

# COLLATERAL ASSIGNMENT

Leonard H. Duff, Ruth Ann Duff, Leon J. Duff,  
The undersigned Ellen Ruth Duff and Ann Virginia Duff

of Paul, County of Minidoka, State of Idaho,, the holder of

\* \_\_\_\_\_ (Lease/Permit) No. \_\_\_\_\_

which expires on \_\_\_\_\_ 19 \_\_\_\_\_, do \_\_\_\_\_ hereby assign, transfer

and set over unto KANSAS CITY LIFE INSURANCE COMPANY, the aforesaid (Lease/

Permit) covering the following described lands of the State of Idaho,

to wit:

\* State of Idaho, Department of Water Administration Licenses:

No. G-27219/36-2345 priority 1-29-1958 for 3.55 c.f.s (Section 32)  
No. G-30553/36-2544 priority 7-3-1962 for 0.90 c.f.s. (Section 32)  
No. G-30163/36-2516 priority 9-5-1961 for 6.4 c.f.s. (Section 33)

(See attached page for legal description)

This assignment is made as collateral security for the payment of indebtedness owing

by the undersigned to the assignee herein amounting to \$ 255,000.00.

Ann Virginia Duff  
Ann Virginia Duff  
Ruth Ann Duff  
Ruth Ann Duff  
Ellen Ruth Duff  
Ellen Ruth Duff

Leonard H. Duff  
Assignor Leonard H. Duff  
Leon J. Duff  
Assignor Leon J. Duff

## ACKNOWLEDGMENT

STATE OF Idaho )  
COUNTY OF Cassia ) ss

On this 15th day of May, 19 73, before me  
personally appeared Leonard H. Duff, Ruth Ann Duff, Leon J. Duff, Ellen  
to me known to be the person(s) described in and who executed the foregoing instrument  
and acknowledged that they executed the same as their free act and  
deed.

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

My commission expires: 2-26-75

Butterfly Vlachos  
Notary Public

The foregoing assignment approved this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

By \_\_\_\_\_

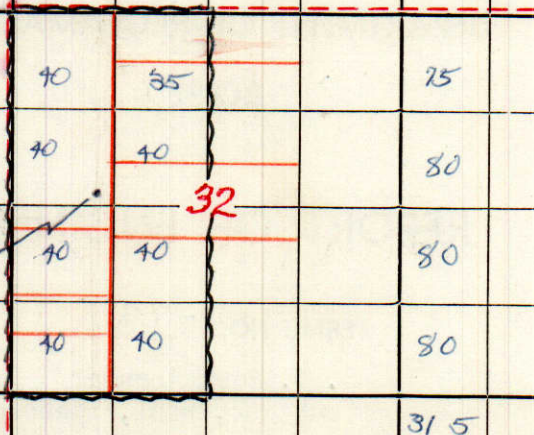
36 2345

R-22 E.

T.  
8  
S.

37

P.D.



Cy for 4.5 cfs

Subdivisions 8

AREA

31.5 ACRES

TO PAUL

Allow



3.55 CFS OR 17 1/2 inches

Total pumped - 415  
408  
426  
265  
256  
256  
256  
9120 269 ppm  
22.5"  
4.50 ps. B.K.

# The Minidoka County News

RUPERT, IDAHO

## AFFIDAVIT OF PUBLICATION

County of Minidoka, }  
STATE OF IDAHO, } ss.  
Wayne D. Bell

....., being first  
duly sworn, deposes and says that .....he is the

manager.....publisher of The Minidoka County  
News, a weekly newspaper published at Rupert,  
Idaho, in the county aforesaid, and that the paper  
is of general circulation therein. Deponent further  
states that the printed notice attached hereto was  
duly published according to law in the regular  
weekly editions of The Minidoka County News

four  
for ..... consecutive weeks, commencing  
with the issue date June 1, 1961, and

ending with the issue dated June 22, 1961

Subscribed and sworn to before me this

11th day of July, 1961

John Hunter Notary Public

Cost of Publication .....

Notary Fee .....

Total Cost .....

RECEIVED

JUL 31 1961

Department of Reclamation

## NOTICE OF PROGRESS OF COM- PLETION OF WORKS and AP- PLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at  
10:00 A. M., on the 30th day of  
June 1961, at Rupert, County of  
Minidoka, State of Idaho, before  
John W. Pyne, Notary Public, at  
150 Overland Burley, Idaho,  
proof will be submitted of the  
completion of works for the di-  
version of 3.55 cubic feet per  
second of underground water  
from a well, and of the applica-  
tion to beneficial use of said  
water, in accordance with the  
terms and conditions of Permit  
No. G-27219, heretofore issued  
by the Department of Reclama-  
tion of the State of Idaho.

1. The name and postoffice  
address of the person or corpora-  
tion holding said permit is C.  
C. Kostenbauder Route 2, Paul,  
Idaho.

2. Said works of diversion will  
be fully completed on the date  
set for such completion, and the  
amount of water which said  
works are capable of conveying  
to the place of use is 4.4 cubic  
feet per second.

3. The use to which said wa-  
ter has been applied is irriga-  
tion purposes, and the amount  
applied to beneficial use is 4.4  
cubic feet per second.

