

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	19E	19							Lt1 40	40	40	Lt2 40							160

Total number of acres to be irrigated 160

- Describe any other water rights used for the same purpose as described above. late-priority stream rights
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

AFFIDAVIT PUBLICATION

State of Idaho, }
County of Blaine } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1 day of April, 1982, and the date of the last publication was on the 8 day of April, 1982.

Subscribed and sworn to before me this 8th day of April, 1982.
(SEAL)

Robert McKenney
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 39
Number of Insertions 2
Lines tabular at 39 4¢ / Pica
Lines straight at 39 15.21 3¢ / Pica
Subsequent lines at 39 10.14 2¢ / Pica

TOTAL COST 25.35
Department of Water Resources
Southern District Office

COPY OF NOTICE

(Paste Here)

Prop Chng 37-7020
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Resource
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-7020

Notice is hereby given that Joe W. Beard of Bellevue, Idaho, has applied to the Department of Water Resources for a change of place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License 37-7020 and is recorded as follows:

Amount: 3.2 cfs 600 Acre Feet

Priority: April 30, 1968

Point of Diversion: SE¼NW¼, Sec. 19, T1N, R19E, B.M., Blaine County

Place of Use: NE¼SE¼, Sec. 24, T1N, R18E; S¼SW¼, Sec. 19, T1N, R19E for irrigation of 200 acres from April 15 to October 15

TO BE CHANGED AS FOLLOWS:

Amount: No Change

Point of Diversion: No Change

Place of Use: Lt1 (SW¼NW¼), SE¼NW¼, NE¼SW¼, Lt2 (NW¼SW¼), Sec. 19, T1N, R19E for irrigation of 160 acres.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before April 19, 1982.

A. KENNETH DUNN
Director

Publish: Wood River Journal-April 1, 8, 1982.

