

Identification No. 57-7-33

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Jack B. Witherspoon
post office address Route 3, Twin Falls, Idaho 83301
2. Source of water supply Snake River which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township E. S.
Range 18 E B.M. Lincoln County, additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Quantity to be appropriated:
a. 3.2 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
irrigation purpose from April 1 to October 31 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump, motor, sprinkler system

- b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam _____
- c. Proposed well diameter is 12 inches; proposed depth of well is 245 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 8,000.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____ or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

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

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	
6 S	18 E	29			40	40									40	40			160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes none

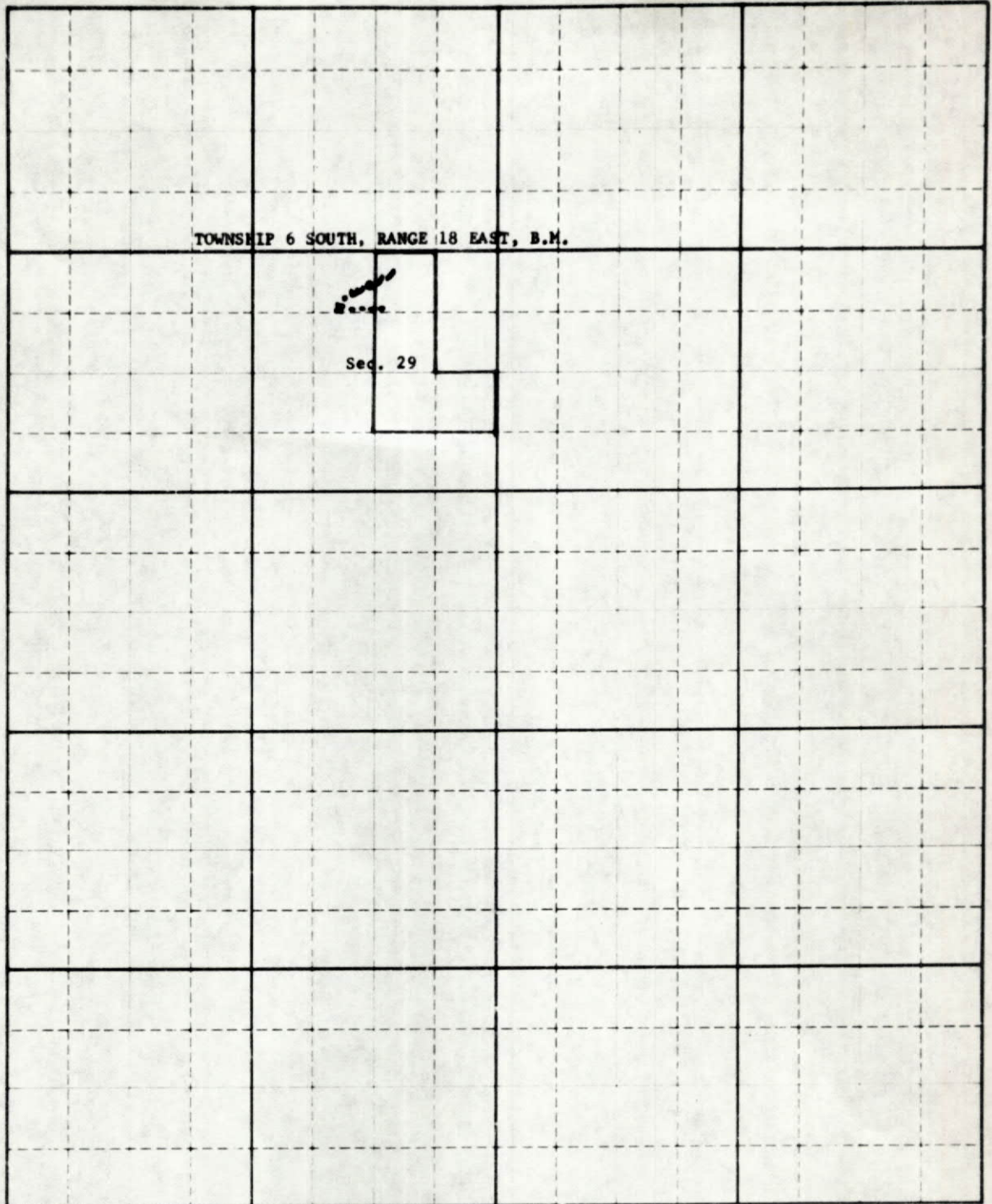
9 a. Who owns the property? point of diversion applicant

b. Who owns the land to be irrigated or place of use U.S. Public Land

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Desert Land Application I-1507, classified as favorable for entry as per attached letter from BLM

10. Remarks

11. Map of proposed project.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JACK B. WITHERSPOON

BY: *Harley M. McQuell*
(Applicant)

37 7033

Received by DM Date 9-13-68 Time 9 AM
Preliminary check by DM Fee \$ 35.00 plus 12.00 for BLM
Received by DM Date 9-13-68
Publication prepared by DM Date 10-4-68
Published in Shoshone City pm
Publication dates 10-1-2-4-68
Publication approved DM Date 9-20-68
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DMC RL

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7033, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1973.
- c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 19th day of November 19 68.

Jack A. Bennett
Deputy State Reclamation Engineer

RECEIVED

OCT 28 1968

Department of Reclamation

AFFIDAVIT of PUBLICATION

LINCOLN COUNTY JOURNAL
SHOSHONE, IDAHO

Darlene Gaskill

being first duly sworn, says that She is the
Principal Clerk of
the Lincoln County Journal, a newspaper pub-
lished 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

two consecutive weeks, begin-
ning with the issue of

10-10 . 1968

and ending with the issue of

10-17 . 1968

Darlene Gaskill

Subscribed and sworn to before me this

25th day of *October* . 1968

Zella Mae Pearson
Notary Public, Shoshone, Idaho

Jack B. Witherspoon, Route
No. 3, Twin Falls, Idaho has on
September 15, 1968 applied for
permit under application No.
37-7033 to divert 3.2 cubic feet
per second of water from a
subterranean source. Water
will be diverted by a well,
pump, motor and sprinklers
within the NE 1/4 NW 1/4, sec. 29,
T. 6 S., R. 18 E., B.M., Lincoln
County and is to be used from
April 1 to October 31 for irri-
gation purposes in the NW 1/4
NE 1/4, NW 1/4, sec. 29, T. 6
S., R. 18 E., B.M.

Any protest against this
application must be filed with
the Department of Reclama-
tion within ten days from the
last date of publication of this
notice.

R. KEITH HIGGINSON,
State Reclamation
Engineer.

10-17-2c

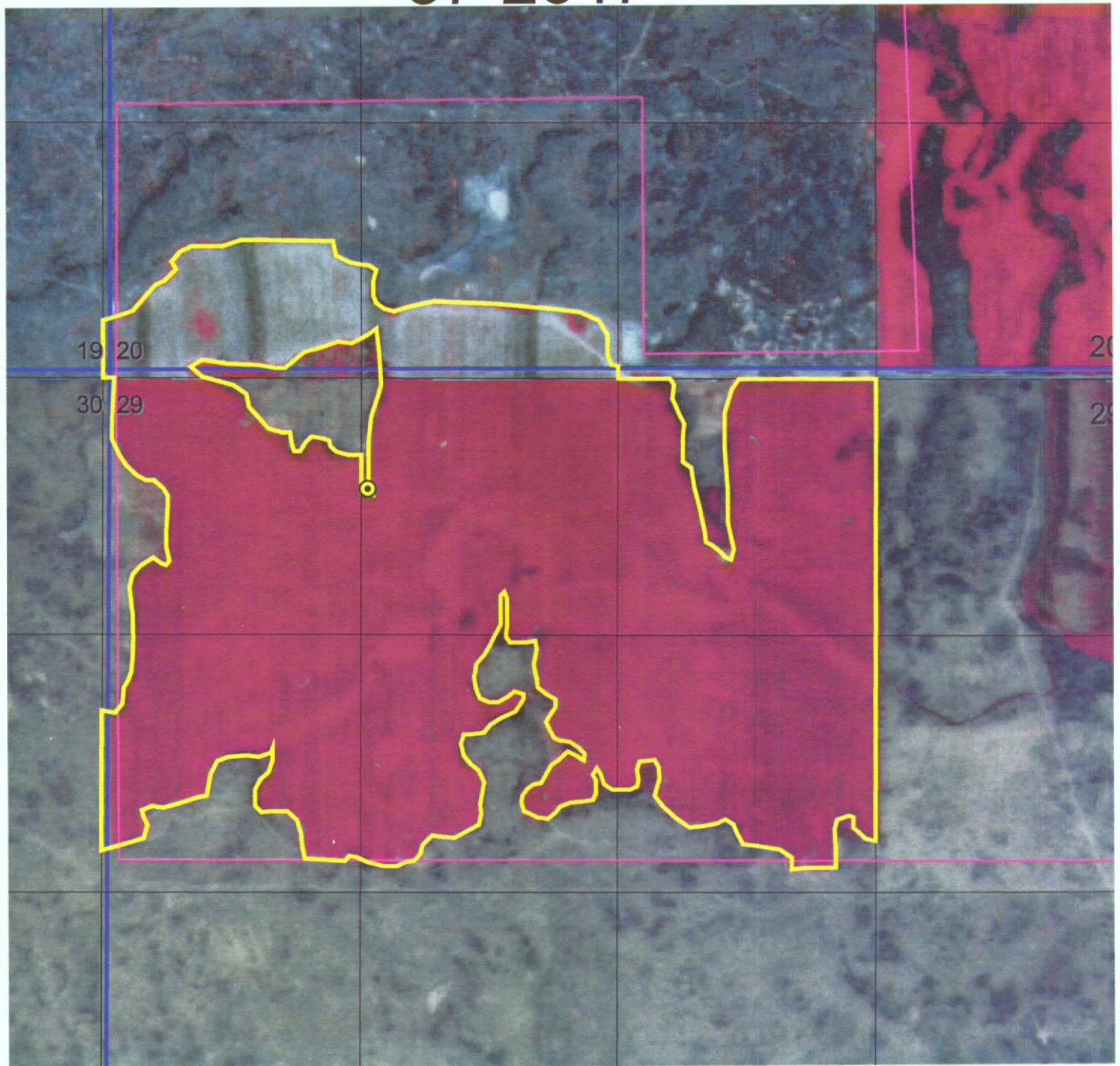
NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that

37 7033

IDAHO DEPT OF WATER RESOURCES

37-2647



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 6S
RNG: 18E
SEC: 20 & 29
<140 ac in 211 ac
Permissable POU>



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 15, 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 21 1993
Department of Water Resources

A. GENERAL INFORMATION

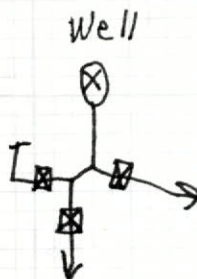
1. Owner: Herbert J. McGowan Permit No. 37-7033
Current Address: 539 E. 330 S., Dietrich, ID 83324 Phone No. 544-2501
2. Accompanied by: Mr. McGowan per telecon EXAM. DATE: 7-6-93 & 10-21-93
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-02647 ☐ Copies Attached
2. Other water rights with same point of diversion: 37-02647 ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
☒ Aerial Photo Attached (required for irrigation of 10 acres or more).