4. The point of diversion of  
said water is SW $\frac{1}{4}$ , NW $\frac{1}{4}$  Sec.  
32 T. 8 S., R. 22 E.

5. The place where said wa-  
ter is used is W $\frac{1}{2}$ , Sec. 32, T. 8  
S., R. 22 E.

6. The date of priority which  
said user is prepared to estab-  
lish is Jan. 29, 1958.

Geo. N. Carter

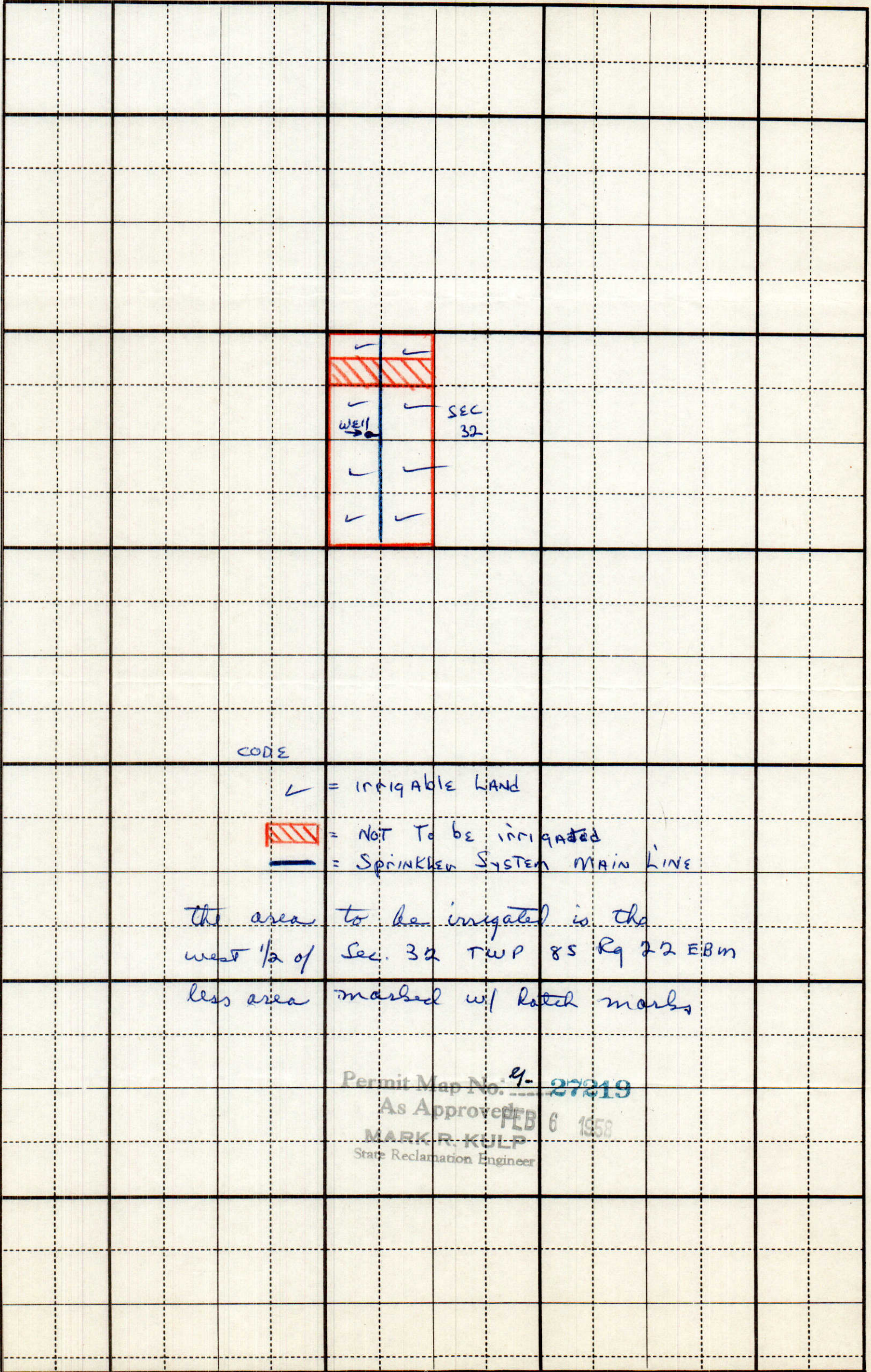
State Reclamation En-  
gineer

No. 184 June 1 - June 22

27219

NAME OF APPLICANT C.C. POSTEN BAUDER

Form No. 0



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

27219

State of Idaho  
License and Certificate of Water Right

Water License No. G-27219 Amount 3.55 c.f.s.  
Water District No. Priority Jan. 29, 1958

THIS IS TO CERTIFY that C. C. KOSTENBAUDER  
of Paul, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated January 29, 19 58 ; that Permit No G-27219  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
3.55 second feet, was issued thereunder on July 5, 19 62, showing that said works  
were completed on the 30th day of June, 19 61 ; and that on the 30th  
day of June, 19 61 ,  
C. C. KOSTENBAUDER

of Paul, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow, for the purpose of irrigation  
, under Use Permit No. G-27219 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
12 of Licenses at page 7319, on the 5 day of July, 19 62 ;  
The right hereby confirmed dates from January 29, 19 58 ;

The Point of Diversion is located  
in the SW 1/4 NW 1/4, Sec. 32, Tp. 8 S., R. 22 E., B. M. Minidoka County  
That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 3.55 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|----------------------------------------|----------------------------------|---------------------------------|
| 8 S. | 22 E. | 32   | NE $\frac{1}{4}$ NW $\frac{1}{4}$      | 15                               | 35                              |
|      |       |      | NW $\frac{1}{4}$ NW $\frac{1}{4}$      | 15                               | 40                              |
|      |       |      | SW $\frac{1}{4}$ NW $\frac{1}{4}$      | 40                               | 40                              |
|      |       |      | SE $\frac{1}{4}$ NW $\frac{1}{4}$      | 40                               | 40                              |
|      |       |      | NE $\frac{1}{4}$ SW $\frac{1}{4}$      | 40                               | 40                              |
|      |       |      | NW $\frac{1}{4}$ SW $\frac{1}{4}$      | 40                               | 40                              |
|      |       |      | SW $\frac{1}{4}$ SW $\frac{1}{4}$      | 40                               | 40                              |
|      |       |      | SE $\frac{1}{4}$ SW $\frac{1}{4}$      | 40                               | 40                              |
|      |       |      | Total number of acres to be irrigated: |                                  |                                 |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
5th day of July, 19 62.

(SEAL) RALPH W. THOMAS  
Deputy State Reclamation Engineer.

36 2345

36 2345

7320✓

State of Idaho  
License and Certificate of Water Right

Water License No. G-22459 (Part) Amount 2.44 c.f.s.  
Water District No. \_\_\_\_\_ Priority November 9, 1951

THIS IS TO CERTIFY that C. L. WILLIAMS - Assignee - WARREN W. HAVENS, aka WINSTON W. HAVENS and ALICE H. HAVENS of Blackfoot, Idaho, made application for a permit to appropriate the

public waters of the State of Idaho, dated November 9, 1951; that Permit No. G-22459 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.44 second feet, was issued thereunder on July 5, 1962, showing that said works were completed on the 19th day of November, 1956; and that on the 19th day of November, 1956,

C. L. WILLIAMS - Assignee - WARREN W. HAVENS, aka WINSTON W. HAVENS and ALICE H. HAVENS of Blackfoot, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & domestic

, under Use Permit No. G-22459 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7320, on the 5th day of July, 1962; The right hereby confirmed dates from November 9, 1951;

The Point of Diversion is located in the SE 1/4 NW 1/4, Sec. 10, Tp. 2 S., R. 33 E., B. M. Bingham County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.44 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec.    | Forty-acre Tract                       | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|---------|----------------------------------------|-------------------------------|------------------------------|
| 2 S. | 33 E. | 3<br>10 | SW 1/4 SW 1/4                          | 10                            | 7.3                          |
|      |       |         | NE 1/4 NW 1/4                          | 40                            | 20.0                         |
|      |       |         | NW 1/4 NW 1/4                          | 40                            | 40                           |
|      |       |         | SW 1/4 NW 1/4                          | 40                            | 40                           |
|      |       |         | SE 1/4 NW 1/4                          | 40                            | 40                           |
|      |       |         | NE 1/4 SW 1/4                          | 40                            | 31.5                         |
|      |       |         | NW 1/4 SW 1/4                          | 40                            | 31.5                         |
|      |       |         | Total number of acres to be irrigated: |                               | 210.3                        |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 5th day of July, 1962.

(SEAL) \_\_\_\_\_ RALPH W. THOMAS  
Deputy State Reclamation Engineer.

# APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35143  
Permit No. G- 27219  
District No.

C. C. Kostenbauder,  
Rt. #~~1~~<sup>2</sup>,  
Heyburn, Idaho

1. Name of Applicant: C. C. KOSTENBAUDER

Postoffice address: Route #<sup>2</sup>~~1~~, Heyburn County: Minidoka State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second. 3.55 or Idaho  
Miners' inches 178 or gallons per minute. 1600

(b) Annual withdrawal in acre feet per annum 675 Acre feet per year

3. Source of water supply: deep well

4. Location of point of diversion or well is in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 32  
Twp. 8 S., , Rge. 22 E., B.M., County of Minidoka

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.

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

7. Kind of works: Deep well turbine pump and sprinkler system

8. Estimated cost of works: \$ 37,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

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

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

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

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

/s/ C. C. Kostenbauder  
Applicant.

By

*Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. January 29, 1958

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G-27219

Recorded in Book 96 Page 27219 Approved February 6, 1958

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 August 6, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before **February 6, 1963**

Witness my hand this 6th day of February, 1958

/s/ MARK R. KULP  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,  
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th  
day of February, 1958

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ ROBERT E. SMYLIE

Governor

By /s/ JAS. H. YOUNG  
Secretary of State.

12.

| 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 $\frac{1}{4}$ |        |
| 8 S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 22 E. | 32   |                                                                        | 15 15 40 40                                                            | 40 40 40 40                                                            |                                                                        | 270    |
| <p style="text-align: center;">Permit No. G-27219 ✓<br/>           CERTIFICATE OF COMPLETION OF WORKS</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |      |                                                                        |                                                                        |                                                                        |                                                                        |        |
| <p>ALL WHOM IT MAY CONCERN:</p> <p>This is to certify that C. C. KOSTENBAUDER of Paul, County of Minidoka and State of Idaho, the holder of Permit No. G-27219, issued upon Application No. G-35113, bearing date of priority of January 29, 1958, authorizing the diversion of 3.55 second feet of waters of a well, County of Minidoka, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place intended use 3.55 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, Sec. 32, T. 8 S., R. 22 E., B. M.; and that the lands proposed to be irrigated by the use of said water described as follows, to-wit: 315 acres in W<math>\frac{1}{2}</math>, Sec. 32, T. 8 S., R. 22 E., B. M.</p> <p style="text-align: center;">Witness my hand this 5th day of July, A. D. 1962</p> <p style="text-align: right;">s/ RALPH W. THOMAS<br/>Deputy State Reclamation Engineer</p> <p>of Completion of Works Made: June 30, 1961</p> <p style="text-align: right;">LICENSE ISSUED FOR 3.55 SEC. FT.<br/> <i>page 7319</i></p> |       |      |                                                                        |                                                                        |                                                                        |                                                                        |        |

## WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources  
within 30 days after the completion or abandonment of the well.

## 1. WELL OWNER

Name Leon Duff Guff  
Address 500 N 1210 W Paul, Idaho 83417  
Owner's Permit No. 36-91-S-051-001

## 7. WATER LEVEL

Static water level 341 feet below land surface  
Flowing? ☐ Yes ☐ No G.P.M. flow  
Artesian closed-in pressure Department of Water Resources  
Controlled by: ☐ Valve ☐ Cap ☐ Plug  
Temperature      °F. Quality       
Describe artesian or temperature zones below.

## 2. NATURE OF WORK

- WR # 36-2345
- ☐ New well ☒ Deepened ☐ Replacement  
☐ Well diameter increase  
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

## 8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

| Discharge G.P.M. | Pumping Level | Hours Pumped |
|------------------|---------------|--------------|
|                  |               |              |
|                  |               |              |
|                  |               |              |

## 3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal  
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection  
☐ Other (specify type)

## 4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary  
☒ Cable ☐ Dug ☐ Other

## 5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

| Thickness          | Diameter         | From            | To              |
|--------------------|------------------|-----------------|-----------------|
| <u>.250</u> inches | <u>16</u> inches | <u>375</u> feet | <u>375</u> feet |
|                    |                  |                 |                 |
|                    |                  |                 |                 |
|                    |                  |                 |                 |

Was casing drive shoe used? ☐ Yes ☒ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ GunSize of perforation      inches by      inches

| Number | From | To |
|--------|------|----|
|        |      |    |
|        |      |    |
|        |      |    |

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type      Model No.     Diameter      Slot size      Set from      feet to      feetDiameter      Slot size      Set from      feet to      feetGravel packed? ☐ Yes ☐ No ☐ Size of gravel     Placed from      feet to      feetSurface seal depth      Material used in seal: ☐ Cement grout☐ Bentonite ☐ Puddling clay ☐     Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☐ Welded ☐ Solvent

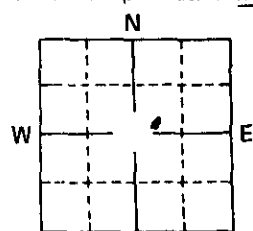
Weld

☐ Cemented between strata

Describe access port

## 6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name     Lot No.      Block No.     County MinidokaSW 1/4 NW 1/4 Sec. 32, T. 8 N ☐ S ☒ R. 22 E ☒ W ☐

## 10.

Work started 4-29-91 finished 5-15-91

## 11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were  
complied with at the time the rig was removed.Firm Name Denton Outrig Firm No. 83Address Paul, Idaho Date 5-13-91Signed by (Firm Official) Robert E. Denton

and

(Operator) Chasene Bishop

**Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 549-4111

Mortgages - Agricultural

June 14, 1973

RECEIVED

JUN 15 1973

Department of Water Administration

AIR MAIL

Department of Reclamation  
State of Idaho  
Boise, Idaho

Re: Water Permit Nos. G-27219, G-30553,  
G-31047  
Loan No. 93805-H, Kostenbauder

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers G-27219, G-30553, and G-31047 as described in Mortgage Deed dated March 26, 1964, given by C. Christ Kostenbauder and Laura H. Kostenbauder.

Said mortgage was recorded in the Public Records of Minidoka County, under film No. 30-170523.

Sincerely,

AGRICULTURAL INVESTMENT DIVISION

By: *Jean Wright*

jw

cc: Utah Mortgage Loan Corp.

36 2345

*CM*

**Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 549-4111

Mortgages - Agricultural

June 14, 1973

RECEIVED

JUN 15 1973

Department of Water Administration

AIR MAIL

Department of Reclamation  
State of Idaho  
Boise, Idaho

Re: Water Permit Nos. G-27219, G-30553,  
G-31047  
Loan No. 93805-H, Kostenbauder

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers G-27219, G-30553, and G-31047 as described in Mortgage Deed dated March 26, 1964, given by C. Christ Kostenbauder and Laura H. Kostenbauder.

Said mortgage was recorded in the Public Records of Minidoka County, under film No. 30-170523.

Sincerely,

AGRICULTURAL INVESTMENT DIVISION

By: *Jean Wright*

jw

cc: Utah Mortgage Loan Corp.