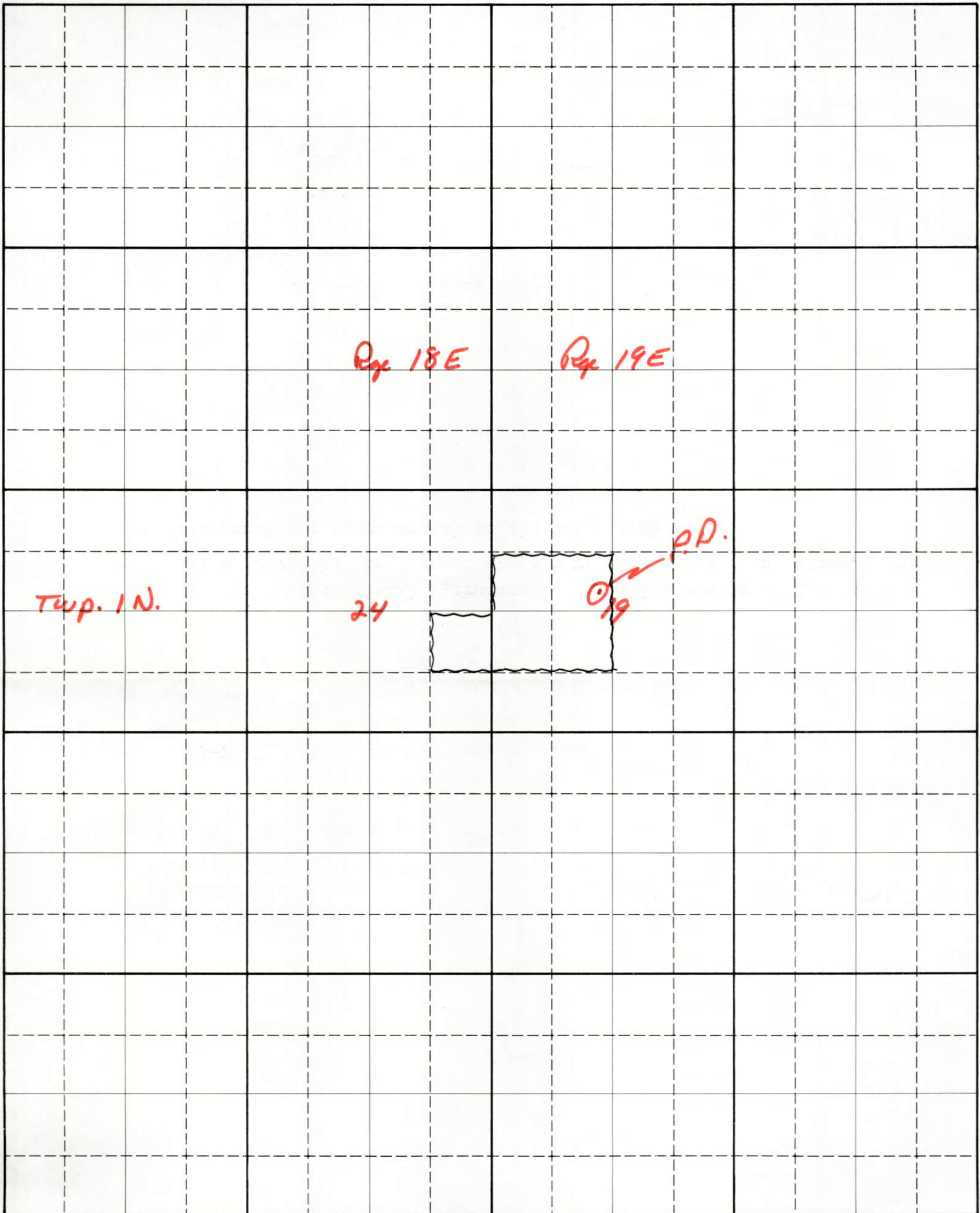
RECEIVED

INDEXED

NOV 11 1982

APR 10 1982

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.

J. P. Nielsen
(Applicant)

RECEIVED

JUN 3 1968

Department of Reclamation

Affidavit of Publication

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

NEAL R. NYBLAD, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Managing Editor of The Hailey Times, which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey Times, and not in any supplement thereof, for.....
TWO..... consecutive weeks commencing with the first publication thereof on the SIXTEENTH day of MAY, 1968 and ending with the last publication thereof on the 23rd day of MAY 19 68.

Cost of this publication is \$ 7.44

Neal R. Nyblad
NEAL R. NYBLAD

Subscribed and sworn to before me, this 24th day of May, 19 68.

Frank Blaine
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that J. P. Nielsen, Route 1, Bellevue, Idaho has on April 30, 1968 applied for permit to divert 40 cubic feet per second of water from a subterranean source under application No. 37-7020. Water will be diverted by a well, pump, motor, sprinkler system within the SE 1/4 NW 1/4, sec. 19, T. 1N, R. 19E, B.M., Blaine County, and is to be used from April 15 to October 15 for irrigation in the NE 1/4 SE 1/4, sec. 24, T. 1N, R. 19E, B.M. and the SW 1/4, NE 1/4 SW 1/4, sec. 19, T. 1N, R. 19E, B.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 Hailey Times, Hailey, Idaho, on May 16 and May 23.



bill submitted 6-3-68

37 7020

WARRANTY DEED

For Value Received

JAMES P. NIELSEN and RUTH F. NIELSEN,
husband and wife,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

HULEN MEADOWS, INC., an Idaho Corporation

Whose address: P.O. Box 108; Ketchum, Idaho 83340

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho,
to-wit:

Township 1 North, Range 18 E., B.M., Blaine County, Idaho

Section 24: NE $\frac{1}{4}$ SE $\frac{1}{4}$

AND 200 miners inches of 1884 water.

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

Dated: July 15, 1975

James P. Nielsen
James P. NielsenRuth F. Nielsen
Ruth F. Nielsen

STATE OF Idaho, COUNTY OF Blaine
On this _____ day of _____, 19____
before me, a notary public in and for said State, personally appeared

James P. Nielsen and Ruth F. Nielsen, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Blair M. Rooney
Notary Public

Residing at _____, Idaho
Comm. Expires July 30, 1977

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the request of Sawtooth Title Co

