gallons per minute and an irrigation pumping season of 100 days, expected aquifer drawdown at a distance of one mile from the center of pumping was estimated to be 4.522 feet and 0.558 feet using an assumed aquifer transmissivity (T) value of 2,000,000 gpd/ft and 35,000,000 gpd/ft respectively. (Applicant's Exhibit No. 19).

20. The USGS model estimated changes in the study area water budget (Applicant's Exhibit No. 1) at equilibrium from the pumping of 5,300 acre feet of water per year from the Larsen "A" wells. The changes would include an increase in aquifer recharge

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resulting from use of the water for irrigation, an increase in stream losses (Henry's Fork and Snake River), an increase in ground water flow across the southeast study boundary (from Henry's Fork and Snake River area), a decrease in ground water outflow across the southwest study boundary (Snake Plain aquifer), a decrease in artesian flow and a decrease in stream gains.

21. From the USGS model it is not possible to estimate when the hydrologic system of the Mud Lake area would reach equilibrium from the applied pumping stresses. (Tr. p. 174). Equilibrium was defined by Spinazola as "conditions whereby all the components of recharge equal all the components of discharge, and there is no change in storage in the system." (Tr. p. 173).

22. Applicant's Exhibits Nos. 9, 11 and 16 include hydrographs of water levels as measured in wells throughout the area. These hydrographs generally exhibit a downward trend in ground water levels for 1987-1991, the period of the USGS study. The Exhibits also show that the long-term (1954 to 1992) ground water level trend in the Mud Lake study area has been stable.

23. Spinazola used 1980 as a base case for the USGS modelling activity because he considered the aquifer to be in equilibrium at that point despite the fact that there was an estimated 235,000 acre feet of ground water being pumped from the aquifer in 1980. (Tr. p. 142).

24. Besides applicant Larsen and the Larsen "A" wells, there are a number of other users of ground water within the Mud Lake area. These include Larsen's "B" wells,

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the irrigation districts and canal companies which also divert waters from Mud Lake and from Camas and Beaver Creeks, the federal and state wildlife refuges, and numerous private individuals. Each of these ground water uses influences the water levels and conditions under which other users are able to obtain a water supply from the aquifer system. The USGS model indicates that, at equilibrium, well pumping and the resulting declines in ground water levels also will affect losses from and gains to interconnected streams in the area.

25. The USGS model indicates that the hydrologic system of the area is impacted by ground water pumping. Operation of various groups of wells, such as the Larsen "A" wells, the Larsen "B" wells, the Mud Lake Canal Company wells, the refuge wells, and the non-party wells, causes changes in the water balance among streamflow gains and losses, artesian outflow, ground water flow across the model boundaries, and recharge from irrigation use. (Applicant's Exhibit No. 1). While the model produced figures attempting to show the extent of such changes at equilibrium, the figures are not considered usable for administrative purposes. They are, however, an indicator of changes which may be taking place in the hydrologic system as a result of well development.

26. The Henry's Fork and the Snake River support important fish and wildlife resource values. Fish and Game introduced several studies (Protestant Fish and Game's Exhibit Nos. 1, 2, 3, 4, 5, 6, and 7) and provided testimony through its witnesses that a reduction in the flow of these streams would be detrimental to those public values and would be contrary to the public interest.

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27. Witness Brockway, testifying for the protestants TF&NSCC, indicated that the Mud Lake area was in the "Trust Water" area of the Snake River basin and that pumping of wells in that area probably would not affect the non-trust water area (inflow to the Snake River upstream from Milner Dam). (Tr. p. 216). He also indicated, however, that his understanding of the USGS model studies is that ground water pumping in the Mud Lake area may induce additional recharge into the area from Henry's Fork and the Snake Rivers and that this could result in impacts on water rights. (Tr. p. 217).

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides the following with regard to the responsibility of the Director in connection with applications for transfer of water rights:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code

2. Section 42-211, Idaho Code, provides as follows with regard to the authority of the Director to approve applications for amendment of permits:

[I]f approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder.

3. Section 42-226, Idaho Code, provides, in part, as follows:

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The traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources. Prior appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the director of the department of water resources as herein provided. (Emphasis added).

4. Section 42-237a, Idaho Code, provides, in part, as follows:

In the administration and enforcement of this act and in the effectuation of the policy to conserve its ground water resources, the director of the department of water resources is empowered:

....

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may by summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available.... Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge....

In connection with his supervision and control of the exercise of ground water rights the director of the department of water resources shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district (Emphasis added).

5. The "declared policy of this act," referenced in Section 42-237a(g), Idaho Code, is designed to protect prior surface and ground water rights, and also includes the policy of providing for "full economic development" of surface and ground water resources as

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referenced in Section 42-226, Idaho Code.

6. The ground water resources of the Mud Lake area presently are not administered as part of Water District 01 - Upper Snake River. Some of the wells in the area are administered by the watermaster of Water District 31 - Beaver and Camas Creeks.

7. The conditions under which water is available to Larsen and the other Mud Lake area ground water users is subject to the provisions of Section 42-226, Idaho Code, relating to "reasonable ground water pumping levels."

8. Applications seeking approval of a one-year transfer of existing water rights do not require consideration of long-term effects of the operation of wells to which the rights are sought to be transferred. In this instance, the Director is only required to determine if the 1993 diversion of water from the Larsen "A" wells would result in injury to other water rights, would constitute an enlargement in use of the original rights, is consistent with the conservation of water resources and is in the local public interest.

However, 1993 would be the seventh or eighth year that these wells will have been used if the transfers are approved and it is apparently Larsen's intent to use such wells in future years. The Department of Water Resources should not continue to treat the wells as temporary uses of water but must consider at some point that they are intended as permanent withdrawals of ground water from within the Mud Lake area. Consideration of any temporary use of these wells after 1993 should be treated in the same manner as approval of permanent water rights for the wells.

9. Without the availability of the planned study report with model description

and calibration information, the USGS model study is not a useful tool in evaluating short or long-term effects of the operation of the Larsen "A" wells. The USGS model results presented in the hearing provide no quantifiable information on the likely impact of the proposed operation of the Larsen "A" wells pursuant to the proposed transfer and amendment in 1993.

10. Protestants did not present adequate evidence, independent of the USGS model results, to establish injury to their existing water rights or the local public interest.

11. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, will not injure other water rights. Pumping of the Larsen "A" wells will result in drawdown of the aquifer in the vicinity of such wells but the water level will not be lowered beyond the reasonable ground water pumping level for other ground water users as a result of Larsen's 1993 operations.

12. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, will not constitute an enlargement in use of the original water rights.

13. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is consistent with the conservation of water resources within the state of Idaho.

14. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is in the local public interest.

ORDER

It is therefore ordered that Larsen's Applications for Transfer of Water Rights and the Application for Amendment of Permit considered in this proceeding are hereby APPROVED, subject to the following conditions:

1. No more ground water may be diverted from the wells to which the rights are transferred than the reasonable beneficial requirements of the 4,230.4 acres of lands to be irrigated as shown on Attachment B.
2. The water transferred may be diverted only from the wells on Attachment A and used only on the lands on Attachment B.
3. Approval of these transfers and the amendment are for use during the 1993 irrigation season only and such approval shall not be interpreted as any assurance that the use of the Larsen "A" wells will be permitted for additional years pursuant to temporary water right transfers or on a permanent basis. For future years, Larsen will be required to demonstrate that the impacts on water resources projected by the USGS model will not occur or can be mitigated.
4. Transfer of claimed right No. A35-10948 is REJECTED for the reason that transfer of the claimed right is not necessary to provide sufficient water and acreage to cover the 4,230.4 acres of land proposed to be served.

DATED This 15th day of April, 1993.


R. KEITH HIGGINSON
Director

MEMORANDUM DECISION
AND ORDER - Page 17

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 1993, I served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by placing a copy thereof in the United States mail addressed to the following:

Jeffrey C. Fereday
GIVENS PURSLEY & HUNTLEY
277 North 6th Street
P.O. Box 2720
Boise, Idaho 83701-2720

Stephen V. Goddard
Deputy Attorney General
Idaho Department of Fish & Game
P.O. Box 25
Boise, Idaho 83707

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
142 - 3rd Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Edward Breiter
6549 South 15 West
Idaho Falls, Idaho 83402

Kent W. Foster
HOLDEN, KIDWELL, HAHN &
CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, Idaho 83405

Barbara Scott-Brier
U.S. Department of Interior
Office of the Solicitor
500 N.E. Multnomah
Portland, Oregon 97232

Don Shenton, Watermaster
Water District 31
P.O. Box 33
Dubois, Idaho 83423


DEBRA L. CLINE
Administrative Secretary

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ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

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ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			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		
7N	35E	4													35			25		
		9	25			15													#49	75
8N	36E	11							2	5					40	27	27	38		
		12										10	7							
5N	36E	10				7									38			35		
		11							12	5.3	12	40	36	13					#90	198.3
8N	36E	3										7	7							
		9	5			1.7													#93	181.7
		10		8	6		40	40	31	36										
8N	36E	3			2				33	33	40	40	18	18		4				
		4				5									8				#94	201
8N	36E	3					19	40												
		4	10																	
9N	36E	33																		
		34																		
9N	36E	34				18														
		35																		
9N	36E	34	27	16	37	40														
		35																		
9N	36E	26																		
		35		30	12		40	32	12	22.3										
9N	36E	27									1.6				4	20	27	40	32	
		34	4	8																
9N	36E	26						4	5											
		27	36	34	38	39														
9N	36E	26		8	18		35	20	30	40	9	4.7							#101	164.7

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Pump	Acres
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4		
7N	36E	4										35		25		
9N	36E	25					12	16								
		26	37	10.9	17	40									#102	132.9
9N	36E	25								12						
		26											4	31		
		35													#103	83
		36					5									
9N	36E	24							8	40	14.6	16	39	35		
		25				6									#104	198.6
9N	36E	24												22.5		
		25														
	37E	19									19				#105	119.5
		30					33		2							
9N	36E	21			23							31		10		
		22						36	15	17	40	18	3.2		#106	193.2
9N	36E	27				20	39	40	33	8	17					
		28													#107	
9N	36E	27														
		28										2.4		23		
		33	16												#108	199.4
		34														
9N	36E	33	10.2	37	39	12									#109	127.2
9N	36E	28				32	32	32	32						#110	128
9N	36E	31							39	39	5		19		#111	126
10N	36E	33			23.5							40		25		
		34						23		40	25				#112	176.5

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100-443887-100

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO'S	)	
3666, 3667, 3668, 3669, 3670, AND	)	ORDER EXTENDING
3671 ON WATER RIGHT NO.'S 35-2728	)	TEMPORARY APPROVAL
35-2821B/2844/7361/7586/7605/7632,	)	OF TRANSFERS
A35-10948, 36-2074/2121/2122/2124	)	
2127/2190/2193/2194/2300/2632/2727	)	
7015A/7022/7272/7495/7897	)	
	)	

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 3500 with the Department, proposing transfer water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7605, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2190, 36-2193, 36-2194, 36-

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2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

Township	Range	Section			Acres
08N	37E	32	NE	NE	37
08N	37E	32	SE	NE	37
08N	37E	32	NE	SE	37
08N	37E	32	SE	SE	36
			TOTAL		147

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of an application for transfer:

The director of the Department of Water Resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with conservation of water resource within the state of Idaho and is in the local public interest.

2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, subject to the following conditions:

1. The department retains jurisdiction over the transfers to modify, amend or cancel the transfers if it finds that the diversion and use of water under the transfers injures other water rights.

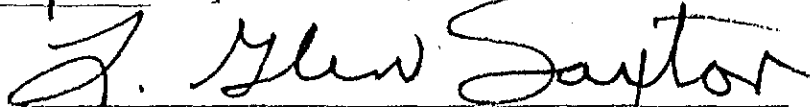
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of all water rights involved in these transfers shall be advance to December 22, 1989.