36 2345

CM

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

Statehouse - Annex 2  
Boise, Idaho 83707  
(208) 384-2215

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

June 5, 1973

Re: Licenses No. 27219/36-2345  
30553/36-2544  
30162/36-2516

Mr. Vern Roberts, Mgr.  
Land Title and Escrow, Inc.  
Box 177  
Burley, Idaho 83318

Dear Mr. Roberts:

We have received your letter of May 30, 1973 along with the assignment in connection with the above referenced licenses.

We wish to advise you, however, that the Department has no procedure for changing the record of ownership once a permit has been licensed. When a license is issued, it becomes appurtenant to the land and ownership automatically is conveyed with the land unless it is specifically withheld in the sale transaction.

We have placed the assignment in our files for future reference. If you have any questions regarding this matter, please advise.

Sincerely,

D. Darlene Reich  
Water Rights Supervisor

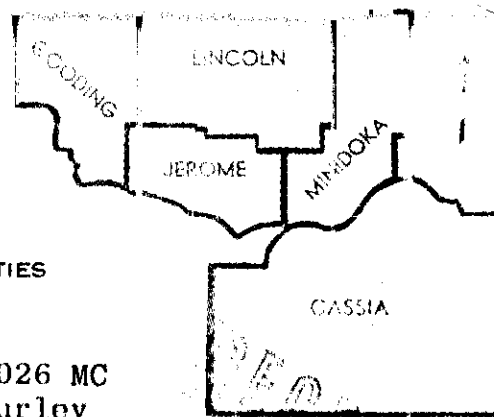
DDR:kss

36 2345

# Land Title and Escrow, Inc.

COMPLETE SERVICE

5 IDAHO COUNTIES



REFER TO: 8026 MC  
OFFICE: Burley

May 30, 1973

State of Idaho Dept. of Water Administration  
614 West State Street  
Boise, Idaho 83700

Gentlemen:

Re: Duff Brothers

I am enclosing the original and one copy of the Collateral Assignment of Water License in connection with a long term Real Estate Mortgage that we recently closed for Kansas City Life Insurance Company and Leonard H. Duff and Ruth Ann Duff, husband and wife, Leon J. Duff and Ellen Ruth Duff, husband and wife, and Ann Virginia Duff, a widow.

As additional security for their Real Estate Mortgage, Kansas City Life Insurance Company has asked that the water license be assigned as part of the security for their loan. Will you please execute the original of this Assignment and return it to this office along with your letter acknowledging receipt of this Assignment.

If you have any questions, please do not hesitate to call this office.

Very truly yours,

LAND TITLE AND ESCROW, INC.

*Vern Roberts (H)*

Vern Roberts,  
Manager

VR:bd  
enc.

BOX 177, BURLEY, IDAHO 83318  
PHONE 678-3524  
BOX 36, JEROME, IDAHO 83338  
PHONE 486-4848

36 2345

Titles Insured by Lawyers Title Insurance Corporation Richmond, Virginia "One of the Nation's largest and strongest title insurance companies."

## COLLATERAL ASSIGNMENT

Leonard H. Duff, Ruth Ann Duff, Leon J. Duff,  
The undersigned Ellen Ruth Duff and Ann Virginia Duff

of Paul, County of Minidoka, State of Idaho, \_\_\_\_\_, the holder of

\* \_\_\_\_\_ (Lease/Permit) No. \_\_\_\_\_

which expires on \_\_\_\_\_ 19 \_\_\_\_\_, do \_\_\_\_\_ hereby assign, transfer

and set over unto KANSAS CITY LIFE INSURANCE COMPANY, the aforesaid (Lease/

Permit) covering the following described lands of the State of \_\_\_\_\_ Idaho \_\_\_\_\_,

to wit:

\* State of Idaho, Department of Water Administration Licenses:

No. G-27219/36-2345 priority 1-29-1958 for 3.55 c.f.s. (Section 32)

No. G-30553/36-2544 priority 7-3-1962 for 0.90 c.f.s. (Section 32)

No. G-30163/36-2516 priority 9-5-1961 for 6.4 c.f.s. (Section 33)

(See attached page for legal description)

This assignment is made as collateral security for the payment of indebtedness owing

by the undersigned to the assignee herein amounting to \$ 255,000.00.

Ann Virginia Duff  
Ann Virginia Duff

Ruth Ann Duff  
Ruth Ann Duff

Ellen Ruth Duff  
Ellen Ruth Duff

Leonard H. Duff  
Assignor Leonard H. Duff

Leon J. Duff  
Assignor Leon J. Duff

## ACKNOWLEDGMENT

STATE OF Idaho )  
COUNTY OF Cassia ) ss

On this 15th day of May, 1973, before me  
personally appeared Leonard H. Duff, Ruth Ann Duff, Leon J. Duff, Ellen  
to me known to be the person(s) described in and who executed the foregoing instrument  
and acknowledged that they executed the same as their free act and  
deed.

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

My commission expires: 2-26-75

Betty Vlasos  
Notary Public

The foregoing assignment approved this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Hy

36 2345

PARCEL NO. 1:

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

Section 26: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , EXCEPTING THEREFROM the following described parcel:

Beginning at the Southwest corner of said Section 26;  
Thence East along the Highway centerline for a distance  
of 192.05 feet;  
Thence North 1°23' East 40.03 feet to a point on the  
North right-of-way line of State Highway No. 25,  
which point shall be the True Point of Beginning;  
Thence North 40°57'30" East 231.05 feet;  
Thence North 89°55'30" East 135.45 feet;  
Thence South 3°18' West 175.34 feet to a point on the  
North right-of-way line of State Highway No. 25;  
Thence West along said highway right-of-way 276.75  
feet to the Point of Beginning.

ALSO EXCEPTING that portion deeded to the State of  
Idaho for highway purposes.

ALSO EXCEPTING the following described parcel:

Beginning at the Southwest corner of said Section 26;  
Thence East along the South line of said Section 26  
and along the centerline of Highway No. 25, for  
981.94 feet to a point;  
Thence North 2°47' West for 40.05 feet to a point which  
shall be known as the True Point of Beginning.

Thence North 2°47' West for 155.0 feet to a point;  
Thence East for 281.0 feet to a point;  
Thence South 2°47' East for 155.0 feet to a point on  
the North right-of-way line of Highway No. 25;  
Thence West along said right-of-way line for 281.0  
feet to the True Point of Beginning.

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

Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$ , EXCEPTING THEREFROM: Beginning at the South-  
east corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence North 400 feet;  
thence West 300 feet; thence South 400 feet; thence  
East 300 feet, more or less, to the Point of Beginning.

Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 26, described as  
follows: Beginning at the Southeast corner of the  
said NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence West 50 rods; thence 80 rods to  
the North line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence East 50 rods  
to the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence  
South 80 rods to the Point of Beginning.

EXCEPTING THEREFROM the Railroad right-of-way and that portion  
deeded to the State of Idaho for highway purposes.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 33: W $\frac{1}{2}$  and NE $\frac{1}{4}$ .

PARCEL NO. 3:

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 32: W $\frac{1}{2}$ .