MICROFILMED
SEP 11 1997

37-7033



92

1992 P/U



J 93

1993 P/U

MICROFILMED
SEP 11 1997

37-7033



P/U

P/D + P/U

MICROFILMED
SEP 11 1997

37-7033

no rights

H. McCOWAN

T402
326

Suc
H=12

20.2
29.2

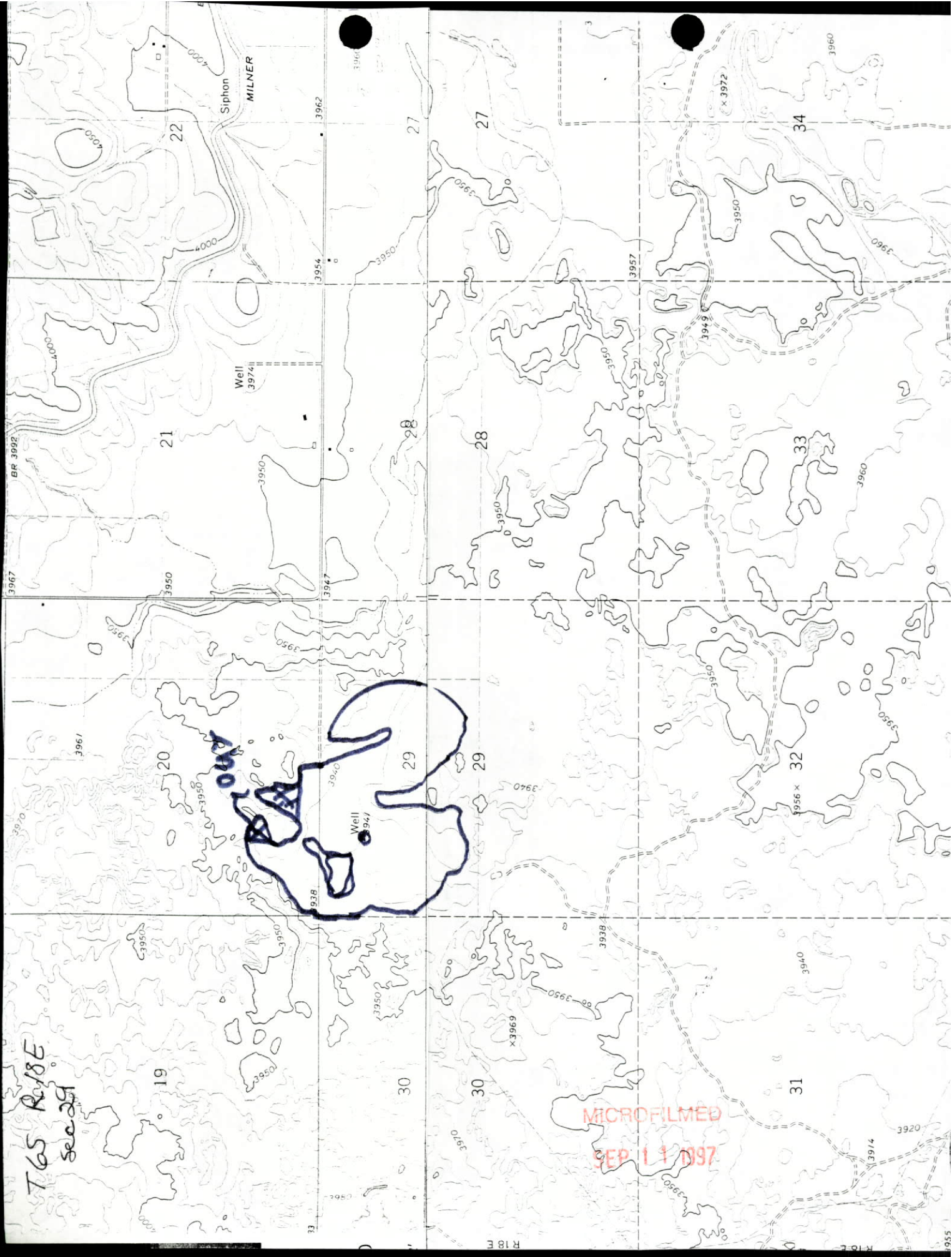
OUT

PD

MICROFILMED
SEP 11 1997

186.2 ACRES

1987 ASCS



37-7033



Diversion Works

MICROFILMED
SEP 11 1997

37-7033

RECEIVED

OCT 21 1988

Department of Water Resources

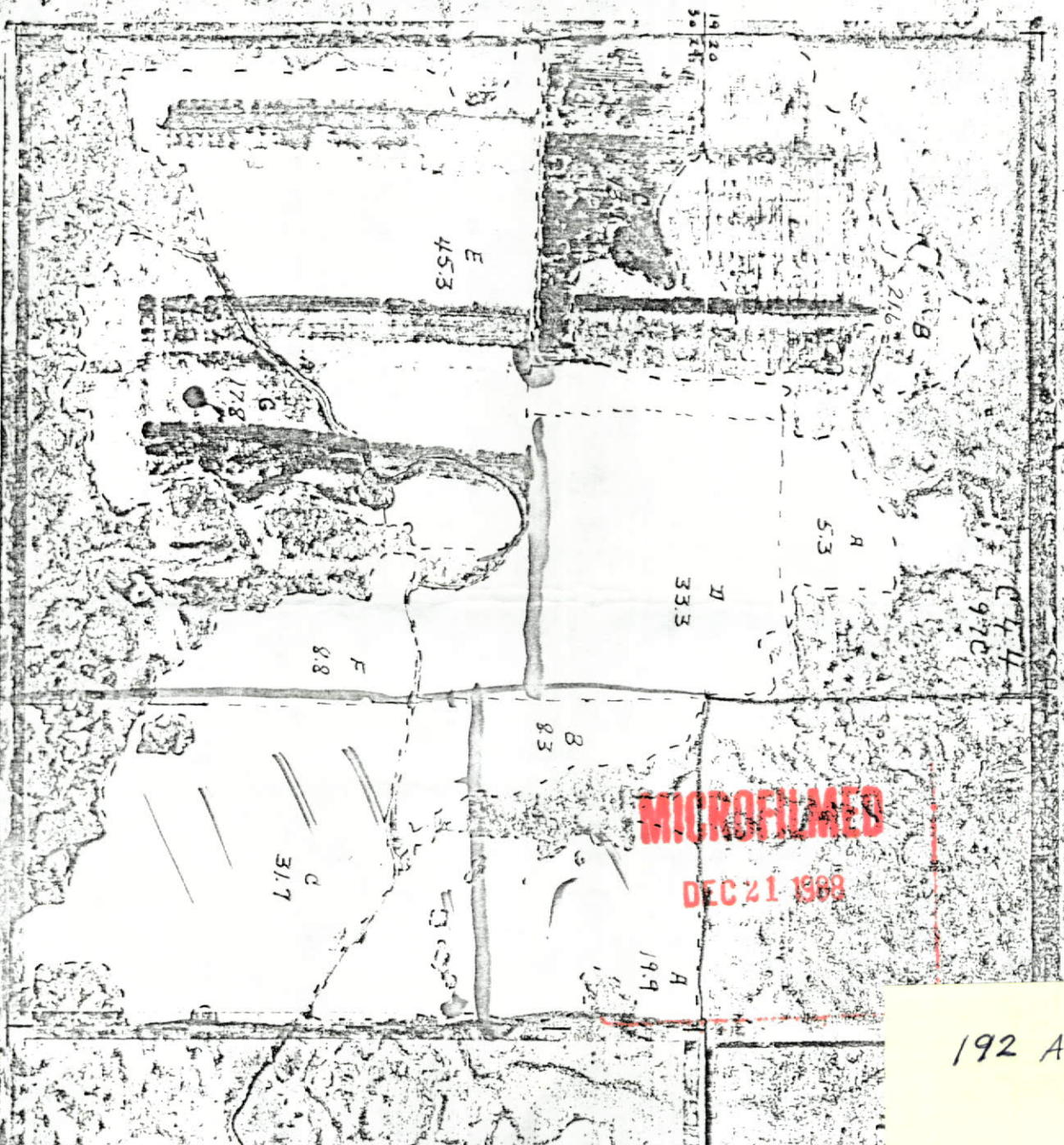
MAINTENANCE

Taken in 1967

John Bled

LINCOLN COUNTY ASCS
BOX 703
SHOSHONE IDAHO 83352

1/20/88



192 ACRES

1967 ASCS

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

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

November 2, 1973

Re: Permit No. 37-7033

Jack B. Witherspoon
Route #3
Twin Falls, Idaho 83301

Dear Mr. Witherspoon:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit #37-7033 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within sixty days from the date of this notice of lapsing.


A. KENNETH DUNN
Deputy Director

37 7033

Permit No. 37-7033

Dear Mr. Wickerspoon:

Please complete and return the application to this office, on or before the proof due date, November 1, 1973.

Sincerely,

EDF:JC
Enclosure

Twin Falls, Idaho
October 13, 1943

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

Dear Sirs;

In reference to Permit No. 37-7033, additional materials and an order, a 200 HP turbine to replace the existing 125 HP motor from Layne and Bowler of Twin Falls and an order has been placed with North American Rockwell Co. for a rate of flow and recording meter. Installation will be completed this fall. I request additional time for installation of this apparatus.

Sincerely,

Jack B. Witherspoon
Jack B. Witherspoon
Route # 3
Twin Falls, Idaho 83301

37 7033

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☒ Show to whom, date and address where delivered

☐ Deliver ONLY to addressee

RECEIPT
Received the numbered article described below:

REGISTERED NO. _____
CERTIFIED NO. 24791
INSURED NO. _____

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
[Signature]
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY _____

DATE DELIVERED 9/6/73

SHOW NUMBER OF COPIES OF ARTICLE (If any)
51-7033

35-10-7140P-11 2-7-70 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

SEP 1 1973
IN FALLS
IDaho

POSTMAN OF DELIVERING SERVICE

Penet your name and address below. If you want to receive delivery, or to have the address of delivery shown on this receipt, check block (a) on other side. Mailed gummed ends and attach this card to back of article.

RETURN TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX 22
BOISE, IDAHO 83702

7033

POST 14-000 70111 Aug. 1973



37-7033

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office

REPLY REFER TO
L:V88
I 15-7

RECEIVED
DEC 9 1968
Department of Reclamation

NOTICE OF ALLOWANCE

Jack B. Witherspoon
Route 2
Twin Falls, Idaho 83301

Serial No. I 1807

16 Acres

T. 6 S., R. 18 E., Boise Mer., Idaho
Sec. 29, W^{1/2}, N^{1/2}

Your desert land application for the above described land has this day been approved and allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon development and reclamation of the land in accordance with your plan of development which is on file in the Boise Land Office. Any substantial change in source of water or deviation in the construction of the irrigating facilities must have the approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 1.4 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914, which will require the reservation of all oil and gas deposits to the United States.

Also subject to the agreement to provide livestock water for use of authorized licensees and permittees, executed on June 5, 1968.