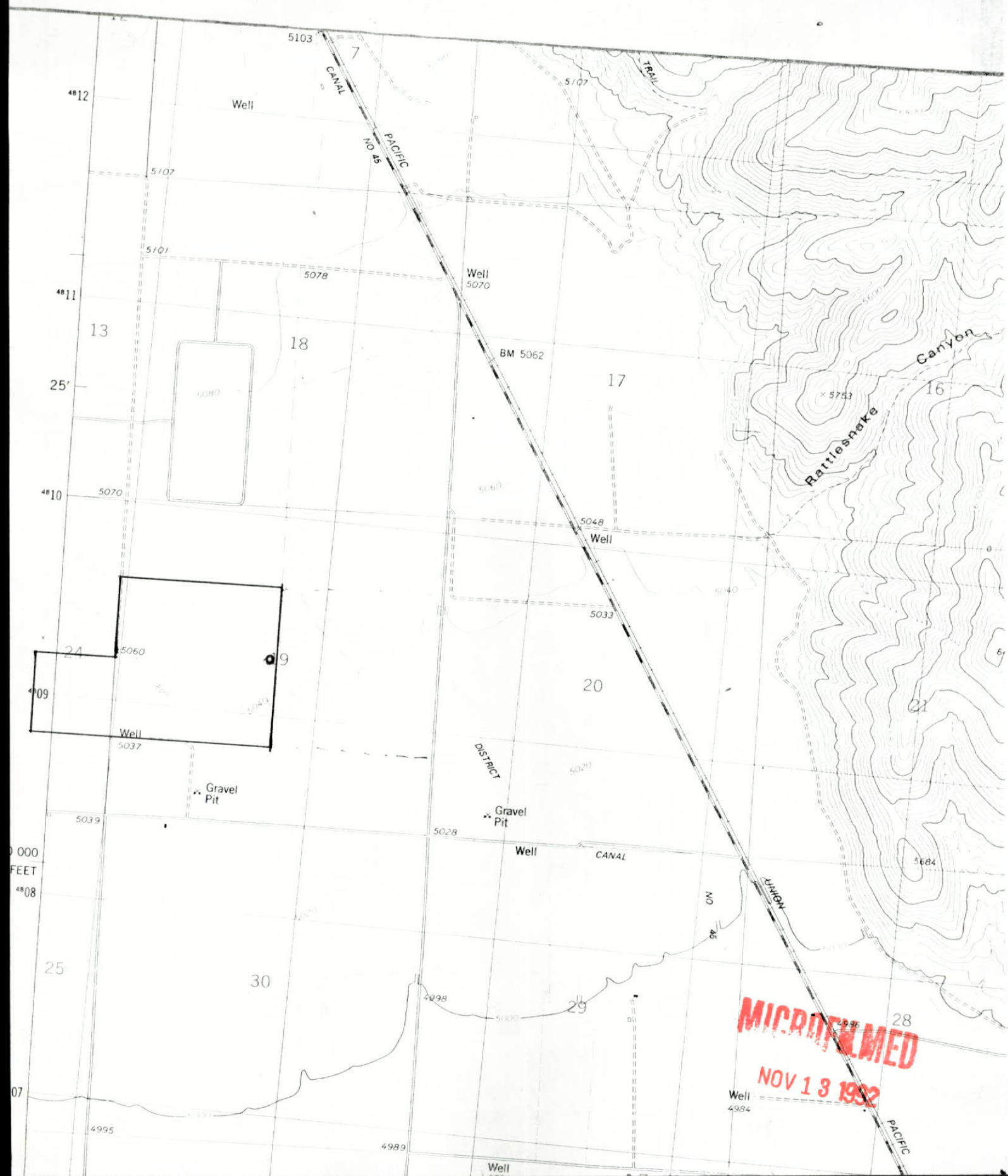
at 28 minutes past 4:00 o'clock P. M.
this 17th day of July
1975, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder
MICROFILMED
NOV 18 1982

By

Deputy
Fees \$1.00
Mail to:

No. 160775



Rge - 18E

Rge - 19E

T
1
N

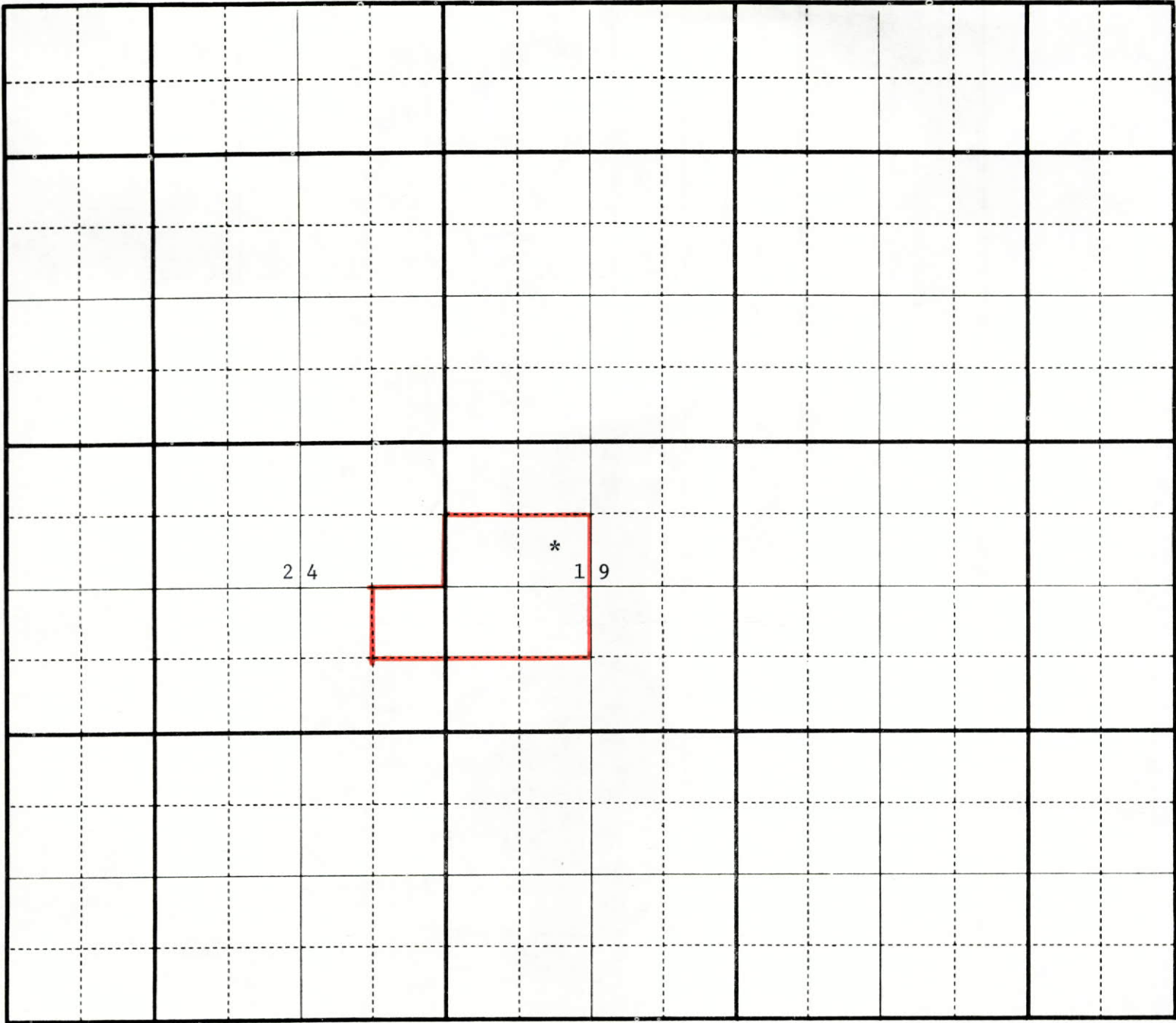


Diagram of System

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2647 OF WATER RIGHT)
NO. 37-07020 IN THE NAME OF)
JOE W. BEARD)
_____)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of related Snake River Basin Adjudication claims filed with the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On February 26, 1982, Joe W. Beard (applicant) filed Application for Transfer No. 2647 (application) with the department in connection with water right no. 37-07020. The application proposed a change in the place of use.

2. A review of the Snake River Basin Adjudication claim filed by the present owner in connection with the above captioned water right shows that the change proposed on the application has been claimed as already "accomplished" pursuant to Section 42-1416A, Idaho Code.

3. The adjudication claim has been filed pursuant to Section 42-1416A, Idaho Code, as if the change(s) proposed on the pending application can be approved and decreed without the necessity of filing for a change as required in Sections 42-108 and 42-222, Idaho Code.

CONCLUSIONS OF LAW

1. Section 42-1416A, Idaho Code, provides in part as follows:

If any person entitled to the use of water has made a change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a change as part of an exchange as defined in section 42-105, Idaho Code, prior to the entry of an order commencing a general adjudication pursuant to section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections

MICROFILMED

NOV 13 1992

42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code; and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, and decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

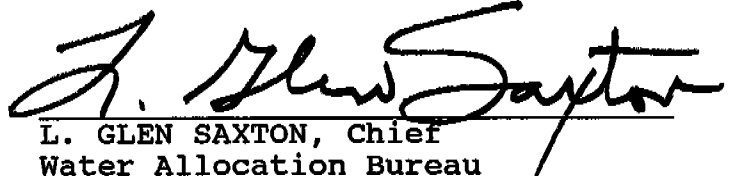
2. The department should set aside Application for Transfer No. 2647, and should consider the change(s) proposed in the application which have been claimed in the related adjudication claim(s) as being combined with and included in the review and recommendation of the adjudication claim in the Director's report required by Section 42-1411, Idaho Code.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 2647 filed in connection with water right no. 37-07020 is set aside and will not be separately considered by the department.