4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this 4th day of March, 1992



L. GLEN SAXTON

Chief, Water Allocation Bureau

MAY 20 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March
1992, a true and correct copy of the ORDER EXTENDING TEMPORARY
APPROVAL OF TRANSFERS was mailed, postage prepaid to:

Blaine Larsen
P.O. Box 188
Hamer, ID 83425

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

Kent Foster
Idaho First National Bank
P.O. Box 50130
Idaho Falls, ID 83405

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

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SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990

NUMBER	PRIORITY	CFS	ACRES
1. ACEQUIA			
36-2121	12-13-1948	2.44	240
36-2122B	12-24-1948	3.26	263.1
36-2124B	06-07-1951	0.40	20
36-2127B	05-04-1950	2.47	160
36-2190B	02-25-1953	1.20	120
36-2193B	12-23-1950	2.16	160
36-2194	02-19-1951	3.18	240
		=====	=====
TOTAL		15.11	1203.1
2. ANDERSON			
36-2632	01-07-1966	1.94	97
36-7022	04-12-1968	4.64	232
36-7272	11-07-1972	1.50	78.5
36-7897	02-25-1980	2.84	203
36-2300	05-15-1956	3.88	194
		=====	=====
TOTAL		14.80	804.5
3. KERBS			
36-7495		4.58	320
36-2727		5.10	320
		=====	=====
TOTAL		9.68	640
4. MCFARLAND			
35-7015A	02-14-1968	0.94	152.6
36-2074	07-27-1943	0.75*	80*
		=====	=====
TOTAL		0.94	152.6
* Same land as in 35-7015A			
5. STEWART			
35-2821B	05-02-1960	0.60	30
35-2728	07-09-1963	3.40	170
35-2844	10-17-1966	3.30	165
35-7361	12-26-1973	0.54	27
35-7632	08-05-1976	4.40	264
A35-10948	04-01-1978	0.56	28
		=====	=====
TOTAL		12.80	684
6. TAYLOR			
35-7605	04-28-1976	4.00	200
35-7586	02-23-1976	6.41	391
		=====	=====
TOTAL		10.41	591
			4075.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4093

APPROVED
() Idaho Ag., Inc.

APPLICATION FOR TRANSFER OF WATER RIGHT

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PART 1

1.

Name of applicant Blaine Larsen, Blaine Larsen Farms, Inc. Phone Department of Water ResourcesPost Office address P.O. Box 188, Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes To provide irrigation water on crop land owned by Applicant for the 1993 irrigation season.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>36-02398B ✓</u>	<u>7/30/1959</u>	<u>2.44 c.f.s.</u>	<u>irrigation</u>	<u>April 1 to November 1</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.44 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Groundwater tributary to Snake River4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.5. Lands irrigated or place of use: See Attachment 1 and Remarks on page 2.

Total acres _____

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PART 1

6. General Information:

- a. Description of diversion system
- wells and pumps with pivot and lateral irrigation systems

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

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

The transfer replaces similar water rights transferred pursuant to the one year transfer approved in 1991, the two year transfer approved in 1990 and the one year transfer approved in 1990 of 36-02121. The points of diversion and places of use after changes are contained in attachments 1 and 2, respectively.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-02398BAnd said application is hereby Approved, subject to the following limitations and conditions:See attached Memorandum Decision and Order.Witness my hand this 15 day of April, 1993


R. KEITH HIGGINSON
Director

RECORDED
APR 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. 36-02398 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease water rights for 1993

3. Source of water Groundwater tributary to Snake River

4. Date or priority 7/30/59

5. Water is used for the following purpose:

2.71

amount 2.44 c.f.s. for irrigation purposes from April 1 to Nov. 1

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 2.71 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	13	7S	22E		

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	22E	12											9	30			5		44
7S	22E	13		25		15	34		8	12									94

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

Total acres 138

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

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 2.44 for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	22E	12											30						30
7S	22E	13		25		15	34		8	12									94

Total acres 124**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. amount 0.27 for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	13	7S	22E		

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	22E	12											9				5		14

MAY 20 1993

Total acres 14

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Edward J. Varin
(Signature of Applicant)

for Blaine Larsen

Subscribed and sworn to before me this 27th day of January, 1993.

Sandra C. Huntington
(Notary Public)

My commission expires 6/4/93

FOR DEPARTMENT USE ONLY

Transfer Contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MAY 20 1993

ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

MAY 20 1993

[illegible]

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			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		
7N	36E	4													35			25		
9N	36E	25						12	16										#102	132.9
		26	37	10.9	17	40														
9N	36E	26											12				4	31		
		35	28	3															#103	83
		36						5												
9N	36E	24			3					6	40	14.6	16	39		36	35		#104	198.6
		25					6											22.		
9N	36E	24																5		
		25	38			5														
		19										19							#105	119.5
	37E	30						33		2										
9N	36E	21				23									31			10	#106	193.2
		22							36	16	17	40	18	3.2						
9N	36E	27					20	39	40	98	8	17								
		28	14			23									2				#107	196
9N	36E	27									7	14	40	36						
		28													2.4			23		
		33	16																#108	199.4
		34					24	37												
9N	36E	33	10.2	37	39	14	12			15									#109	127.2
9N	36E	28					32	32	32	32									#110	128
9N	36E	31			19				5	39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

[illegible]

MAY 20 1999

RECEIVED

FEB 2 1993

LEASE OF WATER RIGHT

Department of Water Resources

THIS LEASE is entered into effective January 27, 1993 by and between Idaho Ag, Inc., an Idaho corporation ("Lessor"), and Blaine Larsen and Blaine Larsen Farms, Inc., an Idaho corporation, (collectively "Lessee").

1. **PROPERTY LEASED:** Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, that certain water right owned by Lessor and evidenced by license number 36-02398B, as further described on Exhibit A attached to this Lease (the "water right"). This Lease entitles Lessee to make complete use of the water right for agricultural purposes during the term of this Lease.

2. **TERM OF LEASE:** The term of this Lease shall be for one year commencing April 1, 1993. At Lessee's option this Lease may be extended for an additional year. Lessee shall notify Lessor in writing of Lessee's desire to extend this Lease for a one-year period no later than November 1, 1993. This Lease or an extension thereof entered into in the future cannot be terminated except upon written agreement by the Lessor and Lessee, or in the event of default.

3. **RENT:** Lessee shall pay to the Lessor as rent for said water rights a total of \$1,860 for the one-year lease period, and the same amount for any yearly extension thereof, which amount represents a lease fee of \$15 per acre for 124 acres of Lessor's land which is irrigated with the water right. The rent shall be paid by April 1, 1993 or within 10 days after approval by the Department of the temporary transfer described in paragraph 5 below, whichever occurs later. If lease payments are made on an annual basis because of the action of the Department as provided above, or if Lessee exercises its option to extend the lease for a successive year, Lessee's annual rental payment shall be paid by April 1 of the crop year in which the water is to be used or within 10 days after the Department's approval of such temporary transfer and use.

4. **OWNERSHIP AND VALIDITY OF WATER RIGHT:** Lessor covenants and represents that it is the true and lawful owner of the water right and that the right has not lapsed or been abandoned or forfeited either in whole or in part, and otherwise is currently not the subject of challenge or dispute by the Department or any person. Lessor makes no covenant or representation about the actual quantities of water that the Department may recognize for transfer or diversion under the water right, regardless of the amount stated in any claim or license.

5. **APPLICATION FOR TRANSFER:** Lessee shall at its sole expense file all necessary applications with the Department to transfer the water right's place of use and point(s) of diversion on a temporary basis. Lessor shall cooperate in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving the transfer. This Lease is conditioned upon the Department's approval of a transfer of the water right from Lessor's present places of use and points of diversion to places of use and points of diversion located

LEASE OF WATER RIGHT NO. 36-02398B (IDAHO AG, INC. TO LARSEN)—1

MAY 20 1993

on lands owned or leased by Lessee.

6. APPROVAL OF TRANSFER: This Lease and any extension hereof is conditioned upon the Department's approval of a transfer of the water right from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee.

7. TRANSFER OF WATER RIGHT UPON TERMINATION OF LEASE: Upon the termination of this Lease for any reason, the Lessee shall surrender to Lessor the water right covered by this Lease. Lessee shall pay such cost promptly and pursue any action necessary to transfer the water right back to the Lessor's original place of use.

8. BENEFICIAL USE FOR IRRIGATION: Lessee's purpose in entering into this Lease is to obtain water for use upon land owned or leased by Lessee. During the term of the Lease and during any extension hereof, Lessee shall place to the beneficial use for irrigation purposes all water he is entitled to receive under the water right and any approved transfer.

9. NON-LIABILITY OF LESSOR: Lessor shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown or curtailment of some or all of Lessee's irrigation operations.

10. REMEDY ON DEFAULT: In the event Lessee defaults in the performance of any of the covenants or conditions of this Lease, and remains in default for a period of thirty (30) days after receiving written notice of said default from the Lessor, the Lessor may, at its option, terminate this Lease, repossess the leased water right and transfer it back to Lessor's property at the cost of the Lessee. This remedy is not exclusive and the Lessor shall have any other remedy available to it at law or in equity, including the right to recover rental payments and damages caused by the breach of the Lease. Lessee shall have the same rights for any default by Lessor.

11. NOTICES: Any notices required or desired to be given by one party to the other may be given by placing the same in a sealed envelope and mailing the same, postage prepaid, in the United States Mail to the other party at the address hereinafter set forth.

Lessor: Randy A. Bauscher, President
Idaho Ag, Inc.
P.O. Box 123
Rupert, Idaho 83350

Lessee: Blaine Larsen
P.O. Box 188
Hamer, Idaho 83245

LEASE OF WATER RIGHT NO. 36-02398B (IDAHO AG, INC. TO LARSEN)—2

MAY 20 1993

12. ATTORNEY FEES: In the event suit is instituted by either party to enforce any provisions of this Lease, the successful party shall be entitled to recover its costs of suit and a reasonable attorney fee in such amount as the court may set.

13. SUCCESSORS AND ASSIGNS: This Lease shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Lease the day and year first above written.

LESSOR:

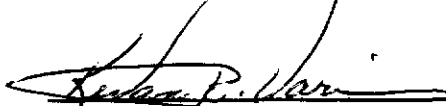
IDAHO AG, INC.

By: 

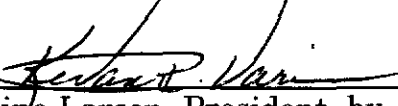
Randy A. Bauscher
President

LESSEE:

BLAINE LARSEN

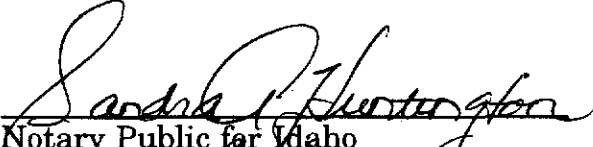

Blaine Larsen, by Kevan Varin,
Attorney-in-fact

BLAINE LARSEN FARMS, INC.

By: 
Blaine Larsen, President, by
Kevan Varin, Attorney-in-fact

State of Idaho)
County of Ada) SS

On this 27th day of January, in the year of 1993, before me, a Notary Public in and for said State, personally appeared KEVAN VARIN, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of BLAINE LARSEN, and acknowledged to me that he subscribed the name of BLAINE LARSEN thereto as principal, and his own name as attorney in fact.


Notary Public for Idaho
Residing at Boise
My Commission expires 6/4/93

LEASE OF WATER RIGHT NO. 36-02398B (IDAHO AG, INC. TO LARSEN)—3

MAY 20 1993

State of Idaho)
County of Ada) SS

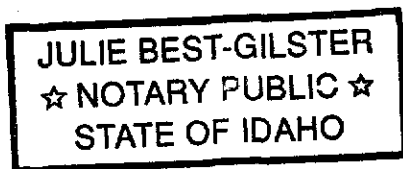
On this 27th day of January, in the year of 1993, before me, a Notary Public in and for said State, personally appeared KEVAN VARIN, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of BLAINE LARSEN, President of BLAINE LARSEN FARMS, INC., and acknowledged to me that he subscribed the name of BLAINE LARSEN, President of BLAINE LARSEN FARMS, INC. thereto as principal in his corporate capacity, and his own name as attorney in fact.