Also the W^{1/2} and NE^{1/4} are subject to the Act of August 11, 1916, American Falls Reservoir District No. 2.

cc: State Dept. of Reclamation ✓

IN WITNESS WHEREOF, I have hereunto set
my hand and seal this 6th
day of December, 19 68

/S/ ORVAL G. HADLEY

MANAGER, LAND OFFICE
BOISE, IDAHO

37-7033

KODAK SAFETY FIL

November 20, 1938

Re: Permit No. 37-7033

Jack B. Witherspoon
Route 3
Twin Falls, Idaho 83301

Dear Mr. Witherspoon:

We enclose a copy of your approved application for permit 37-7033
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of application
Receipt No. 2067 for \$36.
2 informational letters

37 7033

November 20, 1953

Re: Permit Nos. 37-7033, 37-7034, 38-7035,
37-7031, 31-7032 & 37-7033

Land Office
Bureau of Land Management
P.O. Box 2237
Federal Building
 Boise, Idaho

Gentlemen:

Enclosed are copies of the above referenced permits which
have been accepted for desert land entries.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:ah

Enclosures

37 7033

C
O
P
Y

IDAHO LAND & APPRAISAL SERVICE

HARLEY M. McDOWELL
E. J. J. J. J.
MGR. OWNER

224 IDAHO BLDG

BOISE IDAHO 83701

P O Box ~~XXXX~~ 1603

PHONE 344 2547

MERVIN J. CHRISTENSEN

(LICENSED SURVEYOR)

JOSEPH J. THACKERBERRY

ROBERT W. SMITH

September 11, 1968

ALL PROPERTY APPRAISALS

CUSTOM TITLE & MAPPING

LAT

LONG

AREA

GRAZING MANAGEMENT

FEDERAL LAND APPLICATIONS

WATER FILINGS & PROOF

STATE LAND LEASES - ASSIGNS

RECEIVED

SEP 12 1968

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
Idaho Department of Reclamation
State House - Annex 2
Boise, Idaho 83707

RE: Application for Water Permit, Jack B. Witherspoon

Dear Mr. Higginson:

Enclosed please find the following:

1. Application for water permit in the name of Jack B. Witherspoon
2. Power of Attorney naming Idaho Land & Appraisal Service
3. Letter from the BLM requesting a copy of an approved water permit
4. Check in the amount of \$36.00 to cover filing fee for 3.2 cfs plus \$1 charge for sending a copy of the approved permit to the Idaho Land Office, U. S. Bureau of Land Management, Rm. 334, Federal Bldg., 550 W. Fort Street, Boise, Idaho 83702.

If you require any further information, please do not hesitate to let us know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Harley M. McDowell
Harley M. McDowell

1h
encl

cc: Idaho Land Office - I-1507

37 7033



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho Land Office
Room 204, Federal Building
550 W. Fort Street
Boise, Idaho 83702

IN REPLY REFER TO:

L-788
I-1537

RECEIVED

SEP 12 1968

Department of Reclamation

AUG 14 1968

Mr. Jack B. Witherspoon
Route 2
Twin Falls, Idaho 83301

Dear Mr. Witherspoon:

On July 10, 1968, the Shoshone District Manager issued an "Initial Decision" approving your desert land petition I-1537.

According to your plan of development, water for irrigation is to be obtained from an existing well. You must submit evidence of your right to appropriate and use the water. The evidence should consist of a copy of a State water permit approved by the State Reclamation Engineer. Attached is an extra copy of this letter. The copy should be submitted to the State Department of Reclamation at the time you apply for a permit. Unless they have knowledge that the land of the desert land application has been classified as suitable for entry, they may decline to issue the water permit. You should make arrangements with the State Reclamation Engineer to have a copy of the permit sent to this office.

We would appreciate receiving a copy of the permit as soon as possible. Also, please advise us when you apply for the permit.

Sincerely yours,

/s/ ORVAL G. HADLEY
Orval G. Hadley
Manager, Land Office

Attachment

37 2033

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~ORIGINAL APPLICATION~~	~~37-07033~~	~~WITHERSPOON,~~ ~~JACK~~	~~3.02~~
FULL ASSIGNMENT	37-07033	4 BROS DAIRY INC ANDREW FITZGERALD	3.02

09/10/97

MICROFILMED

SEP 11 1997

RECEIVED

For Office Use Only
 \$25.00 Filing Fee
 Receipt # 5030427
 Date 7-31-97

JUL 31 1997

State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
 Southern Region

RECEIVED

AUG 04 1997

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, HERBERT M^C COWAN hereby assign to 4-BROS. DAIRY INC.
(Permit Holder)
 of ANDREW FITZGERALD 4250 250W SHOSHONE ID 83352 208-886-7716
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 37-07033
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. 37-07033 to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 24 day of July, 1997

Herbert M^C Cowan
 Permit Holder(s)

State of Idaho)
 County of Lincoln) ss

On this 24 day of July, 1997, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Notary Public

Michelle Fitzgerald
 Signature

My Commission Expires: 12/17/97

MICROFILMED

SEP 11 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-7033 IN THE NAME OF) ORDER OF REINSTATEMENT
HERBERT McCOWAN)
_____)

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On November 19, 1968, the Director of the Department of Water Resources issued Permit No. 37-7033 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before November 1, 1973.

2. On August 31, 1973, the Department sent a proof due notice to the permit holders.

3. On November 2, 1973, the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.

4. On July 5, 1988, Proof of Beneficial Use was received by the Department from the permit holders.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

MICROFILMED

DEC 21 1988

6. The permit holders submitted evidence to confirm that water has been put to beneficial use during the authorized development period. These documents include aerial photos dated and signed by a Lincoln County ASCS agent, a signed statement by a University of Idaho Minidoka County agricultural extension agent confirming the irrigation of potatoes beginning in 1967.

7. The permit holders have stated that they believed that proof had been completed on the permit by the original permit holder, and that the mortgage company had not detected deficiencies in the water right permit at the time of purchase.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

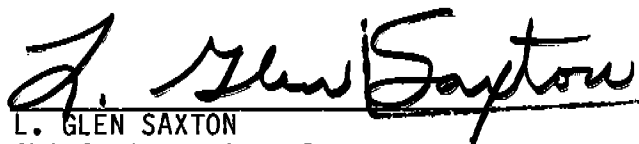
IT IS ~~IS~~ HEREBY ORDERED that Permit No. 37-7033 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to July 5, 1988.

Dated this 12th day of December, 1988.

MICROFILMED

DEC 21 1988


L. GLEN SAXTON
Chief, Operations Bureau

State of Idaho
Department of Water Resources

RECEIVED
OCT 21 1988

ASSIGNMENT OF PERMIT

I, JACK WITHERSPOON, hereby assign to Herbert M. Cowan
of 539 E. 330 South, Detchick Id. 83324
Address

All my right, title, and interest in and to Permit No. 37-7033
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 37-7033 to appropriate the public waters of the
State of Idaho.

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

W 1/2 NE
29-6-18

Made this 13 day of Oct, 19 88.

Jack B. Witherspoon
Permit Holder

Beverly M. Witherspoon
Spouse of Permit Holder

State of Idaho Arizona)
County of Maricopa) ss

On this 13th day of October, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Maia O. Vero
Notary Public residing at
P.O. Box 132 Aguila, Z. 85320

My commission expires:

My Commission Expires May 31, 1991

MICROFILMED
DEC 21 1988

Identification No. 27 1150

Application No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Jack B. Witherspoon
post office address Route 3, Twin Falls, Idaho 83301
2. Source of water supply _____ which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township E. 5
Range 18 E B.M. Lincoln County, additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Quantity to be appropriated:
a. 3.2 cubic feet per second and or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes
irrigation purpose from April 1 to October 31 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump, motor, sprinkler system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet; materials used in storage dam _____

c. Proposed well diameter is 12 inches; proposed depth of well is 245 feet
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years
b. Estimated construction cost is \$ 8,000
8. Description of proposed uses:
a. If water is ~~not~~ for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____ or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

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	
6 S	18 E	29	40	40											40	40			160

Total number of acres to be irrigated 160

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

9 a. Who owns the property point of divers on applicant

b. Who owns the land to be irrigated on place of use U.S. Public Land

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this Desert Land Application 1-1507, classified as favorable for entry as per attached letter from BLM

10 Remarks

TOWNSHIP 6 SOUTH, RANGE 18 EAST, B.M.

Sec. 29

Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth:

JACK B. WITHERSPOON

By: *Harley M. McQuell*
(Applicant)

37 7033

Received by DW Date 9-13-68 Time 7 AM
Preliminary check by DW Fee \$ 35.00 154-644
Received by if Date 9-13-68
Publication prepared by if Date 10-4-68
Published Bozeman City
Publication dates 10-11-24-68
Publication approved if Date 9-13-68
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by if

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7033, and said application is hereby APPROVED

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1973.
- c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 19th day of November 19 68.

Jack A. Bennett
Deputy State Reclamation Engineer

RECEIVED

OCT 10 1968

Department of Reclamation

AFFIDAVIT of PUBLICATION

LINCOLN COUNTY JOURNAL

SHOSHONE, IDAHO

Barbara Garfield

being first duly sworn, says that she is the

Principal Clerk

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

two consecutive weeks, beginning with the issue of

10-10 1968

and ending with the issue of

10-17 1968

Barbara Garfield

Subscribed and sworn to before me this

25th day of October 1968

John M. Pearson
Notary Public, Shoshone, Idaho

NOTARY PUBLIC, STATE OF IDAHO, County of Lincoln, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same was presented to me for recording and filing in my office on the 25th day of October, 1968, at Shoshone, Idaho, and that the same was duly subscribed and sworn to before me by the person named in the foregoing, and that the same was duly filed in my office on the 25th day of October, 1968, at Shoshone, Idaho.

J. KEITH PETERSON,
Notary Public,
Shoshone, Idaho.

25-17-68

37 7033



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

RE: Water Right Update

Dear Andrew,

This letter is the follow-up review we discussed by phone earlier today. I did not enclose a Change of Address form for you to return as discussed. I found your corrected address (as shown above) already part of other records on our database and I was able to update all your records based on that information. Additionally, I confirmed your corporate name with the State of Idaho as being 4 Bros. Dairy, Inc. Therefore, I will update all our departmental records to reflect that as the correct business name.

37-10446: I have enclosed a preliminary recommendation of this right as it is proposed. The commercial use has been dropped from the right as we agreed. I see you have other rights for the dairy use filed with IDWR also; they are 37-8807 & 37-8814.

37-7414: This is the permit that has lapsed. Enclosed are copies of the permit application and the letter warning of the lapse for failure to submit Proof of Beneficial Use. There is a copy of the Idaho Code 42-218a that describes the legal affects of the situation. Basically you would have to prove the right was developed between 1975 and 1980 and explain why the delay in filing proof until now. The priority date of the permit would be moved up to the day proof was actually filed. The file was destroyed in 1994 so it has been awhile since contact has been made with this permit.

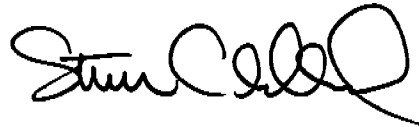
37-7033

37-7033: This permit is still pending a license to be issued. I have discussed this permit with allocations staff here in our State Office and we have concluded to get the overlapping right, 37-2647, processed thru the SRBA partial decree and then follow-up the final license for this right.

37-2647: I requested a notice of Change of Ownership from you and you informed me this has been done. I have located the changes you submitted to us and I will be updating your ownership of this right as indicate in our records. You do not need to submit further documentation for this matter.

Thank you for your quick responses in addressing your water right questions. There is no action necessary regarding these matters at this time unless you choose to try and re-instate the lapsed permit. If you have further questions on these water rights then please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Clelland", with a stylized, looping flourish at the end.

STEVE CLELLAND
Sr. Water Resource Agent

Enc:

03/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2647

NAME AND ADDRESS: 4-BROS DAIRY INC
C/O ANDREW FITZGERALD
425 N 250 W
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.06 CFS
560.0 AFY

PRIORITY DATE: 01/12/1961

POINT OF DIVERSION:

T06S R18E S29 NWNENW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.060 CFS
560.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within LINCOLN County

T06S R18E S20	SWSW	16.0	T06S R18E S20	SESW	10.0
T06S R18E S29	NWNE	36.0	T06S R18E S29	SWNE	30.0
T06S R18E S29	NENW	39.0	T06S R18E S29	NWNW	30.0
T06S R18E S29	SWNW	27.0	T06S R18E S29	SENW	23.0

211 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

RIGHT NO. 37-7033 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

for
OVERLAP
Review

3.58 cfs

37-2647

theo. cap.
(as found in Lic Exam
for 37-7033)

SCC
10/25/01

[DRAFT
REVIEW]

SCC
3/15/02

- 2.06

(2647)

1.52 cfs

← proposed cfs for permit

37-2647

2.06 cfs 140 AC

= 0.0147 cfs/AC

[1.52 cfs ÷ 0.02
= 76 AC]

→ Not realistic to Actual use,
Actual use shown Below.