IT IS FURTHER, hereby ORDERED that if the applicant decides to contest this order, the applicant may request a hearing within thirty (30) days of the date of service of this order pursuant to Section 42-1701A, Idaho Code.

Dated this 29th day of October, 1992.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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NOV 13 1992

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Transfer No. 2647Water Right No. 37-7020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Joe W. Beard Phone 7480 726-3417
Post Office address Box 331, Bellevue, ID 83313

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. 37-7020 issued by the Idaho Department of Water Resources

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
_____ purchase _____

3. Source of water Groundwater tributary to _____

4. Date of priority Apr 30- 1968

5. Water is used for the following purposes:

amount 3.2 cfs for irrigation purposes from Apr 15 to Oct 15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.20 cubic feet per second
&/or
b. 600 acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19
Township 1N Range 19E, B.M., in Blaine County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1N</u>	<u>18E</u>	<u>24</u>													<u>40</u>				<u>40</u>
	<u>19E</u>	<u>19</u>							<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>							<u>160</u>

Total number of acres to be irrigated 200

9. Describe any other water rights used for the same purpose as described above _____
late-priority decreed stream rights

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a cubic feet per second
&/or
b. acre feet per annum
- ✓ Point of diversion ¼ ¼, Section Township
Range , B.M., County
Additional points

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted

3.2

 c.f.s. &/or

480

 acre feet
- b. Description of diverting works

Well & pump, sprinklers
- c. Describe the reasons for the proposed changes

Land is Sec. 24 was sold without water

2. Change in point of diversion No Change
- Point of diversion ¼ ¼, Section Township
Range , B.M., County
Additional points

3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes No

XX

 If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

Land is Sec. 24 is no longer irrigated

NOV 13 1992

c. Describe the lands or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. _____
late-priority stream rights
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

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

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

Joe W. Beard
(Signature of Applicant)

Subscribed and sworn to before me this 26th day of February, 19 82

Mary C. Hill
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by <u>gs</u>	Date <u>2-26-1982</u>	Protest filed by <u>None</u>
Prelim. check by <u>IB</u>	Fee <u>\$50⁰⁰ # 22051</u>	
Receipted by <u>maryc</u>	Date <u>2/26/82</u>	
Published in <u>Wood River Journal</u>		Copies of protest forwarded by _____
Pub. dates <u>4/1 + 4/8/82</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>N/A</u>		Recommended for <u>approval</u> denial
_____ rec'd.		by <u>Adm</u>

RECORDED

NOV 13 1992

AFFIDAVIT PUBLICATION

State of Idaho, }
County of Blaine } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1 day of April, 19 82, and the date of the last publication was on the 8 day of April, 19 82.

Subscribed and sworn to before me this 8 day of April, 19 82.
(SEAL)
Robert McFadden
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 99
Number of Insertions 2
Lines tabular at 4c / Pica
99 Lines straight at 15.21 3c / Pica
39 Subsequent lines at 10.14 2c / Pica
TOTAL COST 25.35

COPY OF NOTICE

(Paste Here)

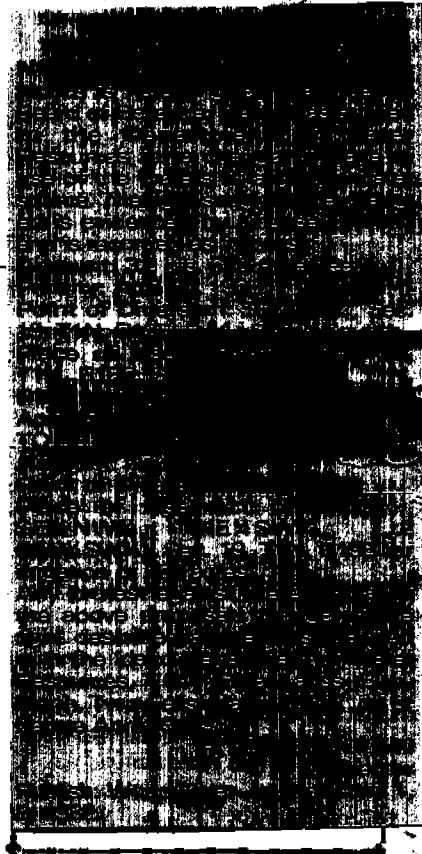
Prop. Chng. 37-7020
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Resource
BILL TO