Sandra C. Huntington
Notary Public for Idaho
Residing at Boise
My Commission expires 6/4/93

State of Idaho)
County of Ada) ss.

On this 27th day of Jan., 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared RANDY A. BAUSCHER, president of IDAHO AG, INC., an Idaho corporation, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of the corporation.

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



Julie Best-Gilster
Notary Public for Idaho
Residing at Boise ID
My commission expires: 4-21-95

EXHIBIT A

to Lease between Idaho Ag, Inc. and Larsen

LEASE OF WATER RIGHT NO. 36-02398B (IDAHO AG, INC. TO LARSEN)—5

MAY 10 1993

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Lincoln } SS.

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

each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31st day of January, 1974, and the date of the last publication was on the 7th day of February, 1974.

Subscribed and sworn to before me this 14th day of February, 1974.
(SEAL)

Helen Magaffin
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>77</u>	
Number of Insertions	<u>two</u>	
Lines tabular at	315c	
<u>77</u> Lines straight at	21c	<u>16.17</u>
<u>77</u> Subsequent lines at	15c	<u>11.55</u>
TOTAL COST		<u>27.72</u>

CHANGE OF WATER RIGHT

NOS. 36-2403-36-2398

Notice is hereby given that G. R. Fairbrother of 3200 E. Overland, Burley, Idaho, has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. (1) 36-2403 and (2) 36-2398 and recorded as follows:

Amount: (1) 1.88 cfs
(2) 2.71 cfs

Priority: 10-12-59
(2) 7-30-59

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M., Lincoln County.

(same for both licenses)

The water is used for irrigation of 232 acres from April 1 to October 31, within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 7S, R. 22E, B.M.

TO BE CHANGED AS FOLLOWS:

Amount: 4.47 cfs

Points of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M., Lincoln County.

The water will be used for irrigation of 226 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M.

Any protest against the approval of the above change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Blvd N., Twin Falls, Idaho, on or before February 15, 1974.

R. KEITH HIGGINS
Director
1-31-261

Department of Water Administration
Secretary's Office

36 2398

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Darlene Gaskin, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31st day of January, 1974, and the date of the last publication was on the 7th day of February, 1974.

Subscribed and sworn to before me this 14th day of February, 1974.
(SEAL)

Helen Magriffin
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL Shoshone, Idaho COST OF PUBLICATION

Number of Lines in Notice 77
Number of Insertions two
Lines tabular at 315c
77 Lines straight at 21c 16.17
77 Subsequent lines at 15c 11.55
TOTAL COST 27.72

Notary Public
TITLE OF NOTICE
Of Water Rights
Nos 362403-36-238
PLAINTIFF ATTORNEY
G.R. Fairbrother, Burley

DEFENDANT

PLAINTIFF

BILL TO

Idaho Dept of Water Adms.
1041 Blue Lakes Blvd N
Twin Falls, Idaho

PUBLICATION RATES	
(Idaho Code, Rev. Statutes 1971)	
7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
NOV 11 1974

Department of Water Administration
Southern District Office

36 2398

Identification No. _____

Transfer No. 36-2398 #1825
36.2403

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

JAN 11 1974

Department of Water Administration
Southern District Office
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder G. R. FAIRBROTHER

Post office address 375 N. OVERLAND BURLEY, IDA

2. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court. County of _____

b. License No. 36.2403 36.2398 issued by the State of Idaho, Department of Reclamation.

3. Source of water GROUNDWATER tributary to _____
(Name of stream or source)

4. Date of Priority OCT. 12. 59 JULY. 30. 59

5. Amount of water a 4.59 c.f.s. and/or

b. _____ acre feet/annum

6. Water is used for IRRIGATION from APRIL-1 to OCT. 31
(Month, Day) (Month, Day)

7. Original location of point of diversion is SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13,

Township 7S, Range 22E, B.M., in LINCOLN County;

Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

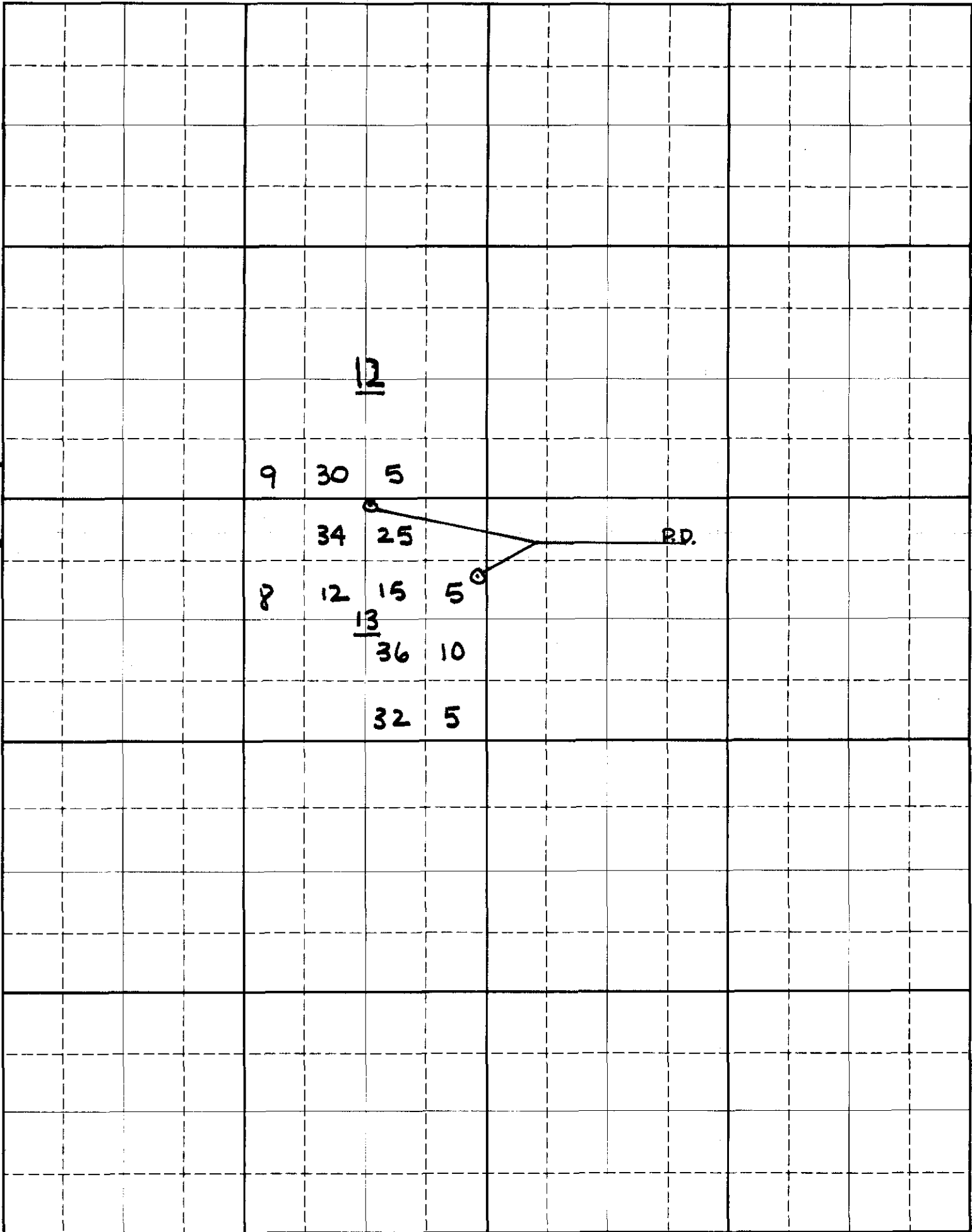
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	22E	12											9	30			5		44
		13		25	15	5	34		8	12					10	36	32	5	182
		24		6															6

Total number of acres presently irrigated 232

36 2398

R. 22 E

T
7
S



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired:_____

By Purchase

10. CHANGE IN POINT OF DIVERSION

$$1.76 + 2.71 = 4.47$$

a. Quantity to be diverted at new point:_____ c.f.s. and/or _____ acre feet

b. New point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 7S
~~22E~~, Range 22E, B.M. NW $\frac{1}{4}$ of NE $\frac{1}{4}$ SECT. 13 T.7S R.22E

c. Description of method of diversion and conveyance from new points of diversion:_____

TWO DEEP WELLS, CONNECTED BY A MAINLINE
FOR SPRINKLER IRRIGATION

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

TO INCLUDE TWO POINTS OF DIVERSION.

f. Do you intend to make the transfer permanent? YES

g. Do you intend to abandon completely the old point of diversion? NO

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	22E	12											9	30			5		44
		13		25	15	5	34		8	12					10	36	32	5	182

Total number of acres to be irrigated 226

05 2008

WATER LICENSE

Water License No. G-28078 Priority July 30, 1959 Amount 2.71 c.f.s.

THIS IS TO CERTIFY, that George Dee Anderson - Assignee - VERNON C. PHILLIPS
 of Paul, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated July 30, 1959; that Permit G-28078 was issued pursuant
 to said application; that the proposed works were completed on or about Spring 1964,
 with a storage/or carrying capacity of 5.17 c.f.s., said works consisting of well,
pump, motor, and earth and concrete ditches; and that on July 25, 1966

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 592
 acre feet per season, with a maximum rate of diversion of 2.71 cubic feet per second of the waters
 of ground water, tributary of _____,
 for the purpose of Irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in SE 1/4 NE 1/4, Sec. 13, T. 7 S, R. 22 E, B.M., and
 other additional points _____, in the County of
Lincoln; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 592 acre feet per year.

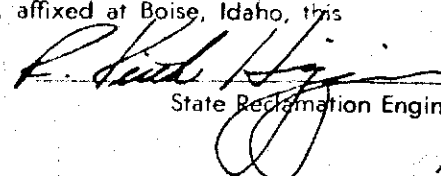
Description and location of place of use:

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	
<u>7 S</u>	<u>22 E</u>	<u>12</u>											<u>9</u>	<u>30</u>			<u>5</u>		<u>44</u>
		<u>13</u>		<u>25</u>	<u>15</u>		<u>34</u>		<u>8</u>	<u>12</u>									<u>94</u>

Total number of acres irrigated 138

The right to the use of the water 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

4th day of August, 19 69.

 State Reclamation Engineer

36-2398

36-2398
28078

Wells originally

Sec 12 & 13 T7SR224

LINCOLN Co.

11AB cfs

374 Acres

Supl to 36-2403
36-2398 - 2171 cfs
128 Ac

Remarks:

George Dee Anderson

Applicant.

By s/ Harley M. McDowell
B

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. July 30, 1959

Returned to applicant for correction:

DESERT ENTRY - Idaho Ser. No. 010443

Corrected application received:

Allowed: 3-14-62

The number of this permit is G— 28078

Recorded in Book 99 Page 28078 Approved August 5, 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 February 5, 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 August 5, 1964

S / GEO. N. CARTER

Witness my hand this 5th day of August, 1959

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ... W. E. DREWLOW, Acting, 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.....^{5th}
day of August 19..59.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ W. E. DREVLON,
Acting Governor

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	22 E	12											40	40			40	120	
		13		40	40			40		40	40							200	

APPLICATION FOR PERMIT

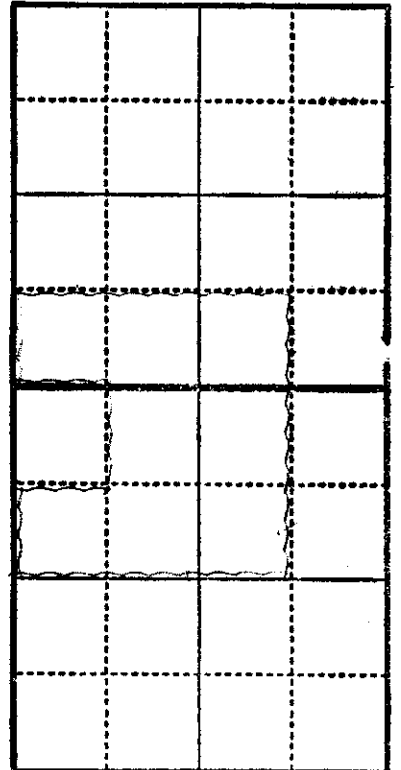
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36039
Permit No. G- 28078
District No.