3.58 cfs total ÷ 211.3 GIS AC

= 0.0169 cfs/AC. (ACTUAL DUTY
PER ACRE)

SRBA REC'D:

37-2647

2.06 cfs

140 AC. / PPU 211.0 AC.

(proposed)

37-07033

1.52 cfs (÷ 0.0169)

89.9 AC. / PPU 211.3

⊛ combined limit on both rights,
limit acres to 211.3 total

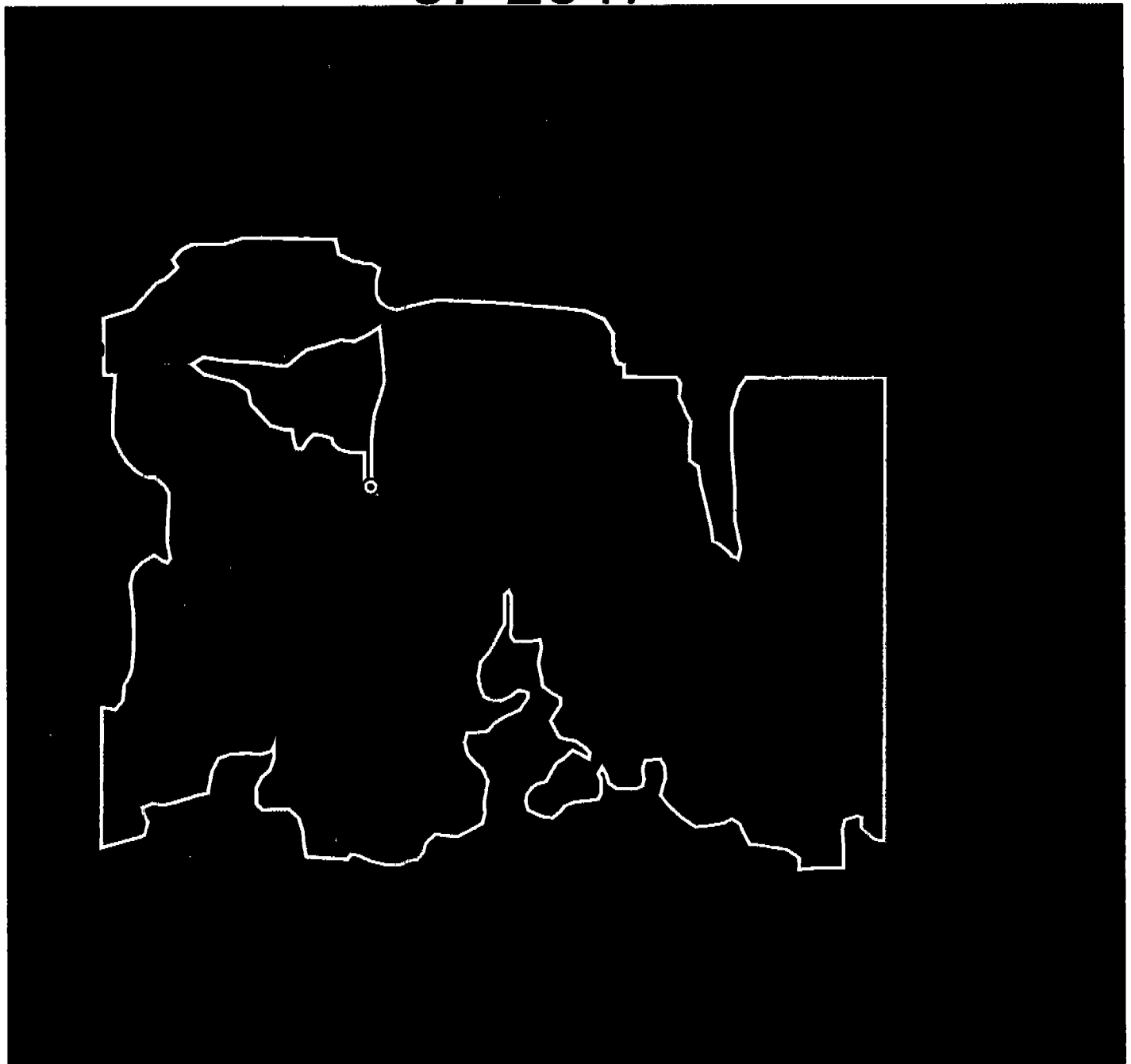
⊛ RESOLVE SRBA CLAIM
THEN FOLLOW WITH PERMIT.

⊛ FORWARD ANY SRBA CHANGES
TO THE PERMIT FILE FOR 37-7033

89.9 AC. overlap
with ac. under 37-2647
to INCREASE the duty of
water on as many AC.
as possible.

IDAHO DEPT OF WATER RESOURCES

37-2647



1320 0 1320 Feet

-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 6S
RNG: 18E
SEC: 20 & 29
<140 ac in 211 ac
Permissible POU>



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 15, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 10, 1997

4 BROS DAIRY
ANDREW FITZGERALD
425 N 250 W
SHOSHONE ID 83352

RE: ASSIGNMENT OF PERMIT NO. 37-07033

Dear Water Right Holder(s):

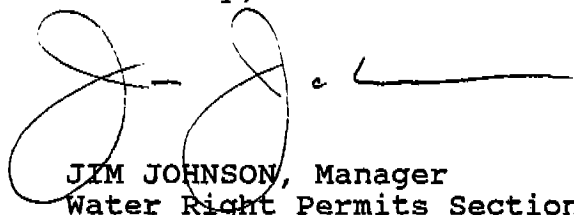
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED
SEP 11 1997

WR0749NP
No. 37-07033

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	4-BROS. DAIRY INC C/O ANDREW FITZGERALD 4250 N 250 W SHOSHONE ID 83352 (208) 886-7716	07/05/1988	IRRIGATION	04/01 10/31	3.200 CFS	
TOTAL DIVERSION:					3.200 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T06S R18E S29 NENW LINCOLN County

Place of use Legal Description for: IRRIGATION

NE								NW								SW								SE								
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	: 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	SUM	
06S	18E	29	:		40		40	:																	40		40				160.0	
TOTAL ACRES																														160.0		

Pou County: LINCOLN

Dates: App. Received: 11/19/1968 Priority Date: 07/05/1988 (Priority Date Advanced.)
Proof Due Date: 11/01/1973 Proof Made Date: 07/05/1988 (Proof Received Late.)
Exam Made Date: 10/21/1993 Exam Sent to S.O.: 12/20/1995
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

4 BROTHERS DAIRY INC
ANDREW FITZGERALD
425N 250W
SHOSHONE ID 83352

RE: PERMIT NO. 37-07033

Dear Permit Holder(s):

I have received an assignment of the above referenced permit changing ownership to you. Due to the requirements of Water Appropriation Rule 035.03.b.i., a list of the names, titles and addresses of all the officers and/or partners of 4 Brothers Dairy, Incorporated is needed for our records.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

Sincerely,

for Shelly Walte Fee
JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED
SEP 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 21 1993
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-7033

1. Owner: Herbert J. McGowan Phone No. 544-2501

Current Address: 539 E. 330 S., Dietrich, ID 83324

2. Accompanied by: Mr. McGowan per telecon EXAM. DATE: 7-6-93 & 10-21-93

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-02647

☐ Copies Attached

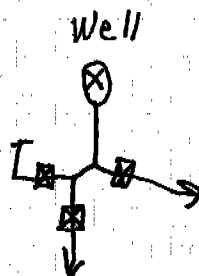
2. Other water rights with same point of diversion: 37-02647

☒ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached **MICROFILMED**
(required for irrigation of 10 acres or more).

SEP 11 1993

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, motor, pump, mainline to sprinklers. 1 full pivot, 1 half pivot, handlines.

29 acres in the NW 1/4 Sec. 29 that were licensed are no longer irrigated. About 54 acres of new land have been developed under this permit. Old license was for 0.74"/acre, so land could be licensed at a higher density. I am therefore recommending that the full number of permitted acres be licensed. 186.2 acres were watered when proof was filed. 194 acres are now watered. Excess acres in SE/SW Sec. 20 are not recommended for licensing in the PPU.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motors	175	1222013	Layne & Powell	44/79

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NW	29	6S	18E	Lincoln	Aerial photo

6. Place(s) of Use: ^{PPU} Not to exceed 160 ac/ann Indicate Method of Determination Aerial photo, dot grid

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	
6S	18E	29		26	27		26	29	28	18									158 158
		20											19	7					26 28
														9					194 194
																			186

System
A/U

MICROFILMED

Do not use this space

SEP 14 1977

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Not measured.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

3.58 cfs capacity - 2.06 cfs

1. Measured Method:

*140 ac. licensed at 0.74"/gc = 46.2 acw reqs. at 1.52"/gc = 80" = 1.52 cfs to be lic.
0.964*

2. Alternate Method for Checking Purposes:

Theoretical capacity is 3.58 cfs = 0.96"/gc.

licensed = 1.52 cfs to be licensed

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.0 \text{ AFA/gc} \times (186.2 - 140) = 4 \times 46.2 = 184.8$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 184.8 \text{ AFA}$

2. Volume Calculations for Other Uses:

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SEP 11 1997

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This farm is quite rocky, it is surrounded by sagebrush. Acres are based on polaroid photos of recent ASCS crop/land slides, since up-to-date aerial photos are not available.

Although pump is still in place, sprinklers have been removed. Found scattered grain growing in Sec. 20, & lots of corn residue in Sec. 29 on 10-21-93. Owners said pivots were installed in 1991. Not enough water in well this year to irrigate - plans to use well again next year. Filed proof in 1988. ASCS photo from 1987. Latest aerial photo shows 186.2 acres before pivots were installed (ASCS figures). My best estimate shows 194 acres with pivots & handlines.

Not to exceed 186.2 acres and ~~0.00 cfs~~ and 4.0 AFA/acre when combined with 37-02647. Not to exceed 3.58 cfs when combined with 37-02647. Not to exceed 160 acres per annum.