January 7, 1964

Re: License No. G-27219

C. C. Kostenbauder  
Route #2, Box 128  
Paul, Idaho

Dear Mr. Kostenbauder:

We received your protests in regard to priority from your well and also priority of 1948 for the government wells.

Your application for permit which was Permit No. G-27219 upon approval, claimed 3.55 c.f.s. which was allowed in the Water License. This office cannot allow more water than claimed in the application. Your application to cover the additional water pumped was given priority as of the time the acceptable application was received, as provided in State Statutes. We regret you were informed that the same priority would be allowed as shown on License No. G-27219. In case of adjudication of subterranean water in your area by the District Court, the District Judge could allow the full amount produced with the earlier priority, if full information is furnished.

Protests in regard to legal notices in regard to water rights must file a statement with this department on or before the date set for proofs, stating clearly the reason for such protest. Such protest shall be based solely on statements in such notice and shall be sworn to by such protestant. Your protest was not signed before a Notary Public.

Very truly yours,

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

27219

Rt. 2 - Box 128,  
Paul, Idaho.  
Jan. 3 - 64

Mr. Geo. N. Carter,  
State Reclamation Engineer,  
Boise, Idaho.

Dear Sir: - Recently I read where the Date of Priority for the Govt. wells in Minidoka County is to be set back to 1948.

I wish here & now to enter a protest to setting of this date and wish to be informed of any hearings concerning this subject.

My big objection to this is based on the date set on my priority. I was pumping from 1958 to 1962 when your office made an inspection I was told I was pumping 0.90 sec. ft. more than I applied for. At that time I was told to apply for a license & certificate of water right for an additional 0.90 sec. ft. and the date of priority would be the same as my original license.

My original license was Jan. 29 - 1958 as date of priority, but when I applied for the additional water which I had been pumping and using all the time my priority was dated July 3, 1962 or more than four years later than I was lead to believe I

would receive.

Since lots of the govt wells were put into service after mine I see no reason why they should be given an earlier date of priority.

If this can be done what is the advantage of me spending money for license, advertising and etc. to establish a date which means nothing if it should come to a time when water would be rationed?

Again I say I object very strongly to such an act which would set a date of priority as 1948 on the Govt. project irrigation wells.

Very truly yours,  
C. C. Kostenbader.

July 20, 1962

RE: Permit Nos. G-27219, G-30553  
C. C. Kostenbauder

Connecticut Mutual Life Insurance Company  
c/o Vern Roberts, Manager  
Land Title and Escrow, Inc.  
Box 177  
Burley, Idaho

Dear Mr. Roberts:

Water License No. G-27219 can be issued to Mr. Kostenbauder for 3.55 c.f.s. from a well in the SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 32 to irrigate the W<sup>1</sup>/<sub>2</sub>, Section 32, T. 8 S., R. 22 E., B.H.

Permit No. G-30553 in the name of Mr. Kostenbauder claims an additional 1.0 c.f.s. from the same well to irrigate the same land. The permit should be delivered next week after processing in this office.

Very truly yours,

GEORGE H. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Deputy State Reclamation Engineer

RWT:mr

27219

July 5, 1962

Re: Permit No. G-27219

C. C. Kostenbauder  
Route #2  
Paul, Idaho

Dear Mr. Kostenbauder :

Enclosed are Certificate of Completion of Works and  
License and Certificate of Water Right issued on Permit No. G-27219.

Also enclosed is departmental receipt No. G-7133, in  
the amount of \$21.00, covering fees.

Very truly yours,

CHAS. F. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EP:ow

enc. certificates (2)  
receipt

27219

U. S. 27219

RECEIVED  
JUL 3 1962

Department of Reclamation

Box 129, Route 2,  
Paul, Idaho.

July 2 - 1962

Dear Sir:- Enclosed find check for \$21.00 for fees  
for Certificate of Completion of Works and etc. as per  
your letter of May 31, 1962

Also find application for additional  
water with check attached. From your conversation  
on the phone I hope I have this form correct.

The report of the examiner was correct  
as to the six lateral lines but the number of  
sprinklers was wrong. There are three laterals with  
33 sprinklers and 3 laterals with 54 sprinklers.  
The long laterals have been used to irrigate about  
60 acres of land adjoining my 320 acres. This extra  
land I farm under lease.

Thanking you for your information

Very truly yours,  
C. C. Kosterbaender.

July 2, 1962

Re: Permit No. G-27219

C. C. Kostenbauder  
Rt 2  
Paul, Idaho

Dear Mr. Kostenbauder:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27219 shows the well is ~~(also)~~ capable of conveying 177.5 miner's inches, or 3.55 c.f.s. of water for the irrigation of 315 acres.

Upon receipt of the statutory fees, totaling \$ 21.00 , we will issue the Certificate of Completion of Works ( fee \$5.00 ) and the License and Certificate of Water Right ( fee \$ 16.00 , based at the rate of \$2.00 for each 40-acre subdivision ) confirming the right, with priority of January 29, 1958 to the use of 3.55 second feet of subterranean water with the point of diversion in the SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Sec. 32 for irrigation of 315 acres in the W<sup>1</sup>/<sub>2</sub>, Sec. 32, T. 8 S., R. 22 E., B.M.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

✱ R:mr

27219

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27219

C. C. Kostenbauder  
Route #2, Paul, Idaho

REPORT ON PROOF OF Completion of works & beneficial use

|    |    |  |    |
|----|----|--|----|
| 40 | 35 |  | 75 |
| 40 | 40 |  | 80 |
| 40 | 32 |  | 80 |
| 40 | 40 |  | 80 |

37

P.D.

|              |   |
|--------------|---|
| Subdivisions | 8 |
|--------------|---|

|      |           |
|------|-----------|
| AREA | 315 ACRES |
|------|-----------|

TO PAUL

Allow

3.55 CFS OR 17 1/2 inches

Total pumped - 415  
408  
426  
265  
256  
256  
9 | 22269 mm  
1881  
345  
225  
170  
450 lbs.

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

Permit No. G-27219This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_1. Name of applicant C. C. Kostenbauder, Route #2, Paul, Idaho2. Source of water supply: irrigation3. Location of point of diversion: Is in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 32T. 8 N. S. R. 22 E. County of Minidoka4. Describe works as they exist, giving dimensions and capacities of same: 200 H.P. U.S. Motor

#11151-54 Wintrooth pump #8933 12" discharge into 12" check valve  
reduced to 10" buried main 10" x 340' Column 20" x 16' casing H: 324'  
no drawdown Well depth 362'

5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

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

W  $\frac{1}{2}$ , Sec. 32, T. 8 S., R. 22 E., B. M.

Extra land irrigated not to be included

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

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

Remarks: Mr C.C. Kostenbauder along

Measurement made by taking pressure readings along  
each line. 6 laterals with a total of 258  $\frac{3}{4}$  heads

This examination was made on the 24<sup>th</sup> day of May, 1962(Signed) Ron Heberger Examiner.

27219

C. C. Kostenbauder  
Route #2, Paul, Idaho

Permit No. G-27219  
Completion of Works  
and Beneficial Use

Examination for

County

Minutaka

Sec. 32 T. 8S R. 22E

Quantity: 3.55 a. f. s.