Assigned to

36-
J. C. Phillips
Pt #1 - Paul
Box 169
Ida

1. Name of Applicant: George Dee Anderson
Postoffice address: Rt. 1, Paul ~~Idaho~~ County: Minidoka State: Idaho
2. Quantity of water claimed: 320 miner's inches
(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: Drilled well
4. Location of point of diversion or well is in the #1 -SW NE 13
#2-SE 1/4 of the NE 1/4 of Section 13
Twp. 7 S , Rge. 22 E , B.M., County of Lincoln
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: Drilled well to be cased and equipped with turbine type pump and motor
8. Estimated cost of works: \$15,000
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) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.



A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public
 ers of the State of Idaho, No. G-28078 to Vernon C. Phillips of Rt. 1, Paul, Idaho

s/ GEORGE DEE ANDERSON
 Permit Holder

s/ Shirley J. Anderson
 Wife of Permit Holder

STATE OF IDAHO)
) ss
 County of Minidoka)

On this 6th day of April, 1963, before me, a Notary Public, for the State of Idaho, residing at Rupert, Idaho
 personally appeared George Dee and Shirley J. Anderson, husband and wife, known to me to be the persons whose names
 are subscribed to the within instrument and duly acknowledged to me that they executed the same.

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

s/ WILLIAM T. GOODMAN
 Notary Public
 Residing at Rupert, Idaho

SEAL)
 commission expires 12-24-67

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

DEPARTMENT OF RECLAMATION

✓
 WHEREAS, Permit No. G-28078, in the name of Vernon C. Phillips, requires proofs of completion of works and
 beneficial use to be made on or before August 5, 1964; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Idaho Serial #010443; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry,
 which was not allowed until March 14, 1962;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit
 No. G-28078, to March 14, 1967, or the length of time applicant was prevented from proceeding pending allowance of his
 Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of
 Permit No. G-28078.

Signed at Boise, Idaho, this 10th day of June, 1964.

s/ RALPH W. THOMAS, Deputy
 State Reclamation Engineer

LICENSE ISSUED FOR 2.71 SEC. FT.
 LICENSE PAGE NO. _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2001

IDAHO AG INC
PO BOX 123
RUPERT ID 83350

RE: Transfer No.: 66957 -Water Right No(s): 36-7883A, 36-2398, 36-2403
Transfer Approval Notice

Dear Water Right Holder(s):

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

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

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

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

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

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

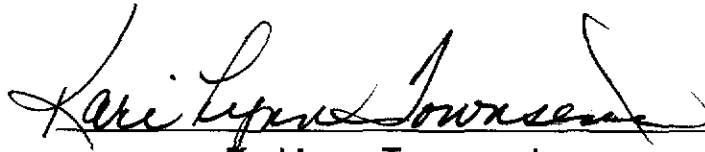
DEC 12 2001

CERTIFICATE OF MAILING

I hereby certify that on October 29, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 66957 - WATER RIGHTS 36-7883A, 36-2398, 36-2403

**IDAHO AG INC
PO BOX 123
RUPERT ID 83350**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

DEC 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

To: Transfer File 66957

From: Sharla

Date: October 19, 2001

Re: Total Combined Rate

This transfer application was written up for a total diversion rate of 5.46 cfs. This was based on the field examiner's recommendations back at the time of licensing Right 36-7883 (see field examination report narrative). The license was issued however for the entire capacity with a remark limiting the right along with rights 36-2398, 36-2403 and 36-7669 to that capacity of 9.49 cfs (see memo dated 8/11/97). The right was later split by ownership change in the Snake River Basin Adjudication and part B removed 1.49 cfs from the 9.49 cfs total, leaving part A with 8.00 cfs in combination with the three other licenses mentioned above. The partial decree for 36-7883A was issued for 8.00 cfs, but in that decree, 36-7669 was removed from the combined rate condition.

36-7669 was approved in transfer 66956 a couple of days ago. It is now part of another irrigation system and will not be listed in any combined limit remarks for transfer 66957. Its removal, however, does make a difference in the total rate now to be described for transfer 66957. The result is computed as: 8.00 cfs minus 2.36 cfs removed by right 36-7669 = 5.64 cfs.

Although 36-7883A was so recently decreed, it is appropriate to reduce the right in this transfer approval. The applicant signed off on the transfer application which proposed only 5.46 cfs, so the adjustment to the right in the transfer process for a slightly higher combined rate should be acceptable to the applicant and should be considered an appropriate departure from the recent partial decree.

MICROFILMED
DEC 12 2001

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 10/19/01

Trans # 66957 WR No(s) 36-2398 2403 7883A
Name: Resulting Splits " " "
Idaho Ag Inc. Correct Fee Pd ✓ Ad ok ✓

AREA OF CONCERN: No/Yes Moratorium XFER TYPE: B - Change p/d F - Change use period
GWMA C - Add p/d G - Other
TRUST/NON-TRUST D - Change p/u H - Change p/d & add p/d
E - Change use I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:
DRILLING PERMIT
All wells -046
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

SURFACE WATER:
WD - R04 (WD#)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WB, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:
Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121 *all rights pre date trust*
Trust - R55 (consumptive uses) *processing*
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:
STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-042-106
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

USES:
POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette River)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind *2398/2403*
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
W61 - extended irr season
WB4 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report
WD7 - irr ac removed
WD8 - land application of waste water
T18 - Special T17 & R43 combined - multiple pds in WD
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

W62 - replaces N05/08/09-14
W63 - replaces C12
T19 - replaces C18
7883A

Protested - 020-W19
Multiple pd's per 1/4 - W32
Non-consumptive - 027
Water Quality - 106-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 ie - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

WD9 - use on ALL unchanged portions (edit off last part if not in SRBA)

IRRIGATION SEASON 3/15 - 11/15 (Per updated map) IRRIGATION VOLUME/AC 4.0

OTHER CONDITIONS/REMARKS

COMMENTS

T files created/updated ✓ Approval form printed ✓ Transfer Memo ✓
Post approval update ✓

9.49
- 1.49 7883B
8.00
- 2.36 7669
5.64 013

RECEIVED

FEB 10 2000

Department of Water Resources

MEMO

FROM: Allen Merritt *Am*

DATE: February 8, 2000

TO: Transfer File No.	5536	5537
Water Right(s):	T36-02266	T36-02398
	T36-02362	T36-02403
	T36-02378	T36-07883A
	T36-07669	
	T36-07883B	
	T36-07964A & B	
	T36-15191	

In the Name of: Maughan Family Trust Idaho Ag Inc

SUBJECT: Review and Recommendation

These two transfers were filed to create two PPU and tie associated wells to the lands being served. The transfers are related in that they are adjacent to each other and split one water right. Both transfers propose larger PPU's than the number of acres authorized to be irrigated in any one year.

Many of the rights involved have been partially decreed in the SRBA. The transfers were advertised without protest. GIS shapes have been created for both transfers. Transfer 5536 proposes to irrigate 810.4 acres in a 1102 acre PPU. Transfer 5537 proposes to irrigate 645.6 acres in a 678 acre PPU.

Review of the records for all rights involved in total limit use to 9.49 cfs plus 10.19 cfs which totals 19.68 cfs. The transfers propose 14.04 plus 5.46 or 19.50; the difference being attributed in splitting of right 36-07883 where the applicants limited their shares to the system capacity of the pump in S13.

Recommendation

I recommend that these transfers be approved subject to the following conditions:

- T5536 is limited to irrigation of 810.4 acres in any one season within a PPU of 1102 acres. The subject rights when combined are limited to 14.04 cfs and 3241.6 afa.
- T5537 is limited to irrigation of 645.6 acres in any one season within a PPU of 678 acres. The subject rights when combined are limited to 5.46 cfs and 2582.4 afa (note that application lists 2317.6 afa but it appears to be a mistake).
- Both transfers subject to measuring and reporting of use to Groundwater Irrigation Districts or to ESPA Measurement District.
- No new wells authorized to be developed under these approvals.

MICROFILMED

DEC 12 2000

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Adair Ag, Inc

TRANSFER NO.

5532

1. Right number(s)

36-2398-2403-78839

2. Type of right

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

3. Purpose of transfer

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

4. Check Existing
Right:

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

Comments:

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

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred Confirmed by Lincoln County assessor 8-10-99
- h. ☒ Expansion in use of right - Comments: See memo *gt*

1. ☒

Existing rights from same source, on land water is being transferred to; right number(s): _____

All in transfer

3. ☒

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

k. ☒

Comment letters

If yes

☒
☒

Yes

No

Water District #

Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY J. E. Stanton
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE

8-10-99

DATE

DATE

1. Legal Notice electronically sent to DWRO3::VAULT

☐ Yes

2. COMMENT LETTERS

Copy of Pg 1 to AJ

☒ Yes 9/28/99

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly?

☒ Yes

☐ No

4. Affidavit of publication received?

☒ Yes

☐ No

5. Protests received?

☐ Yes

☒ No;

Acknowledgement sent?

☐ Yes

6. Copies made for Region file (see attached supplemental page)?

☐ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 2/8/00

4. By AD

Date

2/8/00

AFFIDAVIT OF PUBLICATION RECEIVED

State of Idaho } ss.
County of Lincoln

OCT 26 1999

Department of Water Resources
Southern Region

Patty Nance being first duly sworn, deposes and says that he/she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 14th day of October, 1999, and the date of the last publication was on the 21st day of October, 1999.

On this 21st day of October in the year of 1999 before me, a Notary Public, personally appeared Patty Nance, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Norma DeLoe
Notary Public for Idaho

Residing at Jersey Id
My commission expires: 3/4/01

2771616658
LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x
612.57 Lines tabular at 4288 74/Pica
1392.18 Lines straight at 43.53 64/Pica
2004.75 Subsequent lines at 100.24 56/Pica
Affidavit Fee: 2.25
TOTAL COST 2289.00

COPY OF NOTICE

(Faint)

Maughan, Taber
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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

Transfer No. 5538 by ORLO H. MAUGHAN FAMILY REVOCABLE TRUST, 453 W. 900 N; Rupert Id. 83350 requests to tie all land and wells together into one irrigation system covering a 810.0 acre permissible place of use within a 1100 acre farm within S12, T07S, R22E and within Sections 7, 8, 17, 18 & 20, T07S, R22E by diverting a combined total of 14.04 cfs from existing wells within SESE, S12, T07S, R22E and NESE & SESE, S17, T07S, R22E; all Lincoln County using the following listed rights whose presently recorded places of use will stay the same except for an adjustment of acres and whose points of diversion will stay the same as listed above with the exception of a well located within SESE, S13, T07S, R22E no longer used for irrigating 274 acres in that section by the applicant.