I. RECOMMENDATIONS P/U should be re-verified under SRBA due to the lack of an up-to-date aerial photo at this time.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	~~1.52~~ 1.52	184.0
Totals:			1.52	184.0

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton
 Signature J. E. Stanton
 Certification Date _____
 Field Report Preparation Date 10-27-93

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED
 SEP 17 1993

6508E
Sec 29

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

37-7033
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☒ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☐ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index JA 7-5-93 (Initial and date)
Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☒ Add acres or uses, to existing system
☒ Increase rate of flow or volume
☐ Other: _____
Check of P/U index JA 7-5-93 (Initial and date)
Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☒ Increase rate of flow or volume
☒ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
Aerial Photo
Required? ☒ yes ☐ no If yes: ☒ copy attached?
Scheduling Letter sent? _____ (Initial and date)
☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed J.E. Stanton 10-27-93 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)
Exam Reviewed by Manager of Regional Office _____ (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-7033
DATE: 10-27-93
BY: JE Stanton

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (175) \times (0.70)}{[(128) + (75 \times 2.31)]} = 3.58 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner (X)	owner (X)	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
	Booster (Y) (N)	
REMARKS		

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

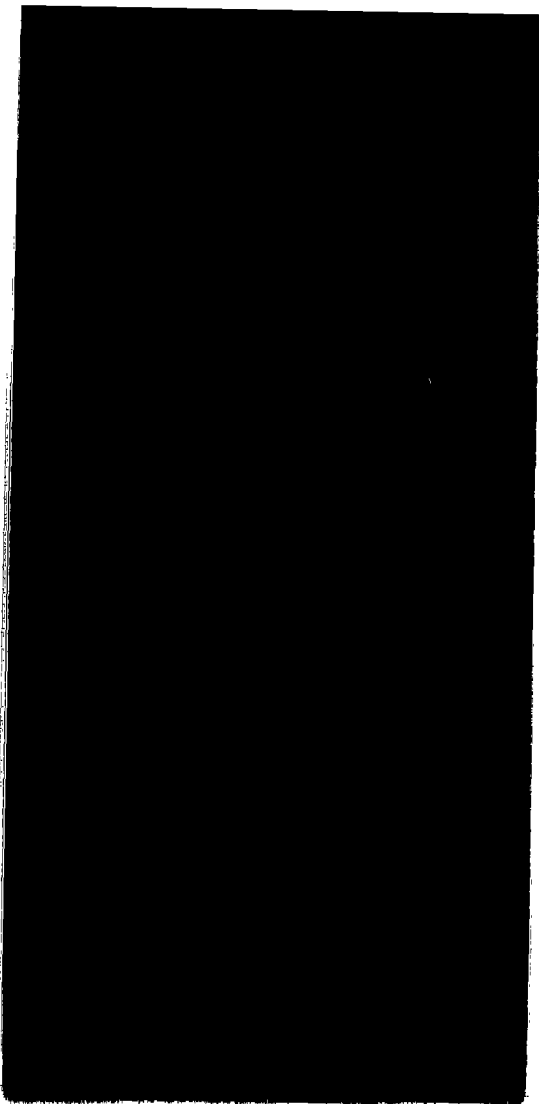
(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

$$\text{POTENTIAL} = \frac{(214) \times (1.98) \times (1.52)}{(160)} = 4.02$$

REQUIRED Acre Feet/Acre/Annum = 4.0
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

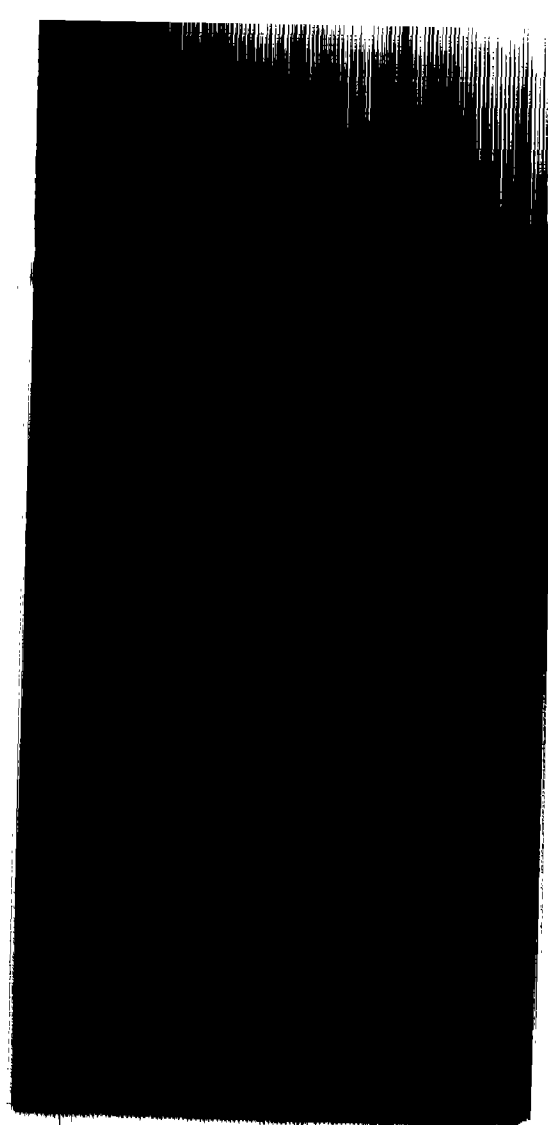
IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (✓)

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()



92

1992 P/U

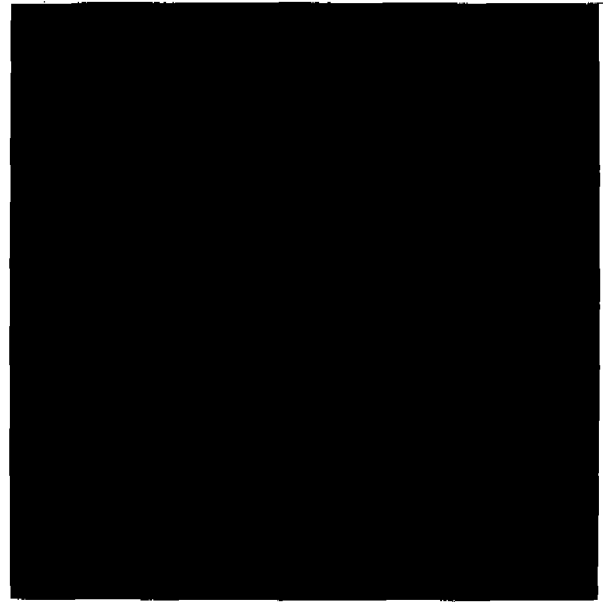


93

1993 P/U

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SEP 11 1997

37-7033



P/U

P/D + P/U

MICROFILMED
SEP 11 1997

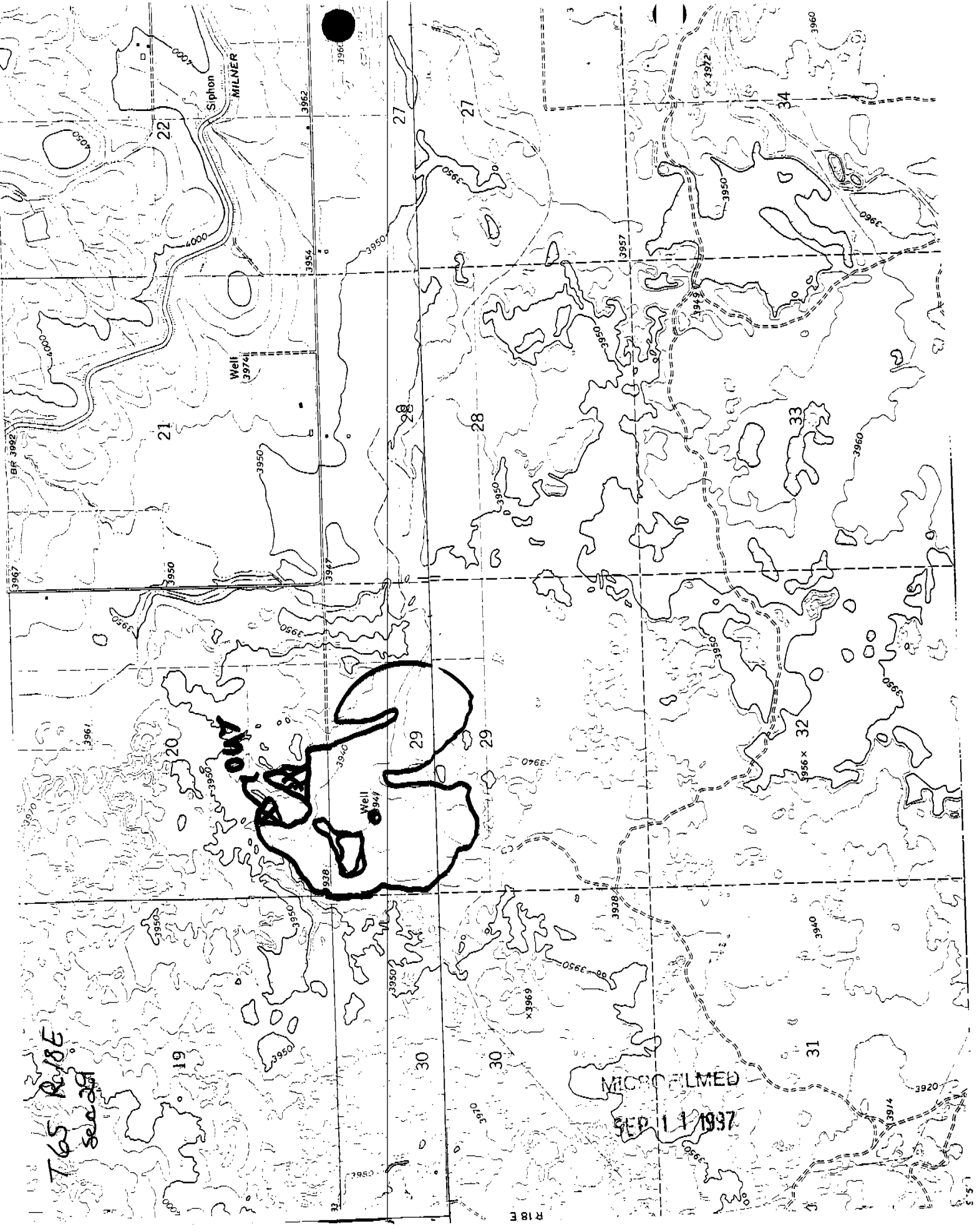
37-7033



186.2 ACRES

1987 ASCS

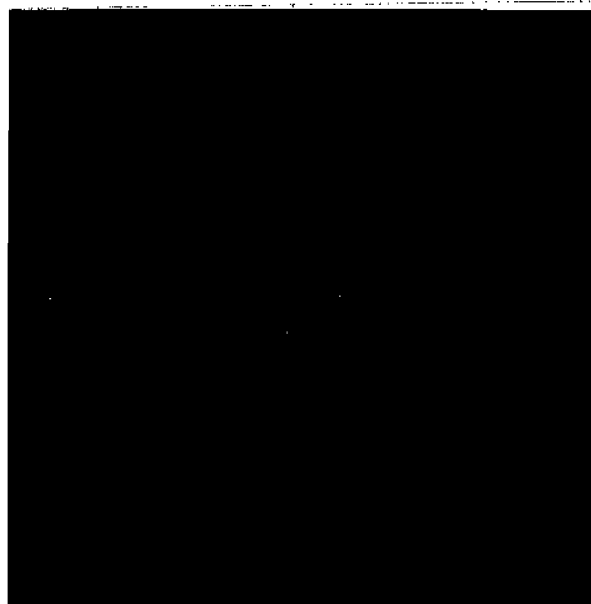
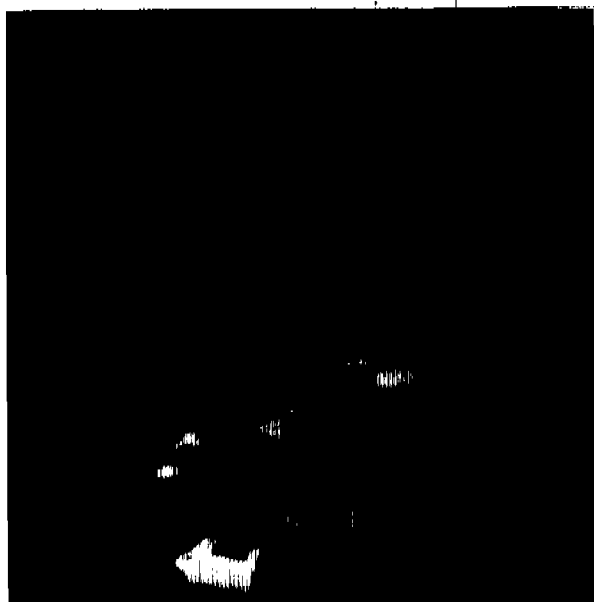
765 R18E
sect 29



MICROFILMED
SEP 11 1997

R18E

37-7033



Diversion Works

MICROFILMED
SEP 11 1997

37-7033

Old (D) Number - 29289

1 - 539 E. 330 S.