Sources: Well

P.D.: S.W. 1/4, Sec. 32, T. 8S. R. 22E

Use: Irrigation

Filed: Jan. 29, 1958

Dec: Feb. 6, 1962

Extension:

Completion of Works:

Other Rights:

Driller: Clarence Cole

# INSTRUCTIONS TO EXAMINERS

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

RECEIVED

JUN 29 1962

Department of Reclamation

RECEIVED

MAY 28 1962

Department of Reclamation

Opinion 1 Med  
340-5/8-nygls @ 60+ p

June 21, 1962

Re: Permit No. 27219  
C. C. Kostenbauder

License No. G-24060  
C. L. Middleton

David R. Mead, Assistant Mgr.  
Utah Mortgage Loan Corporation  
P. O. Box 385, Twin Falls, Ida.

Dear Mr. Mead:

Enclosed is departmental receipt No. G-7058  
in the amount of \$2.50 covering the fees for copies of the  
above numbered permits.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

27219

June 19, 1962

Re: Permit No. G-27219  
Application for Permit

C. C. Kostenbauder  
Route #2  
Paul, Idaho

Dear Mr. Kostenbauder:

Enclosed is form to apply for permit to divert  
subterranean water.

The report of the examiner shows that you were using  
three laterals with 53 sprinklers each and three laterals with  
33 sprinklers each. A rough check of his figures indicates that the  
total amount of water delivered through the sprinkler system is  
about 220 miner's inches instead of the 225 miner's inches he  
reported to you.

You may claim 1.0 c.f.s. of water on the application and  
the amount allowed on the Certificates of Water Rights will be  
determined after a recheck of the computations.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

Enc. application - Form 3  
instructions

27219

June 15, 1962

Re: Permit No. 27219 - C. C. Kostenbauder  
License No. G-24060 - C. L. Hiddleston

David R. Mead, Assistant Mgr.  
Utah Mortgage Loan Corporation  
P. O. Box 385  
Twin Falls, Idaho

Dear Mr. Mead:

Enclosed are copies of later License No. G-24060  
issued to C. L. Hiddleston and Permit No. G-27219, issued to  
C. C. Kostenbauder.

Permit No. G-27219, issued to C. C. Kostenbauder,  
is for land in T. 8 S., R. 22 E., instead of T. 8 S., R. 33 E.  
shown in your letter, however it is for land in Minidoka County  
and your description is for land in Power County.

Mr. Kostenbauder was notified May 31 that the certi-  
ficates of water right would be issued upon payment of \$21.00  
statutory fee for 3.55 c.f.s. from well in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, to  
irrigate 315 acres in W $\frac{1}{2}$ , Sec. 32, T. 8 S., R. 22 E.

Kindly remit \$2.50 for copy work, to this department.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

Enc. copy license  
copy of permit

27219



**TWIN FALLS OFFICE**  
**UTAH MORTGAGE LOAN CORPORATION**

MORTGAGE BANKERS - SINCE 1908  
**TWIN FALLS, IDAHO**

**RECEIVED**

June 14, 1962 JUN 15 1962

P. O. BOX 385  
 231 SHOSHONE ST. N.  
 PHONE 733-7680

Department of Reclamation

Idaho Department of Reclamation  
 State House  
 Boise, Idaho

Gentlemen:

We are contemplating making a long term mortgage loan on the two below listed farm properties. We would appreciate it if you would send us a copy of the well permits on these two farms. Also, if you have any other information, such as informing us whether either one of these wells are licensed, and if so, please send a copy of the license rather than the permit.

The farms are as follows:

? Mr. C. L. Hiddleston:  
 E 1/2 of Lots 1, 2, 3, 4 and 5, Section 30, Township 6 South Range 22 East, and NE 1/4 of Section 25, Township 6 South, Range 21 East, all located in Lincoln County, Idaho.

24060-6673

Mr. C. C. Kostenbauder:  
 W 1/2 Section 32, Township 8 South Range 22 East, Minidoka County, Idaho.

27219

Thank you very much for your help and cooperation and we hope to receive the above at your earliest convenience.

Sincerely yours,

David R. Mead  
 Assistant Manager

DRM/jr

IN REPLYING REFER TO  
 NO.



27219

May 31, 1962

Re: Permit No. G-27219

C. C. Kostenbauder  
Route #2  
Paul, Idaho

Dear Mr. Kostenbauder:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27219 shows the well is (are) capable of conveying 177.5 miner's inches, or 3.55 c.f.s. of water for the irrigation of 315 acres.

Upon receipt of the statutory fees, totaling \$ 21.00 , we will issue the Certificate of Completion of Works ( fee \$5.00) and the License and Certificate of Water Right ( fee \$ 16.00 , based at the rate of \$2.00 for each 40-acre subdivision ) confirming the right, with priority of January 29, 1958 to the use of 3.55 second feet of subterranean water with the point of diversion in SW 1/4, Sec. 32, to irrigate 315 acres in W 1/2, Sec. 32, T. 8 S., Rge. 22 E., B. M.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

27219

November 29, 1961

RE: Permit G-27219

C.C. Kostenbauder  
Rt 2  
Paul, Idaho

Dear Mr. Kostenbauder:

I have your letter dated November 22, 1961 inquiring about a field examination of your permit.

This is to inform you it probably will be the last part of April or the first part of May before an examination will be made.

If you will notify me when you plan to start irrigating next spring it will help me schedule inspections in that vicinity.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Loy H. Johnson  
Field Engineer

LHJ:mr

27219

RECEIVED  
NOV 22 1961  
DEPARTMENT OF AGRICULTURE

Route 2,  
Paul, Idaho.  
Nov. 22 - 61

Dear Sir: -

Back in August I received a letter stating an engineer from your department would be here to make a field examination on my place concerning use of water from my irrigation well. As yet no one has contacted me concerning this matter.

Since I expect to be away from home for some time after the first of the year, I am wondering if you have any idea when your engineer will be here?

Very truly yours,

C. E. Hosterbaender.

August 8, 1961

Re: Permit No. G-27219

C. C. Kostenbauder  
Route #2  
Paul, Idaho

Dear Mr. Kostenbauder:

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

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

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

EPR:

27219

**RUPERT, IDAHO**

### AFFIDAVIT OF PUBLICATION

**\$5.**

four

Subscribed and sworn to before me this

11<sup>th</sup> day of July, 1961

John A. Hunter Notary Public

Cost of Publication .....

Notary Fee .....

**Total Cost** .....

# FLATION OF RUBBER AND AP- PLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 30th day of June 1931, at Rupert, County of Minidoka, State of Idaho, before John W. Pyne, Notary Public, at 150 Overland Buxley, Idaho, proof will be submitted of the completion of works for the diversion of 3.55 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-27219, 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 C. C. Kostenbauder Route 2, Paul, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.4 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 4.4 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ , NW $\frac{1}{4}$  Sec. 32 T. 8 S., R. 22 E.