Right No.	Priority	Amt (cfs)	Acres/Yr
36-02266	08/19/1954	2.14	155.0
36-02362	11/12/1958	1.20	80.0
36-02378	03/10/1959	1.06	100.0
36-07883B	01/17/1977	2.36	120.0
36-07883B	01/15/1980	1.49	78.4
36-07984A	02/08/1981	2.08	200.0
36-07984B	02/08/1981	3.70	197.0
36-15191	06/15/1981	0.45	35.0

Transfer No. 5537 by Idaho Ag Inc., P.O. Box 123; Rupert Id. 83350 has been filed as a companion transfer to No. 5538 listed above as a result of land swaps and splitting of water rights between the applicants. Transfer No. 5537 proposes to divert a combined total of 5.48 cfs from groundwater within SESE, S13, T07S, R22E for irrigation of a 945.6 acre permissible place of use within a 878 acre farm located within Sections 12 & 13, T07S, R22E and S18, T07S, R22E; Lincoln County using the following listed rights whose presently recorded places of use will reflect a reduction of 36 irrigated acres in S07, T07S, R22E and whose points of diversion include a well located within SESE, S12, T07S, R22E no longer used by the applicant:

Right No.	Priority	Amt (cfs)
36-02336	07/30/1959	2.71
36-02403	10/12/1959	1.78
36-07883A	01/15/1980	5.48

Transfer No. 5495 by Don & Beverly Taber, S12 E. 20 N; Shoshone Id. 83382 requests modification of Right No. 37-07617 (3.78 cfs) with a priority date of 08/02/1977 diverted from groundwater within SWNW, S03, T06S, R18E for irrigation of 180 acres. The applicant wish to dry up seven (7) irrigated acres, change a portion (0.14 cfs) of this irrigation right to year round commercial/stockwater use and combine it with other rights to cover the water needed for the expansion of an existing dairy. Right No. 37-10221 (0.37 cfs) with a priority date of 06/15/1936 is diverted and used within Lot 2 (NWNE), S06, T06S, R18E for domestic (0.04 cfs) and stockwater (0.03 cfs) [this well is to be abandoned.] Right No. A37-10336 (0.09 cfs) with a priority date of 08/01/1985 is diverted and used for stockwater within Lot 3 (NENW), S03, T06S, R18E. [The applicants wish to use two existing wells within Lot 3 (NENW) and one new well to be drilled within Lot 2 (NWNE) to divert a combined total of 0.23 cfs for commercial/stockwater uses within NWNE & NENW; domestic use solely within Lot 3 (NENW), all S03, T06S, R18E using the following listed rights:

Right No.	Amt (cfs)	Use
37-07617B	0.14	Commercial
37-07617B	0.14	Stockwater
37-10221	0.07	Domestic
37-10221	0.07	Stockwater
37-10336	0.09	Stockwater

The remainder of Designated Right No. 37-07617A (3.64 cfs) will continue to be diverted from existing well within SWNW, for irrigation of 186 acres within N1/2, all S03, T06S, R17E, Lincoln County.
Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls Id. 83301 together with a protest fee of \$25.00 on or before October 25, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protest must also send a copy of the protest to the applicant.
Karl J. Dreher, Director
PUB 10/14-1021

127716

MICROFILMED

OCT 12 2009

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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

Transfer No. 5536 by ORLO H. MAUGHAN FAMILY REVOCABLE TRUST, 453 W 900 N; RUPERT ID 83350 requests to tie all land and wells together into one irrigation system covering a 810.0 acre permissible place of use within a 1100 acre farm within S12, T07S, R22E and within Sections 7, 8, 17, 18 & 20, T07S, R23E by diverting a combined total of 14.04 cfs from existing wells within SESE, S12, T07S, R22E and NESE & SESE, S17, T07S, R23E; all Lincoln County using the following listed rights whose presently recorded places of use will stay the same except for an adjustment of acres and whose points of diversion will stay the same as listed above with the exception of a well located within SENE, S13, T07S, R22E no longer used for irrigating 274 acres in that section by the applicant.

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>	<u>Acres/Yr</u>
36-02266	08/19/1954	2.14	155.0
36-02362	11/12/1958	1.20	80.0
36-02378	03/10/1959	1.82	120.0
36-07669	01/17/1977	2.36	120.0
36-07883B	01/15/1980	1.49	78.4
36-07964A	02/09/1981	2.08	200.0
36-07964B	02/09/1981	3.70	197.0
36-15191	06/15/1981	0.45	35.0

Transfer No. 5537 by IDAHO AG INC., PO BOX 123; RUPERT ID 83350 has been filed as a companion transfer to No. 5536 listed above as a result of land swaps & splitting of water rights between the applicants. Transfer No. 5537 proposes to divert a combined total of 5.46 cfs from groundwater within SENE, S13, T07S, R22E for irrigation of a 645.6 acre permissible place of use within a 678 acre farm located within Sections 12 & 13, T07S, R22E and S18. T07S, R23E; Lincoln County using the following listed rights whose presently recorded places of use will reflect a reduction of 38 irrigated acres in S07, T07S, R23E and whose points of diversion include a well located within SESE, S12, T07S, R22E no longer used by the applicant:

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
36-02398	07/30/1959	2.71
36-02403	10/12/1959	1.76
36-07883A	01/15/1980	5.46

Transfer No. 5495 by DON & BEVERLY TABER, 312 E 20 N; SHOSHONE ID 83352 requests modification of Right No. 37-07617 (3.78 cfs) with a priority date of 06/02/1977 diverted from groundwater within SWNW, S03, T06S, R18E for irrigation of 193 acres. The applicants wish to dry up seven (7) irrigated acres, change a portion (0.14 cfs) of this irrigation right to year round commercial/stockwater use and combine it with other rights to cover the water needed for the expansion of an existing dairy. Right No. 37-10221 (0.07 cfs) with a priority date of 06/15/1938 is diverted and used within Lot 2 (NWNE), S06, T06S, R18E for domestic (0.04 cfs) and stockwater (0.03 cfs)-[this well is to be abandoned]. Right No. A37-10336 (0.09 cfs) with a priority date of 08/01/1985 is diverted and used for stockwater within Lot 3 (NENW), S03, T06S, R18E. The applicants wish to use two existing wells within Lot 3 (NENW) and one new well to be drilled within Lot 2 (NWNE) to divert a combined total of 0.23 cfs for commercial/stockwater uses within NWNE & NENW; domestic use solely within Lot 3 (NENW), all S03, T06S, R18E using the following listed rights:

<u>Right No.</u>	<u>Amt (cfs)</u>	<u>Use</u>
37-07617B	0.14	Commercial
37-07617B	0.14	Stockwater
37-10221	0.07	Domestic
37-10221	0.07	Stockwater
37-10336	0.09	Stockwater

The remainder of Designated Right No. 37-07617A (3.64 cfs) will continue to be diverted from existing well within SWNW, for irrigation of 186 acres within N1/2, all S03, T06S, R17E; Lincoln County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before October 25, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. **(Each transfer requires a separate protest.)** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Lincoln County Journal on 10/07 & 10/14/99.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

September 29, 1999

**KARL J. DREHER
DIRECTOR**

**MAGIC VALLEY PUBLISHING
ATTN: Lincoln County Journal
PO BOX 468
JEROME ID 83338**

Ladies and Gentlemen:

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

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

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

Very truly yours,

**Mary Baldwin
Administrative Assistant**

Enclosure

MICROFILMED

DEC 12 1999

TO: File

DATE: August 10, 1999

FROM: Jim Stanton

SUBJECT: App. for Transfer, Idaho Ag Inc

This application is filed in conjunction with a transfer by Orlo Maughan. They are trading water rights on 2 tracts in order for Maughan to keep all of the water licensed to his well in Sec. 12. Lic. 36-07883 was issued in error, in that the 2 wells (Orlo's in Sec. 12, Idaho Ag. in Sec. 13) were totally disconnected by the time the field exam was done. But the license covered both wells. Since the land licensed under 7883 had no access to Orlo's well, the licensed flow rate greatly exceeded the system capacity; the transfer reduces the flow rate to the actual measured capacity of the Idaho Ag. well (5.46 cfs). Flow rate is the limiting factor in what can be watered, since the capacity is only 0.4"/acre. Even though the requested PPU exceeds the licenses by about 32 acres, it would be impossible to water anywhere near even the licensed ground with such a poor water supply. A lot of this ground is rough and rocky, with few good, farmable 40's on the whole place. There is probably no harm in approving the transfer, which will update our ownership records and allow the applicant to make the best of a poor situation. The two transfers were filed together, so Maughan and Idaho Ag. have agreed on how the land & water rights should be split.

MICROFILMED

APR 1 2 2001

T-# 5537

Transfer Methodology - Split of 36-07883

1. License 36-07883 9.49 cfs 498 ac 1992 AFA (0.019 cfs/ac)

2. Points of Diversion

- a. North Well (owned by Orlo Maughan) measured at 3.85 cfs $\pm$ 9.31 cfs capacity
- b. South Well (owned by Idaho Ag) measured at 5.46 cfs

3. Problem

Maughan is buying ~~72~~ ⁷² licensed acres in Sec. 7 & 18, to be served by north well
= ~~4388~~ ^{1.49 cfs of 36-07883} ~~4388~~ ^{1.49 cfs of 36-07883} cfs (not to exceed 3.85 cfs when combined with 36-07669)
Idaho Ag. is retaining south well & rest of right = 5.46 cfs on 385 ac (not to exceed 5.46 cfs on ~~652~~ ⁶⁵² ac. when combined with 36-02398 & 2403)

4. Need 74.5 acres to Maughan to justify 1.49 cfs rate at 1"/ac or 78. ⁴/₅ ac at licensed rate

5. There is 8 acres difference between licensed acres in Lot 1 Sec. 18 & what is needed for pivot in NE/NE 8. 12 (41 ac vs 33 ac). If water from here goes to Orlo, 1.8 ac could be moved to other Idaho Ag. land. Contract should specify 6.4 acres of water in Lot 1 Sec. 18, with the remainder of Lot 1 being sold without water rights

MICROFILMED

DEC 12 2001

T # 5536

Idaho Ig. Transfer Methodology

1. Rights-	36-02398	2.71 cfs	on	138 ac	552 AFA	South well
	36-02403	1.76 cfs	on	88 ac	352 AFA	"
	36-07883	9.49 cfs	on	498 ac	1992 AFA	both wells
		* 9.49 cfs		724 ac	2896 "	Idaho Ig PPU

2. * North well measured at 2.85 cfs; south well measured at 5.46 cfs.
= 9.31 cfs combined capacity

2. keep 652 acres of PPU + enough water to reach pump capacity.

3. Transfer water from 652 ac = 90.06 % of PPU

4. 36-02398 x 90.06 % =	2.44 cfs	on	124.3 ac	497.2 AFA
36-02403 x "	= 1.58 cfs	on	79.2 ac	316.8 AFA
	4.02 cfs	on	203.5 ac	814.0 AFA

5. Remainder from 36-07883 = 5.46 cfs on

MICROFILMED

DEC 12 2001

T # 5537

Transfer Methodology - Idaho Ag. '

1. Rights - 36-02398	2.71 cfs	on	138 ac	552 AFA
36-02403	1.76 cfs	on	88 ac	352 AFA
36-07883	<u>9.49 cfs</u>	on	<u>498 ac</u>	<u>1992 AFA</u>
	9.47 "		724 "	2896 "

2. Need to ^{retain} transfer water from ^{on 652} 41 ac = ~~5,600~~ 90,063

3, 36-02398 x 90,063	= 2.44 cfs	on	124.3 ac	497.2 AFA
36-02403 x "	= 1.58 cfs	on	79.2 ac	310.8 AFA
36-07883 x "	= 8.55 cfs	on	448.5 ac	1794.8 AFA

MICROFILMED

DEC 12 2001

T#5537

Questions For Orlo Maughan

1. Looks like you are selling NE/NE Sec. 13 & buying Lot 4 Sec 7 & Lot 1 Sec. 18; if so, water rights must be split or you will end up with a dry 40. Agreement looks like you are buying the land dry (not splitting water rights).
2. 86-7883
2. 86-7883 shows 1 acre in SE/SE Sec. 7. Are you buying it too?
3. Will Elabo Co. ^{change pump sizes as a result of this process?} put in a bigger pump? He could do this if he
What about you? No
4. Will the Sec. 12 well be connected to both wells in Sec. 17? Yes
5. Agreement contradicts itself. Part 3 says land will be sold dry, but Par. 4 says water will stay with land being purchased by you.