RUBY

State- ID Zip- 83324

State- ID Zip- 85324

	Source	+
- - - - -		- - - - -
+ - - - -	Tributary	+
		- - - - -
GROUNDWATER		- - - - -

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		2.060	

Town	Rng	Sec	Tract	Lot	Acrs	Code	Description	County
------	-----	-----	-------	-----	------	------	-------------	--------

065	18E	20	SW SW	22.0	01	IRRIGATION	(63)	LINCOLN
065	18E	20	SE SW	8.0	01	IRRIGATION	(63)	LINCOLN
065	18E	29	NE NW	37.0	01	IRRIGATION	(63)	LINCOLN
065	18E	29	NW NW	31.0	01	IRRIGATION	(63)	LINCOLN
065	18E	29	SW NW	25.0	01	IRRIGATION	(63)	LINCOLN
065	18E	29	SE NW	17.0	01	IRRIGATION	(63)	LINCOLN

Total Acres: 140.0

+ - - Diversion Means - 18" X 250' WELL WITH A 125 HP TURBINE PUMP TO SPRINKLER SYSTEM.

4 - - - Non-Irrigation Use - A STOCKWATER POND OF APPROX. 4 A. F. WAS CONST. IN 1969.

- - - Other Rights for Same Use - 37-7033 (CLAIMANT IS SEEKING REINSTATEMENT)

MICROFILMED
SEP 11 1997

Water right number - A37-02647

Prefix Translation: ADJUDICATION CLAIM

LAND ACTUALLY IRRIGATED DID NOT QUITE MATCH LICENSE. CORRECTED P
/U SHOWN ON CLAIM. ADJACENT LAND IRRIGATED BY THE SAME SYSTEM
HAS DEVELOPED UNDER 37-7033 HOWEVER APPLICANT FAILED TO SUBMIT
PROOF OF BENEFICIAL USE. CLAIMANT IS PURSUING REINSTATEMENT OF
PERMIT.

No Old Water Right Numbers found.

No Conditions of Approval found.

Decree Plaintiff - - - +

Decree Defendant - - - +

Decree Date - - +
00/00/0000

Audit Fields - 06/16/88 BLAU

Comments -
No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/03/1985	Old Judicial District	-
Claim Received Date	- 06/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S000444	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- AND/OR	Notice of Error Flag	-

MICROFILMED
SEP 11 1997

Water Right Number - 37-02647 Prefix Translation: WATER RIGHT Old (D) Number - 29289
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - +

*** C - CURRENT OWNER ***
WITHERSPOON

JACK B.

1 - RFD 3, POLE LINE RD.
2 -
3 -

State- ID Zip- 83301

WITHERSPOON

BEULAH M.

City- TWIN FALLS
Phone -
1 - RFD 3, POLE LINE RD.
2 -
3 -

State- ID Zip- 83301

*** O - ORIGINAL OWNER ***
BOLTON

HARRY R.

1 -
2 -
3 -

State- Zip-

City-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/12/1961 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - Tributary - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - + Stream Index (Blank if no Index Code)
TwN Rng Sec Tract Lot Rflg County

06S 18E 29 NE NW (63) LINCOLN

+ - - - - Description - - - - + Water Use - - - - + Diversion Rate Diversion Volume
Code Period From Period To

01 - IRRIGATION 04/01 10/31 2.060 560.00

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
2.060 560.00

+ - - - - Place of Use - - - - + County
TwN Rng Sec Tract Lot Acres Code Description

06S	18E	20	SW SW	5.0	01	IRRIGATION	(63) LINCOLN
06S	18E	20	SE SW	5.0	01	IRRIGATION	(63) LINCOLN
06S	18E	29	NE NW	39.0	01	IRRIGATION	(63) LINCOLN
06S	18E	29	NW NW	39.0	01	IRRIGATION	(63) LINCOLN
06S	18E	29	SW NW	39.0	01	IRRIGATION	(63) LINCOLN
06S	18E	29	SE NW	13.0	01	IRRIGATION	(63) LINCOLN

Total Acres: 140.0

+ - - - - Diversion Means -

MICROFILMED
SEP 11 1987

37-7033

FULLER & MESERVY

ATTORNEYS AND COUNSELORS AT LAW

GREG J. FULLER
JAMES C. MESERVY
DANIEL L. MINK

P.O. BOX 30
235 NORTH LINCOLN
JEROME, ID 83338
TELEPHONE 208/324-8193
FROM TWIN FALLS 734.9001

CINDY L. WINTERHOLLER
CERTIFIED LEGAL ASSISTANT

TWIN FALLS OFFICE
P.O. Box 1
161 MAIN AVENUE WEST
TWIN FALLS, ID 83303
TELEPHONE 208/734-1602

June 29, 1988

RECEIVED

JUN 30 1988

Gary Spackman
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Department of Water Resources
Southern Region Office

Re: Herb McCowan

Dear Gary:

I would like to take this opportunity to memorialize our conversation of this date. First of all, you indicated that my client, Herb McCowan, should go immediately to the Twin Falls office and file a proof of beneficial use on the permit/water rights in question. You indicated that Herb should do this even though the permit has lapsed even though he has not yet filed a request for reinstatement.

As per our conversation, in behalf of Herb McCowan, I hereby request reinstatement of Mr. McCowan's permit/water right on the well in question as set forth in my previous letter. Mr. McCowan needs to provide you with proof clearly establishing that the water was put to beneficial use. You indicated that you need copies of A.S.C.S. aerial photos and a statement from an A.S.C.S. supervisor or county agent indicating that the water was put to beneficial use during the time period in question. Further, Mr. McCowan needs to provide you with some proof of the pumping capability of the well in question. Additionally, Herb needs to provide you with a statement indicating why the permit lapsed so that you can determine whether there was reasonable cause for filing a late proof of beneficial use. Finally, Herb should go to the Twin Falls office and file for an extension of time to allow him additional time to file his claim with the department. I will see that Mr. McCowan gets this information promptly. I believe he will be in to meet with the Twin Falls office and will contact you early next week. If anything in my letter is inaccurate, please contact me at your earliest convenience.

Sincerely,

FULLER & MESERVY

James C. Meservy
Attorney at Law

JCM:rth

cc: Client

MICROFILMED
SEP 11 1987

37-7033

GREG J. FULLER
JAMES C. MESERVY
DANIEL L. MINK

FULLER & MESERVY
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 30
235 NORTH LINCOLN
JEROME, ID 83338
TELEPHONE 208/324-8193
FROM TWIN FALLS 734-9001

CINDY L. WINTERHOLLER
CERTIFIED LEGAL ASSISTANT
TWIN FALLS OFFICE
P.O. BOX L
161 MAIN AVENUE WEST
TWIN FALLS, ID 83303
TELEPHONE 208/734-1602

June 29, 1988

Herb McCowan
539 E 330 S
Dietrich, Idaho 83324

Dear Herb:

Enclosed you will find a letter that I sent to Mr. Gary Spackman from the Department of Water Resources in Boise. His phone number is 334-7946. If you have any questions, it would not hurt to contact him. You need to do the following things immediately/or as soon as possible.

1. File proof of beneficial use at the Twin Falls office. (Do this immediately.)

2. Go to the Twin Falls office and file for an extension of Time to allow this claim to be perfected.

3. Attain A.S.C.S. aerial photos to show that the water was put to beneficial use on your land both prior to and after the permit lapsed.

4. Obtain a statement from A.S.C.S. supervisor, or a County Agent, or other County Official indicating that he is familiar with your property and that he knows that the water from the well in question was put to beneficial use on your property.

5. Obtain proof of the well's pumping capability.

6. Write out a statement indicating why the permit lapsed and why you are making this application late.

Finally, after you've gathered all of this information call Mr. Spackman and make arrangements to get the information to him so that a decision can be made. As per Mr. Spackman, it is possible to reinstate the permit. However, if the permit is reinstated your date of priority will be the date of reinstatement, not the date the well was originally put in. The bottom line is that you will have lost twenty years or so of priority because the permit lapsed. If you have any questions, please do not hesitate to get in touch with me. Please try to take care of these things as soon as possible.

Sincerely,

FULLER & MESERVY

James C. Meservy
Attorney at Law

JCM:rth



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 14, 1988

RE: Permit No. 37-7033

Herbert McCowan
539 E 300 S
Dietrich, ID 83324

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit. Enclosed is a copy of the Order of Reinstatement. Please note that the priority date has been advanced to July 5, 1988.

Before a license can be issued, a field examination will be made by a representative of this Department.

If you have any questions regarding this matter, please contact this office or our Southern Regional Office at 734-3578.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

DEC 21 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 5, 1988

RE: Permit No. 37-7033

Herbert McCowan
Dietrich,
Idaho 83324

Dear Mr. McCowan:

The Department acknowledges receipt of your proof of beneficial use statement along with additional information for the above referenced permit. Before our office can proceed with reinstating this permit, we must request several additional pieces of information.

First, the ASCS aerial photo copy which we recieved through your attorney is acceptable except that it is not dated by the ASCS agent who signed it. Therefore, we are returning the photo and ask that the local ASCS agent confirm the date of the photo. As required by law, we must have such documentaion dated in order to confirm that the use commenced within the authorized permit period.

Secondly, we must remind you that the law also requires that you submit a written statement which provides reasonable cause as to why the proof of beneficial use was submitted late. Our file indicates that Mr. Gary Spackman of our office here in Boise had discussed this requirement with your attorney on June 29, 1988.

Finally, we bring to your attention the fact that our file further indicates that this permit lacks any assignment between yourself and the original permit holder, Jack Witherspoon. We would appreciate having the permit assigned to you from the original permit holder so that the record is complete. This would avoid confusion over future correspondence and ownership status. An assignment form is enclosed for your convenience.

RECORDED

DEC 21 1988

Page 2

Your proof of beneficial use statement along with the additional information you have submitted will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Please feel free to contact this office if you have additional questions.

Sincerely,

TIM LUKE
Sr. Water Rights Agent

TL:sc
Enclosures

cc: James C. Meservy

MICROFILMED

DEC 21 1988

RECEIVED
OCT 21 1988

Dear Sir

Department of Water Resources

I didn't know or when we bought this farm from Witherspoon the final proof on this permit was not picked up by the mortgage Co.

I had rented the place since it was taken out of brush but thought Jack had completed everything that was needed.

At the time we put in for the permit the well & pump ^{was} ~~was~~ redone to provide ~~for~~ water for this land.

Signed

Herbert McCowan

10-18-88

MICROFILMED

DEC 21 1988

MINIDOKA COUNTY
COURTHOUSE
Rupert, Idaho 83350
Telephone (208) 436-7184

RECEIVED

OCT 21 1988

EXTENSION SERVICE

University of Idaho

College of Agriculture
In Cooperation with the
U.S. Department of Agriculture

August 12, 1988

Department of Water Resources

Herb McCowen
539 E. 330 S
Dietrich, Idaho 83324

Dear Herb:

I apologize for my tardiness in getting this letter to you. It seems that about the time I felt that I had my time scheduled a crisis occurred.

Regarding your farm at Dietrich and the availability of irrigation. The legal description I no longer recall, but think the well was located in Township 6 S. and about section ~~28~~ if memory serves me correct.

29

I observed the crops from the time they were first planted in 1967-68 to my departure in 1985. The first crop was potatoes, followed by grain and followed by potatoes in the grain/potato rotation that you were using at the time. Yields that you were obtaining off this well were always above county average of 247 cwt for potatoes and 70+ bu. for cereal. Your yields were 325 - 330 cwt for potatoes and 100 bu. for cereal. The quality of your potatoes was always excellent, indicating that your well had adequate amounts of water to meet or exceed the requirements of the crop on the farm.