RECEIVED
NOV 13 1982
APR 10 1982

Department of Water Resources
Southern District Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7020 Priority April 30, 1968 Amount 3.20 cfs

THIS IS TO CERTIFY, that BARTON H. BALLANTYNE
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 37-7020 issued pursuant to Application for Permit dated April 30, 1968,
and has submitted proof to the Department of Water Resources on May 29, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.20 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u>	at <u>3.20</u> cfs and	<u>600 acre feet or</u>
	from _____	_____ cfs and	<u>3.0 af per acre</u>
	from _____	_____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 3.20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
600 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19,
Twp. 1 N, Rge. 19 E, B.M. in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N	18 E	24													40				40
1 N	19 E	19							40	40	40	40							160

Total number of acres irrigated 200

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of
May, 19 75.

Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Blaine)

Permit No. 37 7020

Barton H. Ballantyne of 4706 Fairview Ave. Boise
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 37 7020.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 1973.

That he has heretofore performed the following work described under said permit:

Drilled well--installed pump, motor, & sprinkler system

Costing \$ 21,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: the measuring device required by the reclamation engineer has not been attached due to the time involved in the sale and transfer of the water permit.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to January 1, 1974.

x Barton H. Ballantyne
(signature) *

Subscribed and sworn before me this 16th day of May, 19 73.

Bruce E. Jones
(notary public)

My commission expires 8/10/76

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 37-7020 to June 1, 1974.

Witness my hand this 29 day of May, 19 73.

R. Keith Higgins
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

37 7020

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

MAY 23 1973

Department of Water Administration

I, J.P. Nielsen, hereby assign to Barton H. Ballantyne
of 4706 Fairview Ave. Boise, Idaho 83704
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 37 7020
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. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing 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.)

Made this _____ day of _____, 19 73.

J.P. Nielsen
Permit Holder

Ruth J. Nielsen
Spouse of Permit Holder

State of Idaho)
County of Blaine) ss.

On this 23rd day of April, 1973, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

J.E. [Signature]
Notary Public residing at

Hailey, Idaho

My commission expires: 4/20/74

37 7020

Identification No. 37-7020
 Application No. 42476

STATE OF IDAHO

LICENSE NO. 3.20 DEC. DEPARTMENT OF RECLAMATION
 LICENSE PAGE NO. _____

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: Barton H. Ballantyne
4706 Fairview Ave. Boise, Idaho 83704

1. Name of applicant J. P. Nielsen
 post office address Route #1, Bellevue, Idaho
2. Source of water supply subterranean which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 1 N
 Range 19 E B.M. Blaine 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. 4.0 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 15 to October 15 (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. Drilled well, 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 20 inches; proposed depth of well is 200 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 \$ 21,000.00.
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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1 N	18 E	24													40				40
1 N	19 E	19							40	40	40	40							160

Total number of acres to be irrigated 200

c. Describe any other water rights used for the same purposes 200" decreed October 1, 1884, Big Wood River