Call phone 431-4120 Orlo

MICROFILMED

DEC 12 2001

T#5537

MEMORANDUM

Date: April 30, 1994
From: Jim Johnson
To: FILE
Subject: APPLICATION FOR TRANSFER NO. 4281

=====

Blaine Larsen filed the above referenced transfer application which included this right along with several other water rights. The transfer application was denied on April 7, 1994. See file 35-02210 for a more information concerning this transfer.

MICROFILMED

DEC 12 2001

WR5809NP
No. X36-02398B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/93
PAGE: 17

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE LARSEN PO BOX 188 HAMER ID 83425	07/30/1959	IRRIGATION	04-01 11-01	2.44 CFS	
TOTAL DIVERSION:					2.44 CFS	

C BLAINE LARSEN FARMS INC

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

Point	SE	SW	NE	NW	SE	SW	NE	NW
T07N R36E S04								
T08N R36E S03								
S10								
S11								
S13								
S32								
T09N R36E S22								
S24								
S25								
S26								
S27								
S27								
S28								
S31								
S33								
S34								
S34								
S35								
T10N R36E S33								

Place of use Legal Description for: IRRIGATION

T	R	S	NENE			SWNE			SENE			NENW			NWNW			SWNW			SESW			NENE			SWNE			SESE			SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
07N	35E	4																												60.0			
07N	35E	9																												40.0			
08N	36E	3																												308.0			
08N	36E	4																												23.0			
08N	36E	9																												6.7			
08N	36E	10																												241.0			
08N	36E	11																												257.3			
08N	36E	12																												48.4			
08N	36E	13																												31.4			
08N	37E	32																												156.0			
09N	36E	21																												64.0			
09N	36E	22																												129.2			
09N	36E	24																												212.1			
09N	36E	25																												311.9			
09N	36E	26																												386.6			
09N	36E	27																												534.0			
09N	36E	28																												192.4			

MICROFILMED
DEC 12 2001

WR5809NP
No. X36-023988

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/93
PAGE: 18

Place of use Legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM
			NENE	NWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SESW	NWSE	SWSE	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09N 36E 31	:	:	19	:	:	05	39	:	:	39	05	:	19	:	126.0
09N 36E 33	:	:	26	37	39	32	12	15	:	14	39	36	13	13	184.2
09N 36E 34	:	:	31	24	37	40	24	20	:	10	39	36	25	25	471.4
09N 36E 35	:	:	28	33	12	:	40	32	:	10	:	:	:	:	217.3
09N 36E 36	:	:	:	:	:	:	05	:	:	:	:	:	:	:	5.0
09N 37E 19	:	:	:	:	:	:	:	:	:	:	19	:	:	:	19.0
09N 37E 30	:	:	:	:	:	:	33	02	:	:	:	:	:	:	35.0
10N 36E 33	:	:	23	:	:	:	:	:	:	:	40	:	25	:	88.5
10N 36E 34	:	:	:	:	:	23	:	:	:	40	25	:	:	:	88.0
TOTAL ACRES															4236.4

Pou County: JEFFERSON, FREMONT, CLARK

Remarks: This right is authorized under approved Transfer No. 4093 and subject to the conditions of the Memorandum Decision and Order signed 04-15-93 for use in the 1993 irrigation season.

Dates: App. Received: Priority Date: 07/30/1959
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

MICROFILMED
APR 17 2001

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 27, 1974

Re: Transfer No. 36-2398 36-2403

G. R. Fairbrother
375 N. Overland
Burley, Idaho 83318

Dear Mr. Fairbrother:

Enclosed is a copy of your approved Application for Transfer of Water Right No. 36-2398, 36-2403. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

36 2398

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

Trans Per
36-2398

Application No.

36-2403

G.P. Fairbrother

(1) _____

(2) KOF 1-18-74

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

(3) KOF 1-15-74

In form to receipt

Send Copies to:

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

(4) _____

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

(5) KOF 1-15-74

In form for advertising

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

- ☐ Decline (comment) _____
☐ Stable (comment) _____
☐ Increasing (comment) _____

(9) _____

Comments: _____

(10) LG _____

Affidavit of Publication received (date) LG 1-22-74

(11) LG _____

Final date for protests 2-18-74

Protests received: yes _____ no _____

(12) _____

Date and Place of hearing _____

Decision reached at hearing _____

(13) _____

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

(14) _____

Action recommended:

☒ Approve

Priority _____

☐ Deny

Reason for Reduction _____

☒ Measuring device required

☐ See attached sheet for additional conditions of approval

☐ No additional conditions for approval

(15) District Southern

By Bob Haynes

Date 2-19-74

Barbara -
add new red
in source
index book!

February 19, 1974

RE: Application Nos. 36-2403/36-2398 - G. R. Fairbrother

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

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced item. The legal notices were published in your paper on January 31 and February 7, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:lt

WARRANTY DEED

For Value Received \$10.00 and other good and valuable consideration,

VERNON C. PHILLIPS and MARILYN LUCILLE PHILLIPS, husband and wife, of the County of Minidoka, State of Idaho,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto G.R. FAIRBROTHER, whose wife's name is Mildred K. Fairbrother, of the County of Cassia, State of Idaho,

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

PARCEL NO. 1:

Township Seven (7) South, Range Twenty-three (23) East of the Boise Meridian

Section 18: Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$)

PARCEL NO. 2:

Township Seven (7) South, Range Twenty-two (22) East of the Boise Meridian

Section 12: South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$); Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 13: Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$); West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$); Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); Southeast Quarter (SE $\frac{1}{4}$)

Section 24: Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Township Seven (7) South, Range Twenty-three (23) East of the Boise Meridian

Section 18: Lots Three (3) and Four (4)

PARCEL NO. 3:

Township Seven (7) South, Range Twenty-three (23), East of the Boise Meridian

Section 7: Lot Four (4)

Section 18: Lots One (1) and Two (2)

SUBJECT TO: Any and all easements, assessments, restrictions, reservations and rights-of-way now of record or apparent.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: MAY 21st, 1973.

Vernon C. Phillips
Vernon C. Phillips

Marilyn Lucille Phillips
Marilyn Lucille Phillips

STATE OF IDAHO,

County of Cassia } ss.

On this 23rd day of May in the year 1973, before me the undersigned

VERNON C. PHILLIPS and MARILYN LUCILLE PHILLIPS, husband and wife,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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

John Roberts
Notary Public for the State of Idaho,
Residing at Burley, Idaho.

30-2398

Instrument N

January 17, 1974

RE: Application Nos. 36-2403/36-2398 - G. R. Fairbrother

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

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted _____ by _____

Called paper to add circled area - 1-22-74

36-2398

This was submitted before
1-25-74
shoshone legal

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

NOS. 36-2403-36-2398

Notice is hereby given that G. R. Fairbrother of 375 N. Overland, Burley, Idaho, has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. (1) 36-2403 and (2) 36-2398 and recorded as follows:

Amount: (1) 1.88 cfs
(2) 2.71 cfs

Priority: 10-12-59
(2) 7-30-59

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 13, T. 7S, R. 22E, B.M.,
Lincoln County.

(same for both licenses)

The water is used for irrigation of 232 acres from April 1 to October 31, within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 7S, R. 22E, B.M.

TO BE CHANGED
AS FOLLOWS:

Amount: 4.47 cfs

Points of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M., Lincoln County.

The water will be used for irrigation of 226 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M.

Any protest against the approval of the above change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Blvd N., Twin Falls, Idaho, on or before February 18, 1974.

R. KEITH HIGGINSON
Director
1-31-2tcL

3-2398

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 36-2403/36-2398

Notice is hereby given that G. R. Fairbrother of 375 N. Overland, Burley, Idaho, has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. (1) 36-2403 and (2) 36-2398 and recorded as follows:

Amount: (1) 1.88 cfs
(2) 2.71 cfs

Priority: (1) 10-12-59
(2) 7-30-59

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 22E, B.M., Lincoln County.

(same for both licenses)

The water is used for irrigation of 232 acres from April 1 to October 31, within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 7S., R. 22E., B.M.

TO BE CHANGED AS FOLLOWS:

Amount: 4.47 cfs

Points of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S., R. 22E., B.M., Lincoln County.

The water will be used for irrigation of 226 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 7S. R. 22E., B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho, on or before February ¹⁸ 1974.

R. KEITH HIGGINSON
Director

Published in the *Lincoln Co. Journal* Jan. ³¹ and Feb. ⁷, 1974.

SHOSHONE LEGAL

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

Nos. 36-2403 - 36-2398

Notice is hereby given that G. R. Fairbrothers of 375 N. Overland, Burley, Idaho, has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. (1) 36-2403 and (2) 36-2398 and recorded as follows:

Amount: (1) 1.88 cfs.
(2) 2.71 cfs

Priority: (1) 10-12-59
(2) 7-30-59

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 13, T. 7S, R. 22E, B.M.,
Lincoln County. (same for both
licenses)

The water is used for irrigation
of 232 acres from April 1 to
October 31 within the S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13;
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 7S., R.
22E., B.M.

TO BE CHANGED
AS FOLLOWS:

Amount: 4.47 cfs

Points of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S., R. 22
E., B.M. Lincoln County.

The water will be used for
irrigation of 226 acres within the
S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12;
N W $\frac{1}{4}$ N E $\frac{1}{4}$, S $\frac{1}{2}$ N E $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$,
Sec. 13, T. 7S. R. 22E., B.M.

Any protests against approval
of the above proposed change of
water right must be filed with
the Idaho Department of Water
Administration, 1041 Blue
Lakes Blvd. N., Twin Falls,
Idaho, on or before February 18,
1974.

R. KEITH HIGGINSON
Director
1-31-2tcL

January 15, 1974

Mr. G. R. Fairbrother
375 North Overland
Burley, Idaho 83318

Dear Mr. Fairbrother:

I am enclosing copies of Water License No. G-28078 and G-28213 for your records. Please call or write if you have any questions.

Very truly yours,

Mike Steele
Water Resource Technician II
Southern District

MS:lt

enc.

January 15, 1974

Mr. G. R. Fairbrother
375 North Overland
Burley, Idaho 83318

Dear Mr. Fairbrother:

Enclosed please find copies of water license associated with your irrigation project. These copies are for your files.

In order to complete processing of the transfer application it will be necessary to submit a copy of the Warranty Deed associated with the lands, covered by the transfer. I have included a copy of the land location for your use.

Very truly yours,

Mike Steele
Water Resource Technician II

MS:lt

Enc.

36 2398

January 11, 1974

RE: Application No. 36-7422
Licenses 36-2398 and 36-2403

Dr. G. R. Fairbrother
375 North Overland
Burley, Idaho 83318

Dear Dr. Fairbrother:

Enclosed is your Receipt No. 11761 for Check No. 192 in the amount of \$165.00 for the above referenced application for transfer of water right and application for permit which was received in this office this date.

Very truly yours,

Lydia L. Tippet
Secretary

Enc.

36-2398

January 8, 1974

Mr. G. R. Fairbrother
375 North Overland
Burley, Idaho 88318

Dear Mr. Fairbrother:

Please examine and sign the forms in the space marked applicant. Please be sure the signature corresponds exactly with the name of the applicant on the front page.

The application entitled "Transfer of Water Right" must be signed before a notary public. The filing fee for the application for permit is \$135.00, and the application for transfer is \$30.00 making the total fee \$165.00. Please make the fee payable to the Department of Water Administration.

If there are any questions, please call 734-3578.