5. The place where said water is used is W 1/2, Sec. 32, T. 4 S., R. 22 E.

6. The date of priority which said user is prepared to establish is Jan. 29, 1958.

**Gen. N. Carter**

ALL 31 1961

100-443887-100

27219

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO**

Permit No.

27219

## Proof of Application of Water to Beneficial Use

and Completion of Works

### Deposition of Holder

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

**Ans.** ✓ C. C. Kostenbauder, 1250 West - 500 North Farmer, Route 2 Paul, Idaho

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

**Ans.** \_\_\_\_\_

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

**Ans.** No. G-27219 February 6, 1958 1-29-58

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

**Ans.** Under ground water, deep well, point of diversion is Southwest 1/4 of the Northwest 1/4 of Section 32 Twp. 3 South Range 22 East PM Minidoka County

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

**Ans.** Deep well 362' - 14" of 20" casing, depth to water 225' Pump is 200 HP putting out 1800 gallons per minute. Sprinkler irrigated with 340 nozzles size 5/32 operating at 60 lbs. pressure.

**Ques. 6.** State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

**Ans.** Water is used to sprinkler irrigate West 1/2 of Section 32, Twp. 3S, Range 22 EBM or approximately 320 Acres. Row crops and grain is farmed. Permanent housing and grain storage has been set up. An under ground main line has been installed. Roads have been build into the property.

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

**Ans.** C. H. Cobb, 212 1st Avenue West, Jerome, Idaho

27219

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

Ans. None

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

Ans. 1800 per minute for farming 320 acres.

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

Ans.

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

Ans.

Started May 1958, 1800 GPM, Farming 320 acres

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

Ans.

(Sign) E. C. Kosterbander

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 Burley, County of Cassia,

State of Idaho, on this 30th day of June, A. D. 1961.

John W. Byrne

My commission expires July 16, 1963

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO**

Permit No. \_\_\_\_\_

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

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

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

Ans. Jack B. Witherspoon 41 years Route 2 Twin Falls, Idaho Salesman  
Wintroath

Ques. 2. Are you acquainted with C. C. Kostenbauder, the  
holder of Permit No. G-27219? How long have you known him and where does  
he reside?

Ans. Four years On his property, West 1/2 of Section 32, Twp. 8 South,  
Range 22 East BM

Ques. 3. Have you read or heard read said Permit No. G-27219, and are you  
familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for con-  
veying water from point of diversion to place of use.

Ans. Deep well, southwest 1/4 of the northwest 1/4 of Section 32.  
One mile of underground main line used with a sprinkler system

Ques. 5. How many second feet of water do you estimate said works will safely con-  
duct to place of use, and how much water have you seen being so conveyed?

Ans. 4 Cu. ft. per second

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

Ans. Approximately 1800 gallons per minute, estimated by number of sprinklers

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

Ans. Water is used to sprinkle irrigate row crops and grain on 320 acres.  
West half of section 32. Permanent housing, domestic well drilled and  
grain storage building erected.

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

Ans. None

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

Ans. Desert land reclaimed, 4 Cu. ft. per second.

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

Ans. None

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

Ans. I have watched the sprinkler irrigation of this property since May of 1958.

(Signed)

*Jack B. Wilkerson*

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 Burley,  
County of Cassia, State of Idaho, on this 30 day of June,  
A. D. 1961.

*John W. Byrne*  
Notary Public.

My commission expires July 16, 1963.

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO**

Permit No. ....

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

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

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

Ans. George Brandon 49 Hazelton, Idaho Farmer, Hazelton, Idaho.

Ques. 2. Are you acquainted with C. C. Kostenbader, the holder of Permit No. G-27219? How long have you known him and where does he reside?

Ans. Four years On his property, West 1/2 of Section 32, Twp. 8 South  
Range 22 East BM

Ques. 3. Have you read or heard read said Permit No. G-27219, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Deep well, southwest 1/2 of the northwest 1/4 of Section 32.  
One mile of under ground main line used with a sprinkler system

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

Ans. 4 Cu. ft. per second

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

Ans. Approximately 1800 gallons per minute, estimated by number of sprinklers.

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

Ans. ~~Water is used to sprinkler irrigate~~ row crops and grain on 320 acres.  
West half of section 32. Permanent housing, domestic well drilled and  
grain storage building erected.

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

Ans. None

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

Ans. Desert land reclaimed 4 Cu. ft. per second

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

Ans. None

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

Ans. I have watched the sprinkler irrigation of this property since  
May of 1953

(Signed)

*Leo Brandon*

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 Burley,  
County of Cassia, State of Idaho, on this 30 day of June,  
A. D. 1961.

*John W. Pyne*

Notary Public.

My commission expires July 16, 1963

June 5, 1961

Re: Permit No. G-27219 - C. C. Kostenbauder

Minidoka County News  
Rapert, Idaho

Gentlemen:

We received the copy of the Notice of Publication on the above numbered permit and in the name of C. C. Kostenbauder. We find the following correction:

Paragraph 4, Line 2, should read SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 32, T. 8 S., R. 22 E., B. M. The SE $\frac{1}{4}$  should be omitted.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

H. PETRI  
Water Rights Clerk

HP:ew

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE  
May 26, 1961

Re: Permit No. G-27219

Mr. C. C. Kostenbauder,  
Route #2,  
Paul, Idaho.

Dear Mr. Kostenbauder:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-27219. The proofs are to be made at 10:00 o'clock A.M., on the 30th day of June, 1961, ~~before~~ before John W. Pyne, 150 Overland Ave., Burley, Idaho, Notary Public.

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

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

Rule  
(Mrs.) Edna P. ~~Edna P.~~  
Chief Clerk

Encl.  
EPR:pmk  
cc: Notary

P.S. You will note that we have changed the date for making proof from April 25th to June 30th, inasmuch as the Notice for Publication was not received in this office until May 26th, and would not allow time for any publications.

27219

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

Boise, Idaho

Re: Permit No. G-27219  
C. C. Kostenbauder

Date: May 26, 1961

Minidoka County News,  
Rupert, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **June 30, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

**C. C. Kostenbauder** of **Route 2, Paul, Idaho**  
to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

  
GEO. N. CARTER  
State Reclamation Engineer

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

Encl.

27219

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

Department of Reclamation

Notice is hereby given that at 10:00 A. M., on the 30th day of June 1961, at Rupert, County of Minidoka, State of Idaho, before John W. Pyne, Notary Public, at (address) 150 Overland Ave., Burley, Idaho, proof will be submitted of the completion of works for the diversion of 4.4 <sup>3.55</sup> 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-27219, 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 C. C. Kostenbauder, Route 2, Paul, Ida.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.4 cubic feet per second.

3. The use to which said water has been applied is agricultural Irrigation purposes, and the amount applied to beneficial use is 4.4 cubic feet per second.