It is my opinion that your well had more than adequate supply of water to meet the demands placed on it for irrigation. It's a good one.

Should you need or want more information, give me a call.

Sincerely,

Ivan C. Hopkins
Ivan C. Hopkins
Extension Agricultural Agent

ICH:sw



MICROFILMED

DEC 21 1988

RECEIVED

OCT 21 1988

Department of Water Resources

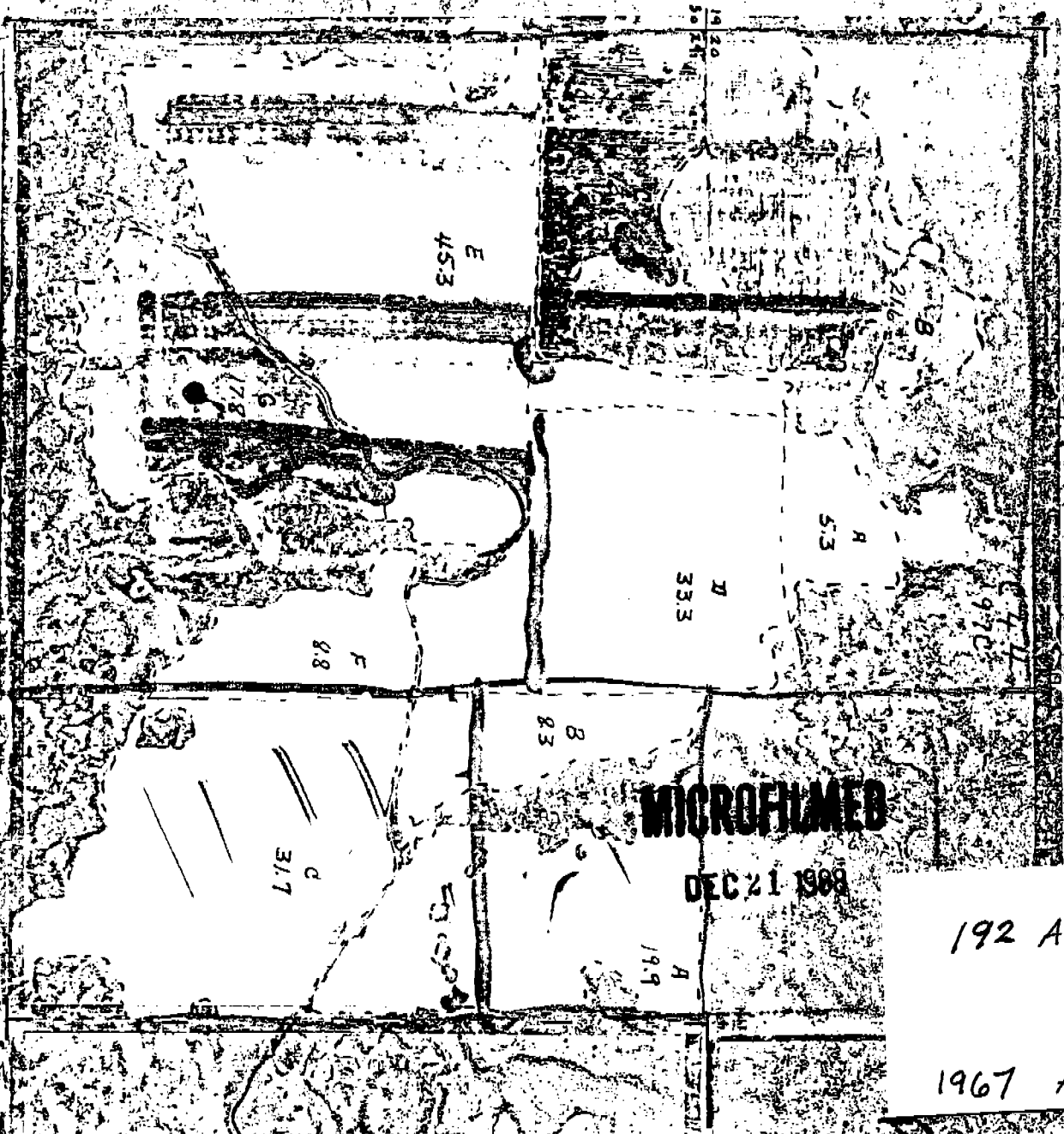
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LINCOLN COUNTY ASCS OFFICE
BOX 703
SHOSHONE ID 83352

10/20/88



MICROFILMED

DEC 21 1988

192 ACRES

1967 ASCS

RECEIVED

JUL - 5 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$125.00
Date 7/06/88
Receipt # 0001740
Receipt by SW
Reviewed by _____
Sent to region _____

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-7033

Name(s) of Permit Holder: lapsed permit - land owned by Herbert McCowan since 1978

Post Office Address: Dietrich, ID 83324

Telephone No. 544-2501

Source of Water: Groundwater

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 75 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 1.5 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: Spring of 1969

Measuring Device: Required? Yes X No
Installed? Yes X No
Fee enclosed \$ 125.
(See License Examination Fee Schedule)

Flow Measurement Port: Required? X Yes No
Installed? Yes X No Will be installed if permit is reinstated

Person to contact to accompany the Department representative during the field examination:

Same as above
(Name) (Telephone Number)

(Address)

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

DEC 21 1988

7-1-88
Date

Herbert McCowan
Signature of Permit Holder (and title, if appropriate)

RECEIVED

DEC 31 1979

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources
No fee is required for single family
domestic use or stockwater use.

Computation Of Well Output For Reinstatement of Permit

37-7033

Well runs 436 Rainbird heads with 9/64" nozzles and 70 psi at the well head.
At 4.84 gpm per nozzle (Rainbird data), this totals 2110 gpm.

The aerial photo needed has already been submitted by my attorney.

Herb M^c Cowan

MICROFILMED

DEC 21 1988

GREG J. FULLER
JAMES C. MESERVY
DANIEL L. MINK

FULLER & MESERVY
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 30
235 NORTH LINCOLN
JEROME, ID 83338
TELEPHONE 208/324-8193
FROM TWIN FALLS 734-9001

CINDY L. WINTERHOLLER
CERTIFIED LEGAL ASSISTANT
TWIN FALLS OFFICE
P.O. Box L
161 MAIN AVENUE WEST
TWIN FALLS, ID 83303
TELEPHONE 208/734-1602

June 17, 1988

RECEIVED
JUN 20 1988

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Idaho Department of Water Resources
Boise, Idaho 83720

Re: Mr. & Mrs. Herb McCowan

Dear Sir or Madam:

Mr. & Mrs. McCowan have operated a farm in Lincoln County near Dietrich, Idaho, for quite some time. Since 1968 a portion of their farm operation has consisted of 80 acres located in Township 6 South, Range 18 East BM, Section 29: W1/2NE1/4. This 80 acre parcel has been watered by an adjacent deep well. These 80 acres have been farmed with the well being used to irrigate the land each and every farm season from 1968 to the present time. It is Mr. McCowan's understanding that an original permit was issued to Mr. Jack Witherspoon in 1967 on the deep well in question. He believes the permit number is 37-7033. Mr. McCowan recently went to the local Department to file for his water rights as required by law, he was advised that the permit had lapsed or expired in November of 1973 because Mr. Witherspoon did not follow through with the permit. The local Department has advised Mr. McCowan to contact you for the purpose of seeing if the permit can be reinstated (effective in 1967) at the time the original permit was obtained. I am not fully aware as to the reason(s) why the permit lapsed in 1973, however the local Department has so advised Mr. McCowan. In light of the upcoming filing deadline, your prompt response would be appreciated.

Sincerely,

FULLER & MESERVY

James C. Meservy
James C. Meservy
Attorney at Law

JCM:rth

cc: Client

MICROFILMED

DEC 21 1988

FULLER & MESERVY

ATTORNEYS AND COUNSELORS AT LAW

GREG J. FULLER
JAMES C. MESERVY
DANIEL L. MINK

P.O. BOX 30
235 NORTH LINCOLN
JEROME, ID 83338
TELEPHONE 208/324-8193
FROM TWIN FALLS 734-9001

CINDY L. WINTERHOLLER
CERTIFIED LEGAL ASSISTANT
TWIN FALLS OFFICE
P.O. Box L
161 MAIN AVENUE WEST
TWIN FALLS, ID 83303
TELEPHONE 208/734-1602

June 29, 1988

Gary Spackman
Department of Water Resources
Statehouse Mail
Boise, ID 83720

RECEIVED
JUN 30 1988

Re: Herb McCowan

Department of Water Resources

Dear Gary:

I would like to take this opportunity to memorialize our conversation of this date. First of all, you indicated that my client, Herb McCowan, should go immediately to the Twin Falls office and file a proof of beneficial use on the permit/water rights in question. You indicated that Herb should do this even though the permit has lapsed even though he has not yet filed a request for reinstatement.

As per our conversation, in behalf of Herb McCowan, I hereby request reinstatement of Mr. McCowan's permit/water right on the well in question as set forth in my previous letter. Mr. McCowan needs to provide you with proof clearly establishing that the water was put to beneficial use. You indicated that you need copies of A.S.C.S. aerial photos and a statement from an A.S.C.S. supervisor or county agent indicating that the water was put to beneficial use during the time period in question. Further, Mr. McCowan needs to provide you with some proof of the pumping capability of the well in question. Additionally, Herb needs to provide you with a statement indicating why the permit lapsed so that you can determine whether there was reasonable cause for filing a late proof of beneficial use. Finally, Herb should go to the Twin Falls office and file for an extension of time to allow him additional time to file his claim with the department. I will see that Mr. McCowan gets this information promptly. I believe he will be in to meet with the Twin Falls office and will contact you early next week. If anything in my letter is inaccurate, please contact me at your earliest convenience.

Sincerely,

FULLER & MESERVY

James C. Meservy
James C. Meservy
Attorney at Law

JCM:rth *[Signature]*

cc: Client

MICROFILMED

DEC 21 1988

GREG J. FULLER
JAMES C. MESERVY
DANIEL L. MINK

FULLER & MESERVY
ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 30
235 NORTH LINCOLN
JEROME, ID 83338
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FROM TWIN FALLS 734-9001

CINDY L. WINTERHOLLER
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P.O. BOX L
161 MAIN AVENUE WEST
TWIN FALLS, ID 83303
TELEPHONE 208/734-1602

RECEIVED
JUN 30 1988

June 29, 1988

Herb McCowan
539 E 330 S
Dietrich, Idaho 83324

Department of Water Resources

Dear Herb:

Enclosed you will find a letter that I sent to Mr. Gary Spackman from the Department of Water Resources in Boise. His phone number is 334-7946. If you have any questions, it would not hurt to contact him. You need to do the following things immediately/or as soon as possible.

1. File proof of beneficial use at the Twin Falls office. (Do this immediately.) ✓

2. Go to the Twin Falls office and file for an extension of Time to allow this claim to be perfected.

3. Attain A.S.C.S. aerial photos to show that the water was put to beneficial use on your land both prior to and after the permit lapsed. ✓ *Not dated*

4. Obtain a statement from A.S.C.S. supervisor, or a County Agent, or other County Official indicating that he is familiar with your property and that he knows that the water from the well in question was put to beneficial use on your property. *Signed by you*

5. Obtain proof of the well's pumping capability. ✓

6. Write out a statement indicating why the permit lapsed and why you are making this application late.

Finally, after you've gathered all of this information call Mr. Spackman and make arrangements to get the information to him so that a decision can be made. As per Mr. Spackman, it is possible to reinstate the permit. However, if the permit is reinstated your date of priority will be the date of reinstatement, not the date the well was originally put in. The bottom line is that you will have lost twenty years or so of priority because the permit lapsed. If you have any questions, please do not hesitate to get in touch with me. Please try to take care of these things as soon as possible.