Sincerely,

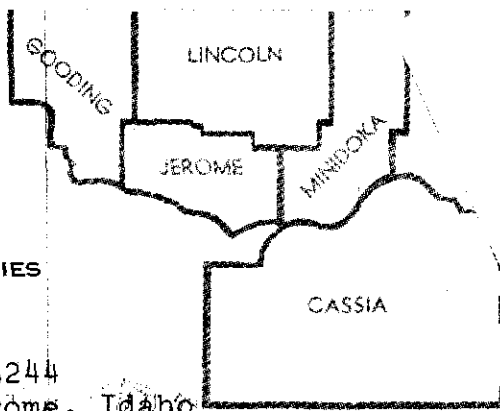
M. L. Steele
Water Resources Technician

MLS/lt
enc

3- 2398

Land Title and Escrow, Inc.

COMPLETE SERVICE — 5 IDAHO COUNTIES



REFER TO: L-3244
OFFICE: Jerome, Idaho

October 16, 1973

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

Gentlemen:

This office is in the process of closing a long term real estate loan made by Kansas City Life Insurance Company, whose mailing address is P. O. Box 139, 3520 Broadway, Kansas City, Missouri, 64141, covering real estate located in Lincoln County, Idaho, and containing 929.83 acres, more or less.

This property is covered by water license number G-28078/36-2398 priority 7-30-59 for 2.71 cubic feet per second and well license #G-28213/36-2403 priority 10-21-50 for 1.88 cubic feet per second. These licenses are included in their real estate mortgage and are a portion of their security.

Would you please make notation in your file that Kansas City Life Insurance Company has a lien against the real estate and the license referred to above. If this license should ever be in jeopardy for any reason, notify Kansas City Life Insurance Company at the address given above.

Very truly yours,

LAND TITLE AND ESCROW, INC.

Vern Roberts
Vern Roberts,
Manager

VR:bd
CC: Kansas City Life
Insurance Company

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524
BOX 36, JEROME, IDAHO 83338
PHONE 324-4842

3c 2398

Parcel No. 1:

TOWNSHIP 7 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 12: $E\frac{1}{2}SE\frac{1}{4}$

Section 13: $NE\frac{1}{4}NE\frac{1}{4}$

Parcel No. 2:

TOWNSHIP 7 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 12: $S\frac{1}{2}SW\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$

Section 13: $NE\frac{1}{4}NW\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$; $SE\frac{1}{4}$;

~~Section 24: $NW\frac{1}{4}NE\frac{1}{4}$; not of or~~

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 7: Lot 4;

Section 18: Lots 1, 2, 3 and 4; $NE\frac{1}{4}NE\frac{1}{4}$;

Parcel No. 3:

TOWNSHIP 7 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 13: $NW\frac{1}{4}NW\frac{1}{4}$;

SUBJECT to and together with all rights in reservations, easements and
exceptions of record, or as used, in relation to all, or any part of

h property h r by conv v d

36-2398

August 4, 1969

Re: Permit No. G-28078

Mr. Vernon C. Phillips
Route 1, Box 189
Paul, Idaho 83347

Dear Mr. Phillips:

Enclosed you will find your Water License issued on the above
numbered permit.

Also enclosed is departmental receipt No. 3415 in the amount of
\$21.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh
Enclosures

cc. Idaho Land & Appraisal Service
Box 1603
Boise, Idaho

28078
36-2398

July 10, 1969

Re: Permit No. G-28078

Vernon C. Phillips
Route #1 - *Box 169*
Paul, Idaho 83347

Dear Mr. Phillips:

A representative of this department has made an examination of the works covered by your Permit G-28078 and has found the following:

Quantity of water diverted: 5.17 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.71 c.f.s.

The maximum quantity diverted shall not exceed 592 acre feet per season.

Purpose of use: Irrigation of 138 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 12 T. 7S, R. 22E; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 13, T. 7S, R. 22E.

The priority date established is: July 30, 1959

A fee totaling \$ 21.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA/mh

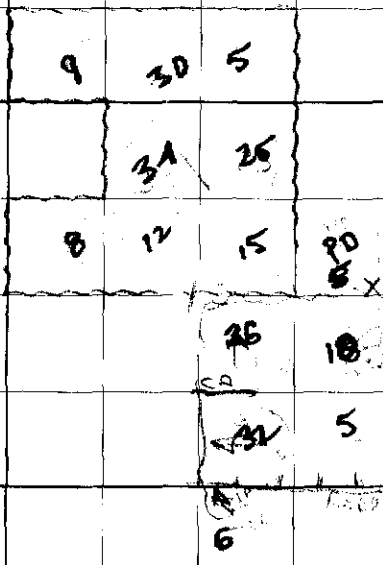
*36-2398
28078*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-28078

REPORT ON PROOF OF Completion of Works & Beneficial Use



11
59
61
35
~~148~~
138

PHOTO WITH G-29289

AREA - ¹³⁸~~148~~ ACRES
 SUBD - 8
 Q - ALLOW .901" / ACRES OR 2.71 c.f.s.
 VOL - 592 AC-FT / SEASON
 PRIORITY -

28078
36-2898

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

Permit No. G-28078

This proof is for Completion of Works & Beneficial Use Water District No. _____

1. Name of applicant Vernon C. Phillips

2. Source of water supply: 2 wells

3. Location of point of diversion: Is in the ~~SE1/4~~, SE1/4 of Section 13

T. 7 S R. 22 E., B.M. County of Lincoln

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

200 HP ELEC G.E. MOTOR #PVJ320143
2 @ B.V.T. #D07007 2300 gpm @ 290'
1770 RPM 14" B 10' GATE VALVE, 8" STEEL
LINE 150' INTO EARTH @ CONCRETE DITCHES

5. Water is used for: Irrigation

6. 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):

S1/2SW1/4, SW1/4SE1/4, Sec. 12; W1/4NE1/4, NE1/4NW1/4, S1/2NW1/4, Sec. 13, T. 7 S., R. 22 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:

MRS. VERNON C. PHILLIPS CONTACTED

SPARKING MOTOR 3 R IN SB SEC Q=5.17 G-14-68 DS

IRRIGATION REQUIREMENT = 4.0 AC-FE / ACRE / SEASON

This examination was made on the _____ day of _____ 1968

(Signed) [Signature] Examiner.

28078
36-2398

Vernon C. Phillips
Rt 1, Box 169
Paul, Idaho

well pump, ditches
26' 3.5'

Permit No. G-28078 *H-105* *quantity*

Examination for Completion of Works & Beneficial Use

County Lincoln

Quantity: 6.4 c.f.s. *36-* Sec. 13 T. 7S R. 22 E., B.M.

Source: 2 wells

P.D.: SWANNEY, SEANNEY, Sec. 13, T. 7 S., R. 22 E., B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: none

Filed: July 30, 1959

Due: March 14, 1967

Made: July 25, 1966

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.

July 10, 1969

Re: Permit No. G-28078

Vernon C. Phillips
Route #1
Paul, Idaho 83347

Dear Mr. Phillips:

A representative of this department has made an examination of the works covered by your Permit G-28078 and has found the following:

Quantity of water diverted: 5.17 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.71 c.f.s.

The maximum quantity diverted shall not exceed 592 acre feet per season.

Irrigation of 138 acres in SW 1/4 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4, NW 1/4 NE 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4, SE 1/4 NW 1/4, Sec. 13, T. 7E, R. 22E.

The priority date established is: July 30, 1950

A fee totaling \$ 21.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA/mh

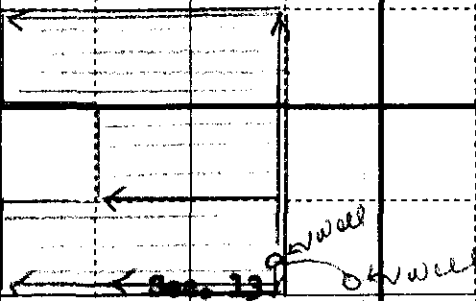
36-2398
28078

NAME OF APPLICANT George Dee Anderson

Form No. 0

T 7 S - R 22 E., B.M.

Sec. 12



Permit Map No. 28078
As Approved
AUG 5 1959
GEO. N. CARTER
State Reclamation Engineer

August 11, 1959

Re: Permits

No. G-28075 - Veneslans Potucek
No. G-28076 - Charles W. Wojcik
No. G-28077 - Shirley J. Wojcik
No. G-28078 - George Dee Anderson

Mr. Harley M. McDowell,
Idaho Land & Map Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permits Nos. G-28075, G-28076, G-28077 and G-28078, 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-4250 which was issued covering payment in the amount of \$26.00 for the filing fee of the above mentioned permits, each in the amount of \$6.50.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR/pmk

cc: Veneslans Potucek
Charles W. Wojcik
Shirley J. Wojcik
George Dee Anderson

28078

A2ILO-14
(Rev., April, 1960)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
JAN 9 1961
Department of Reclamation

January 3, 1961

Memorandum

To: ~~Shoshone~~
District Manager,
From: Manager, Land Office, Boise, Idaho
Subject: Land status changes

The following action has been taken and noted on the status records in the BIM Land Office:

Serial No.

Name

Action Taken

I- 010443

George Dee Anderson

T. 7 S., R. 22 E., Secs. 12 & 13.
Case closed. Application rejected.
Did not submit evidence of a water
supply nor did he file a SIUP.

28078

Donald I. Bailey
Manager

28078

State Rec. ✓

A2ILO-14
(Rev., April, 1960)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
FEB 7 1961
Department of Reclamation

Feb. 3, 1961

Memorandum

Shoshone

To: District Manager,

From: Manager, Land Office, Boise, Idaho

Subject: Land status changes

The following action has been taken and noted on the status records in the BIM Land Office:

Serial No.

Name

Action Taken

I- 010443

George Dee Anderson

T. 7 E., R. 22 E., S¹/₄SW¹, NE¹/₄SW¹,

W¹/₄NE¹/₄, Sec. 13 and S¹/₄SW¹,

SW¹/₄NE¹/₄, Sec. 12. Application

reinstated.

Donald I. Bailey
Manager

28078

28078



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

10:CRK
Idaho 010443

Land Office
P. O. Box 2237
Boise, Idaho

MAR 14 1962

NOTICE OF ALLOWANCE

George D. Anderson
Route 1
Paul, Idaho

MAR 14 1962

DEPARTMENT OF THE INTERIOR

Dear Mr. Anderson:

Your Desert Land Entry, Serial No. Idaho 010443,
Receipt No. 837196, for 84000, 84000, Sec. 12,
84000, 84000, 84000, Section 13,
Township 7 S., Range 22 E., Boise Meridian, Idaho,
containing 320 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

84000, 84000, 84000, Sec. 13, T. 7 S., R. 22 E., subject
to reservation of minerals, oil and gas rights, reserved by Clark L.
Halse.

Remainder of lands subject to the Act of July 17, 1914,
which may require the reservation of all oil and gas deposits to the
United States.

c.c. LAM
BM 1-5
State Reclamation
Idaho Land & Map

Sincerely yours,

Michael H. Sloan

Land Office Manager

April 12, 1963

Re: Permit No. G-28078 - Vernon G. Phillips
No. G-28213 - Mabel J. Phillips

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Sir:

Enclosed is the assignment of Permit No. G-28078, to
Vernon G. Phillips from George Dee Anderson, which has been
recorded.

Also, assignment of Permit No. G-28213 to Mabel J.
Phillips from Shirley J. Anderson, which has been recorded.