4. The point of diversion of said water is SE 1/4, SW 1/4, NW 1/4 Sec. 32  
T. 8S R. 22E.

5. The place where said water is used is W 1/2, Sec. 32 T. 8S R. 22E.

6. The date of priority which said user is prepared to establish is \_\_\_\_\_

Jan. 29,  
February 6, 1958

Geo. H. [Signature]  
State Reclamation Engineer

27219

RECEIVED  
MAY 26 1961

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN **DUPLICATE**

(Date) April 25, 1961

(P. O.) Paul, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Minnidoka County News of Rupert, Idaho published in

the county in which the works are situated.

*Minnidoka Co.*

*E. C. Kostenbender*

(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.

RECEIVED  
DEC 2 21960  
Department of Reclamation

Route 2,  
Paul, Idaho.  
12-20-60

Dear Sir:-

On Feb. 12, 1958 I was granted a permit, No G 27219 to drill an irrigation well on my property. Said well has been drilled and I now irrigate 320 acres with this well.

Recently I was told I should apply for a license for said well. Will you please let me know what is the proper procedure to apply for said license and send me any forms and instructions that are necessary.

Very truly yours,  
C. C. Rostenbender.

Forms sent 12-22-60

February 12, 1958

Re: Permit No. G-27219

Mr. C. C. Kostenbauder  
Route # 1,  
Heyburn, Idaho

Dear Mr. Kostenbauder:

We enclose Permit No. G-27219 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

We also enclose departmental receipt No. G-3123 which was issued covering payment in the amount of \$5.75 for the filing fee of the above mentioned permit.

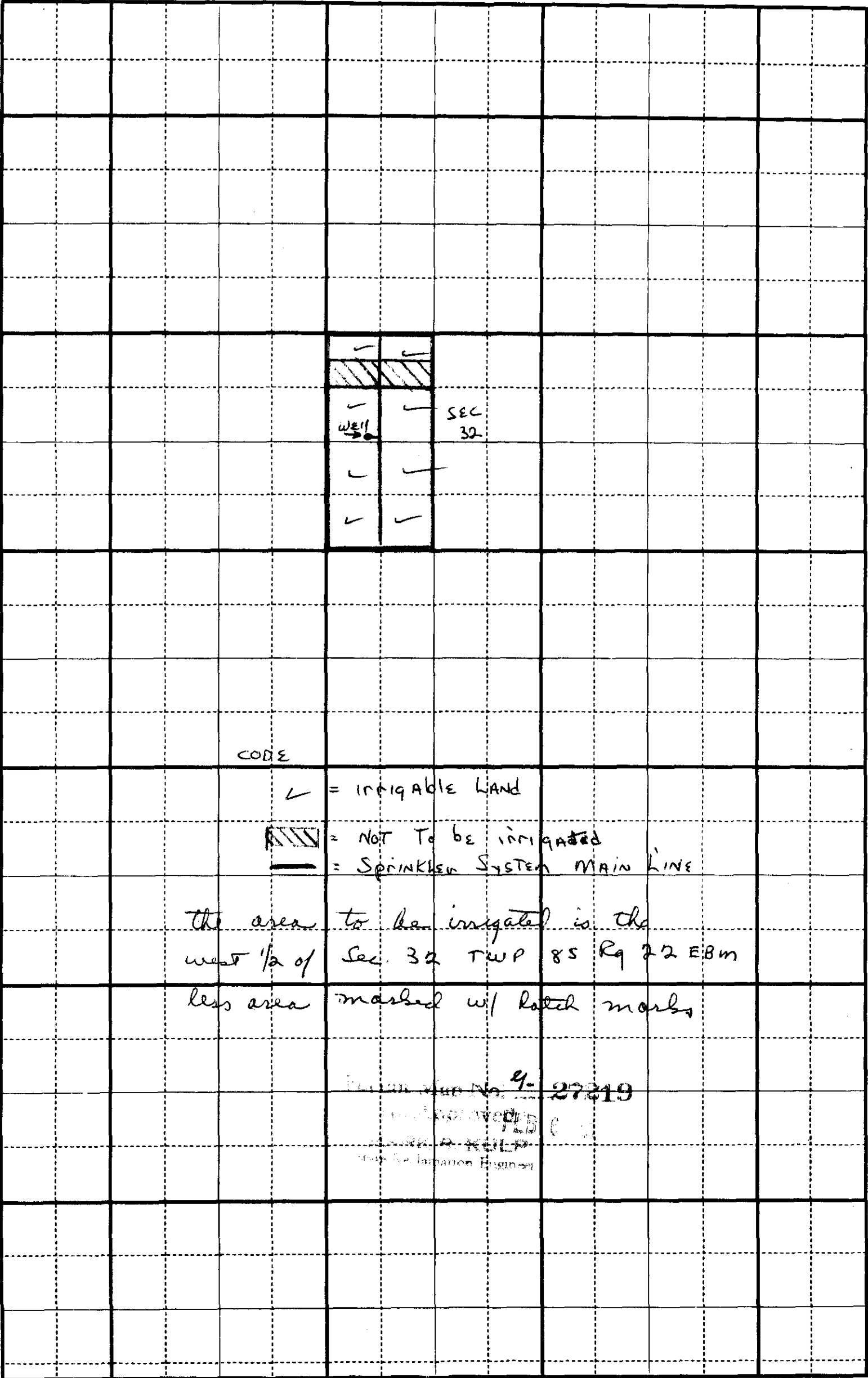
Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Edna P. Rutledge (Mrs.)  
Chief Clerk

EPR:lw  
Encs. (2)

27219



NOTICE OF PROOF OF COM-  
PLETION OF WORKS and AP-  
PLICATION OF WATER TO  
BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 30th day of June 1961, at Rupert, County of Minidoka, State of Idaho, before John W. Pyne, Notary Public, at 150 Overland Burley, Idaho, proof will be submitted of the completion of works for the diversion of 3.55 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-27219, 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 C. C. Kostenbauder Route 2, Paul, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.4 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 4.4 cubic feet per second.

4. The point of diversion of said water is SE 14, SW 14, NW 14 Sec. 32 T. 8 S., R. 22 E.

5. The place where said water is used is W 1/2, Sec. 32, T. 8 S., R. 22 E.

6. The date of priority which said user is prepared to establish is Jan. 29, 1958.

Geo. N. Carter  
State Reclamation En-  
gineer 27219

No. 194 June 1 - June 22

NOTICE OF PROOF OF COM-  
PLETION OF WORKS and AP-  
PLICATION OF WATER TO  
BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 30th day of June 1961, at Rupert, County of Minidoka, State of Idaho, before John W. Pyne, Notary Public, at 150 Overland Burley, Idaho, proof will be submitted of the completion of works for the diversion of 3.55 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-27219, 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 C. C. Kostenbader Route 2, Paul, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.4 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 4.4 cubic feet per second.

4. The point of diversion of said water is SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> Sec. 32 T. 8 S., R. 22 E.

5. The place where said water is used is W <sup>1</sup>/<sub>2</sub>, Sec. 32, T. 8 S., R. 22 E.

6. The date of priority which said user is prepared to establish is Jan. 29, 1958.

Geo. N. Carter  
State Reclamation En-  
gineer

No. 194 June 1 - June 22

27219