Sincerely,

FULLER & MESERVY

James C. Meservy
James C. Meservy
Attorney at Law

JCM:rth

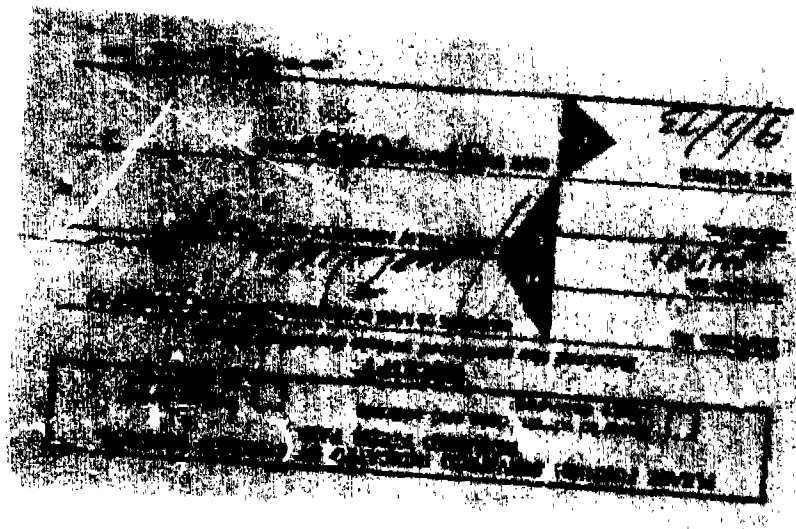
MICROFILMED

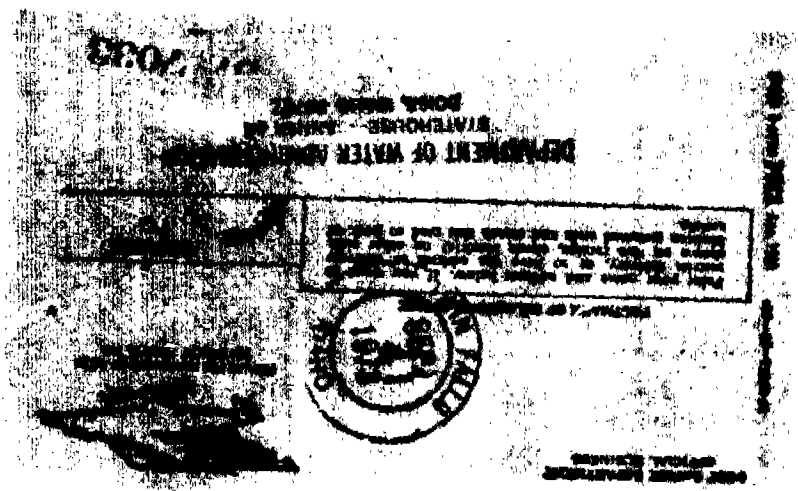
DEC 21 1988

[illegible]

In reference to Permit No. 1000, I have been
ordered, a 200 HP turbine to replace the old one.
John Layne and Engineer of Tulsa Electric Company
visited with North American Rockwell and a
recording meter. Installation will be completed.
I request additional time for installation of the new

Respectfully,
[Signature]
[Name]





August 31, 1973

CERTIFIED MAIL

#24791

Re: Permit No. 37-7033

Jack B. Witherspoon
Route #3
Twin Falls, Idaho 83301

Dear Mr. Witherspoon:

One of the conditions of approval of your water Permit No. 37-7033 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before November 1, 1973. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

Enc: Proof affidavit

37 7033

2002 28

MANAGER, EAST OIL CO.
HOUSTON, TEXAS

15/ JUL 1964 G. HARTLEY

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this 17th day of December, 1967.

On the 1st day of July, 1911, the above-described land was approved and allowed, subject to the valid existing rights and interests of the applicant, to be sold, conveyed, transferred, mortgaged, leased, and otherwise disposed of, and the same was duly recorded in the office of the County Clerk of the County of Los Angeles, California, in and to the public records of said County, and the same was duly published in the Los Angeles Times, a newspaper published in the County of Los Angeles, California, on the 1st day of July, 1911, in accordance with the provisions of the Act of August 1st, 1906, entitled "An Act to amend the Act of August 1st, 1905, relating to the sale of the public lands of the United States."

U.S. G.P.O., WASHINGTON, D.C.

UNIT 1 ON TRIPS

SECRET

NOTICE OF AFFIDAVIT

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office



377032

2018
第17期

2018年1月

November 20, 1968

Re: Permit Nos. 57-7033 & 57-7033

Idaho Land & Appraisal Service
Box 1000
Boise, Idaho

Dear Sir:

Enclosed you will find copies of the above referenced permits
which have been approved by this office.

Very truly yours,

C. Stephen Alfred, Assistant
State Registration Engineer

CSA:dh

Enclosures

57 7033

November 20, 1933

Re: Permit No. 37-7033

Jack B. Witherspoon
Route 3
Twin Falls, Idaho 83301

Dear Mr. Witherspoon:

We enclose a copy of your approved application for permit 37-7033
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Alfred, Assistant
State Reclamation Engineer

CEA:hh

Enclosures: Copy of application
Receipt No. 2067 for \$26.
2 informational letters

37-7033

November 22, 1939

Re: Permit Nos. 37-7001, 37-7010, 37-7020,
37-7031, 37-7040 & 37-7050

Land Office
Bureau of Land Management
P.O. Box 2287
Federal Building
Spokane, Idaho

Gentlemen:

Enclosed are copies of the above referenced permits which
have been accepted for deposit land entries.

Very truly yours,

C. Stephen Allard, Assistant
State Reclamation Engineer

CSA:ja

Enclosures

37 7003

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

The undersigned owner (s) of PAWNY (Application) RA-attached
of the State Reclamation Engineer of the State of Idaho hereby nominates
and appoints IDAHO LAND & APPRAISAL SERVICE, whose address is
P. O. BOX 1603, BOISE, IDAHO 83701, as attorney-in-fact, with full author-
ity to act for and on behalf of the undersigned in all matters pertaining
to Application or Permit. Such acts shall include, but not be limited
to the filing of applications, receiving of all notices, the signing and
filing of applications for extension of time and for amendment of said
Permit, ~~and the execution of all papers and documents required for the completion of the project.~~

Dated this 6th day of September, 1968.

Jack B. Witherspoon
Jack B. Witherspoon

STATE OF IDAHO)
County Twin Falls) ss

On this 6th day of September, 1968, personally
appeared before me the signer (s) of the above instrument, who duly
acknowledged to me that he (she) (they) executed the same.

James R. Lambhart
Notary Public

My Commission expires:

11-1-68

RECEIVED

SEP 10 1968

Department of Reclamation

37 7032

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

The undersigned owner (s) of ~~PLUM~~ (Application) ~~My attached~~ of the State Reclamation Engineer of the State of Idaho hereby nominates and appoints IDAHO LAND & APPRAISAL SERVICE, whose address is P. O. BOX 1603, BOISE, IDAHO 83701, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendment of said Permit, ~~and all other acts and proceedings which may be necessary and beneficial to the interests of the undersigned.~~

Dated this 6th day of September, 1968

Jack E. Witherspoon
Jack E. Witherspoon

STATE OF IDAHO)
County Twin Falls) ss

On this 6th day of September, 1968, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

James R. Kinnear
Notary Public

My Commission expires:

11-1-68

RECEIVED

SEP 10 1968

Department of Reclamation

37 7033

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STATEMENT RENDERED EVERY THIRTY DAYS
LINCOLN COUNTY JOURNAL

Shoshone, Idaho

Oct. 25 1968

Account of

State Of Idaho
Dept. of Reclamation

Re: Application No. 37-7033
Jack B. Witherspoon

Advertising for the Month of

Weeks of Month	1st	2nd	3rd	4th	5th	Total	Rate	Cost
Display, Col. Inches	Legal:							
WANT ADS	Notice Of Application							
First Run	For Water --							
Repeats	10-10-68 10-17-68							
Readers, Lines	2 Issues.....							\$6.67

JOB PRINTING AND SUPPLIES

Prev. Bal.

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 same has been paid.

37 7033

1% interest per month will be charged on ALL accounts over 30 days old.

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NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Jack B. Wither, et al. Site #3, Twin Falls,
Idaho has on September 13, 1968
applied for permit under application No. 37-7033 to divert about
3.2 cubic feet per second about feet of water from a subterranean
source. Water will be diverted by a well,
pump, motor and sprinklers within the NBMA.
sec. 29, T. 6 S., R. 18 E., S.M., Lincoln County
and is to be used from April 1 to October 31 for
irrigation purposes
in the W-254, N-254, sec. 29, T. 6 S., R. 18 E., S.M.

Any protest against this application must be filed with the Department of
Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Lincoln County Journal, Shoshone, Idaho
on October 17 and October 24.

October 4, 1968

Re: Application No. 37-7033 - Jack B. Witherupson
~~Application No. 36-7033 - Maple Valley Feeders, Inc.~~

Lincoln County Journal
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 furnish 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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McKidowney
Appropriation Examiner

DWM:ks
enclosure: legal notices

37-7033

IDAHO LAND & APPRAISAL SERVICE

224 IDAHO BLVD. BOISE, IDAHO 83701
P O BOX 2222 1603
PHONE 344 2247

DAVID M. McDONELL
E. J. A. JONES
1968 OWNER
JOHN J. CHRISTENSEN
LICENSED SURVEYOR
JOHN J. THOMPSON
ROBERT W. SMITH

ALL PROPERTY APPRAISALS
CUBIC METERING MAPPING
LAND
GRAZING MANAGEMENT
FEDERAL LAND APPLICATIONS
WATER FILINGS & PERMITS
STATE LAND LEASES & ASSIGNMENTS

September 11, 1968

RECEIVED

SEP 12 1968

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
Idaho Department of Reclamation
State House - Annex 2
Boise, Idaho 83707

RE: Application for Water Permit, Jack B. Witherspoon

Dear Mr. Higginson:

Enclosed please find the following:

1. Application for water permit in the name of Jack B. Witherspoon
2. Power of Attorney authorizing Idaho Land & Appraisal Service
3. Letter from the BLM requesting a copy of an approved water permit
4. Check in the amount of \$36.00 to cover filing fee for 3.2 cfs plus \$1 charge for sending a copy of the approved permit to the Idaho Land Office, U. S. Bureau of Land Management, Rm. 334, Federal Bldg., 550 W. Fort Street, Boise, Idaho 83702.

If you require any further information, please do not hesitate to let us know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

David M. McDonnell
David M. McDonnell

1h
encl

cc: Idaho Land Office - 1-1507

SEP 12 1968

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

THE UNIVERSITY OF CHICAGO

Abstract

RECEIVED

SEP 10 1964

Department of Agriculture

— 100 —

TO: SAC, NEW YORK (100-100000) FROM: SAC, NEW YORK (100-100000) (P)
SUBJECT: [REDACTED] (P)

According to your plan of development, water for irrigation is to be obtained from an existing well. Now that patent privileges of your right to appropriate and use the water. The evidence should consist of a copy of a State water permit approved by the State Reclamation Engineer. Attached is an extra copy of this letter. The copy should be submitted to the State Department of Reclamation on the date you apply for a permit. Before they can consider that the kind of the survey and application has been completed. A. Therefore, for copy, they may decline to issue the water permit. We should also communicate with the State Reclamation Engineer to have a copy of the permit sent to this office.

We would appreciate receiving a copy of the journal as soon as possible. Also, please advise us when you could not the paper.

ALVIN E. HALEY
 1001 N. Valley
 Phoenix, Arizona

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26