Departmental Receipt No. G-7851, covering the fee of
\$1.00 is attached.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. assignments
receipt

28078

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28078
Vernon C. Phillips

June 2, 1964

Idaho Land & Appraisal Service
Box 2161
Boise, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28078 are due not later than **August 5, 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 36 and 11
cc: Vernon C. Phillips
Route #1
Paul, Idaho

28078

ALL PROPERTY APPRAISALS

CUSTOM DRAFTING, MAPPING
LAND PURCHASES
OIL AND GAS LEASES

IDAHO LAND & APPRAISAL SERVICE

HARLEY M. McDOWELL — E. J. McDOWELL, MGR. OWNERS
MERVIN J. CHRISTENSEN JOSEPH J. THACKABERRY
(LICENSED SURVEYOR)

329 IDAHO BLDG.

BOISE, IDAHO 83701

P. O. BOX 2161
PHONE 344-2525

June 8, 1964

GRAZING MANAGEMENT

FEDERAL LAND APPLICATIONS
WATER FILINGS & PROOF
STATE LAND LEASES & ASSIGNS

RECEIVED
JUN 9 1964

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit G-28078, Vernon C. Phillips

Dear Sir:

With reference to the above water permit, please be advised that this was applied for in connection with my desert land entry, Idaho Serial No. 010443, which was not allowed in the Land Office until 3/14/62.

I hereby respectfully request that you grant me an extension of time until 3/14/67 in which to make this proof.

Very truly yours,

Vernon C. Phillips
Route # 1
Paul, Idaho

By Harley M. McDowell
Harley M. McDowell, Agent

1:sld

28078

June 10, 1964

Re: Permit No. G-28123 - Howard F. Andrew
G-28126 - Ann O. Stickler
G-28078, Vernon C. Phillips
G-28075 - Anton Potucek

Idaho Land & Appraisal Service
P. O. Box 2161
Boise, Idaho

Gentlemen:

Enclosed are the following extensions of time:

Permit No. G-28123 - Howard F. Andrew, Extension of
Time to April 12, 1964.

Permit No. G-28126 - Ann O. Stickler, Extension of
Time to November 28, 1965.

Permit No. G-28078 - Vernon C. Phillips, Extension of
Time to March 14, 1967

Permit No. G-28075, Anton Potucek, Extension of Time
to February 2, 1967.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) EDNA P. RULE
Chief Clerk

EPR:ew

Enc. extensions (4)

70070

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

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-28078, in the name of Vernon C. Phillips, requires proofs of completion of works and beneficial use to be made on or before August 5, 1964; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Idaho Serial #010443; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until March 14, 1962;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-28078, to March 14, 1967, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No. G-28078.

Signed at Boise, Idaho, this 10th day of June, 1964.

Deputy State Reclamation Engineer

RECEIVED
JUN 21 1966
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 17, 1966

(P. O.) Box 2161, Boise, Idaho 83701

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Lincoln County Journal of

Shoshone, Idaho

Published in

the county in which the works are situated. Please send statement of charges
and Affidavit of Publication to Idaho Land & Appraisal Service, P. O. Box 2161,
Boise, Idaho 83701

Damon C. Phillips

(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

28078

RECEIVED
JUN 21 1966
Department of Reclamation

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

Notice is hereby given that at ~~12:00 A.~~ ²⁹ ~~25th~~ day of July
1966, at Boise, County of Ada, State of Idaho
before Sharron Deroin, Notary Public, at (address) 224 Idaho
Building, 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-28078, 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 Vernon C. Phillips, Route # 1, Box 169, Paul, Idaho

2. Said works of diversion will be fully completed on the date 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 SE1/4, Sec. 13, T7S-R22E, B.M.

5. The place where said water is used is T7S-R22E, B.M., Sec. 12 - S1/4SW1/4, SW1/4SE1/4;
Sec. 13 - W1/4NE1/4, NE1/4SW1/4, S1/4NW1/4

6. The date of priority which said user is prepared to establish is 7/30/59

State Reclamation Engineer

28078

Re: Permit No. G-28078

June 28, 1966

Lincoln County Journal
Shoshone, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to July 29, 1966. The expense of the publication is to be paid by Idaho Land & Appraisal Service of Box 2161, Boise, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

28078

Re: Permit No. **G-28078**

June 28, 1966

**Sharon Deroia
Box 2161
Boise, Idaho**

Dear Mrs. Deroia:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-28078** in the name of **Vernon C. Phillips**. Final Proof is to be made before you, as Notary on the **29th** day of **July**, 19 **66**, at ~~Boise, Idaho~~ **224 Idaho Bldg., Boise, Idaho**, Idaho.

As of this date, we have mailed the Notice to the **Lincoln County Journal**, 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,

Encl.

**M. Russell Bosch
Office Manager**

cc: Applicant **Vernon C. Phillips**

28078

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. G-28078

RECEIVED
AUG 8 1966

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: Vernon C. Phillips,

Route # 1, Box 169, Paul, Idaho, Farmer, Route # 1, Box 169, Paul, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Acting as an individual

Ques. 3. State number, approval date of permit, and date of priority: No: G-28078;

Approved: August 5, 1959; Priority: 7/30/59

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

Give location of point of diversion, showing subdivision, section, township and range

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T7S-R22E, B.M.

Ques. 5. Describe your works of diversion: Well, 200 hp pump & motor, casing, pipeline

& ditches

; state amount of water they are capable of conveying from point of diversion to place of use: 2300 GPMs / ^{I share this water with my wife Under Permit G-28213}

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

; if a well, state depth of well 350'; depth and size of

casing 15'-20"; depth to water 265'; if pump is used,

state discharge of pump: 2300 GPMs; tell how it was measured or determined

By Pump Co.; if sprinkler irrigation, give number and size

of nozzles and operating pressure: Gravity

Ques. 6. State for what purpose water is used: Irrigation

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

T7S-R22E, B.M. Sec. 12 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 11 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 26 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 ac, Sec. 13 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 27 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 15 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 20 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 6 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 13 ac.

Logan

28078

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

All improvements are a direct result of said use.

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

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Irrigation only.

Ques. 8: 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:

Permit was assigned to me by George Dee Anderson

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: Spring, 1964 - Time used since first use:

Irrigation season of 1964 and 1965 and to date in 1966.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

NONE

(sign)

Vernon C. Phillips

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

Boise, County of Ada

State of Idaho, on this 25th day of July, A. D. 19 66.

My commission expires: 9/28/68

Sharon Deson

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-28078

RECEIVED
AUG 8 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

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

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

Clara Linzy, 40, Route # 2, Burley, Idaho, Housewife, Route # 2, Burley, Idaho

Ques. 2. Are you acquainted with Vernon C. Phillips, the holder of
Permit No. G-28078? How long have you known him and where does he reside:

I have known him about 5 years and he resides at Route # 1, Paul, Idaho

Ques. 3. Have you read or heard said Permit No. G-28078 read, and are you familiar
with its provisions and conditions: Yes: xxx No:

Ques. 4. State source of water supply: drilled well

State place of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T7S-R22E, B.M.

Describe works for conveying water to place of use: well, pump, motor, ~~pipelines~~ & ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 5.1 cfs shared with Mrs. Phillips How much water have you seen being so
conveyed: 5.1 cfs

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

T7S-R22E, B.M., Sec. 12 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 15 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 26 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 ac.,

Sec. 13 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 15 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 20 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 5 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15

ac.

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

Irrigation only.

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:

Rocky, Volcanic Ash Soil and all of the water available and used is required for profitable productive cultivation.

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: 1964

Other times you have seen such use: Continuously every irrigation season since.

(Signed)

Charles Linzy

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 Boise

 , County of Ada, State of Idaho, on this 25th day of July,

A. D., ~~1966~~ 1966.

Shannon Desoer

Notary Public for State of Idaho

Residing: Boise, Idaho

My commission expires: 9/28/68

28078

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-28078

RECEIVED
AUG 8 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

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

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

Allen Linzy, 51, Route # 2, Burley, Idaho, Farmer, Route # 2, Burley, Idaho

Ques. 2. Are you acquainted with Vernon C. Phillips, the holder of
Permit No. G-28078? How long have you known him and where does he reside:

I have known Mr. Phillips 5 years and he lives near Paul, Idaho.

Ques. 3. Have you read or heard said Permit No. G-28078 read, and are you familiar
with its provisions and conditions: Yes: xxx No:

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

State place of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T7S-R22E, B.M.

Describe works for conveying water to place of use: well, pump, motor, ditches & pipeline

Ques. 5. How many second feet of water do you estimate said works will safely conduct
used under this permit
to place of use: 2300 GPMs, however not all/ How much water have you seen being so
conveyed: 2300 GPMs

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

T7S-R22E, B.M., Sec. 12 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 15 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 ac.,

Sec. 13 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 15 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 20 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 5 ac;

SE $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 15 ac.

28078

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

Irrigation

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

Volcanic Ash soil and all of the water is required for profitable cultivation.

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: Spring, 1964

Other times you have seen such use: Throughout irrigation seasons of 1964, 1965
and 1966, to date.

(Signed)

Allen Linzy

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 Boise

 , County of Ada, State of Idaho, on this 25th day of July,

A. D., ~~1966~~ 1966.

Sharon Desain

Notary Public for State of Idaho

Residing: Boise, Idaho

My commission expires: 9/28/68

28078

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

Notice is hereby given that on the 29th day of July, 1966, at Boise, County of Ada, State of Idaho, before Sharron Deroin, Notary Public at 224 Idaho Building, 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-28078, 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 Vernon C. Phillips, Route No. 1, Box 169, Paul, Idaho.

Said works of diversion will be fully completed on the date 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T2S-R22E, B.M.

5. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

6. The date of priority which said user is prepared to establish is 7/30/59.

R. KEITH HIGGINSON
Deputy State Reclamation Engineer
Jy7-28

RECEIVED
AUG 1 1966

Department of Reclamation

AFFIDAVIT OF PUBLICATION

**LINCOLN COUNTY JOURNAL
SHOSHONE, IDAHO**

John H. George,
being first duly sworn, says that he is the

Publisher of
the Lincoln County Journal, a newspaper published weekly at Shoshone, Idaho, having legal publication rights within the State of Idaho, and that the notice, a true copy of which is hereto attached, was

published in said newspaper for 4
consecutive weeks, beginning with the issue of

July 7, 1966
and ending with the issue of

July 28, 1966

John H. George

Subscribed and sworn to before me this

28th day of July, 1966

Ellen M. Miller

Notary Public, Shoshone, Idaho

28078

Re: Permit No. **G-28078**

August 18, 1966

**Vernon C. Phillips
Rt 1, Box 169
Paul, Idaho**

Dear Mr. Phillips:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~Lincoln County Journal~~ all submitted in proof of completion of works and beneficial use on permit No. ~~G-28078~~.

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 to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

**N. Russell Bosch
Office Manager**

MRS:mr

28078

IDAHO LAND & APPRAISAL SERVICE

HARLEY M. McDOWELL
E. J. McDOWELL
MGR. OWNERS

MERVIN J. CHRISTENSEN
(LICENSED SURVEYOR)

JOSEPH J. THACKABERRY

224 IDAHO BLDG.

BOISE, IDAHO 83701

P. O. Box 2161

PHONE 344-2547

August 9, 1966

ALL PROPERTY APPRAISALS

CUSTOM DRAFTING, MAPPING

LAND PURCHASES

OIL AND GAS LEASES

GRAZING MANAGEMENT

FEDERAL LAND APPLICATIONS

WATER FILINGS & PROOF

STATE LAND LEASES & ASSIGNS

Idaho Department of Reclamation
State House
Boise, Idaho

RECEIVED
9 1966

Department of Reclamation

Re: Water Proof G-28078, Vernon C. Phillips

Gentlemen:

Please be advised that the proof on the above mentioned permit was taken on July 25, 1966, instead of July 29, 1966, because I erroneously advised Mr. Phillips that that was the day he was to appear. Therefore, Mr. Phillips and his two witnesses did appear on July 25, 1966.

The office was open and I was available to receive any protests offered on July 29, 1966. No protests were offered or received and no one appears with any comments on or objections to the above mentioned proof.

If further verification is needed, please let me know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Sharron Deroin

Sharron Deroin
Proof Taking Officer

sld

The above statements were subscribed and sworn to before me, a notary public, this 9th day of August, 1966, by Sharron Deroin.

Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission Expires - 6/17/69

28078