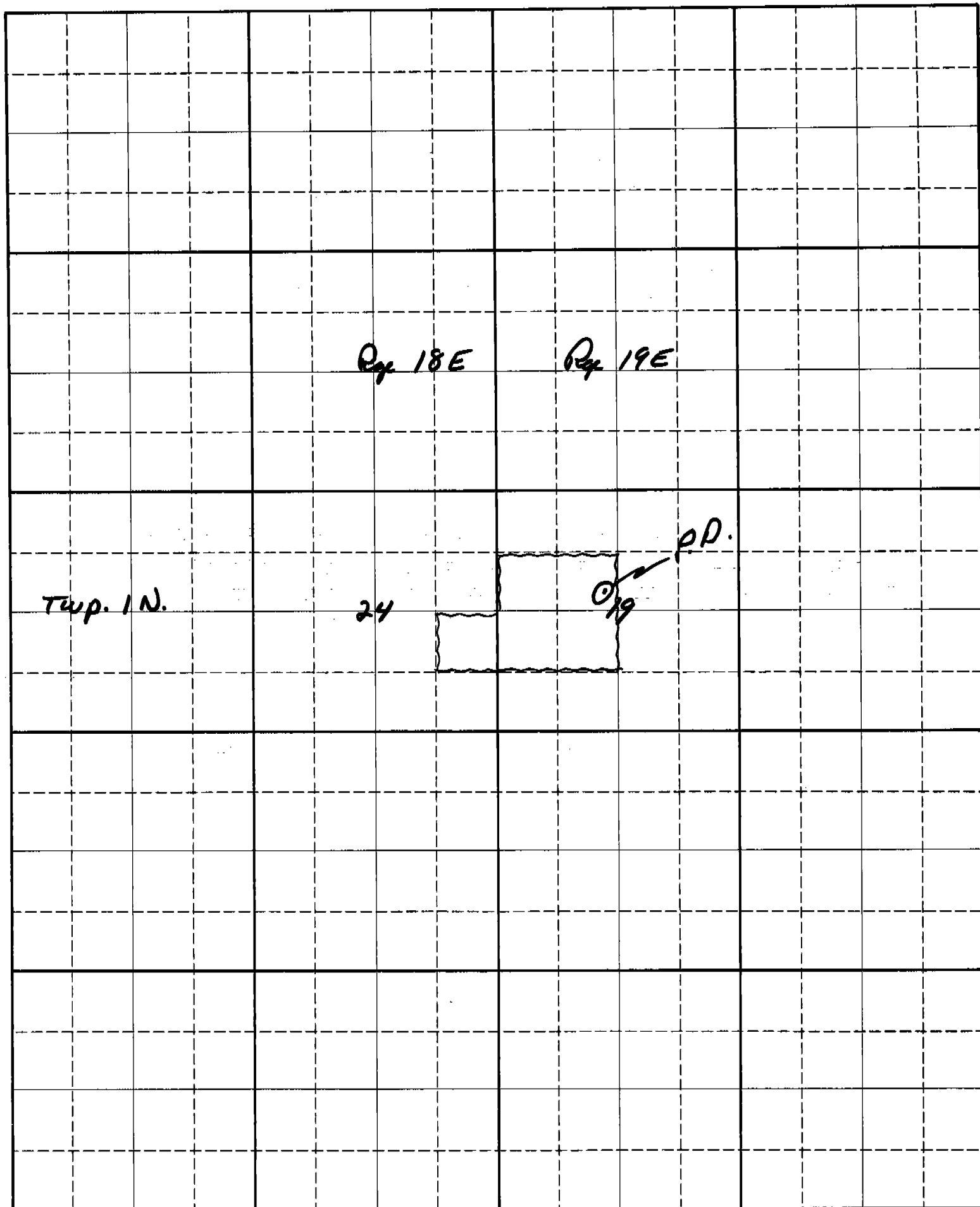
9. a. Who owns the property at the point of diversion self

b. Who owns the land to be irrigated or place of use self

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

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.

J. P. Nielsen
(Applicant)

Received by DAM Date 4-30-68 Time 2:15 PM
Preliminary check by DAM Fee \$ 35.00
Received by ej Date 5-1-68
Publication prepared by MS Date 5-6-68
Published in Hailey Times
Publication dates 5-16, 23-68
Publication approved MS Date 5-20-68
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RA Della

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. 37-7020, 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 June 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.

This permit is supplemental to all prior rights.

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

Witness my hand this 10 day of June, 19 68.

R. Keith Higgins
State Reclamation Engineer

RECEIVED

JUN 3 1968

Department of Reclamation

Affidavit of Publication

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

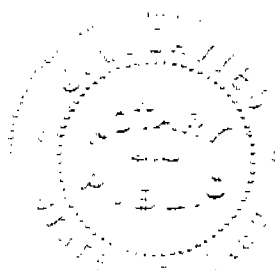
NEAL R. NYBLAD, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Managing Editor of The Hailey Times, which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey Times, and not in any supplement thereof, for.....
TWO..... consecutive weeks commencing with the first publication thereof on the SIXTEENTH day of MAY, 1968 and ending with the last publication thereof on the 23rd day of MAY 19.68.

Cost of this publication is \$ 7.44

Neal R. Nyblad
NEAL R. NYBLAD

Subscribed and sworn to before me, this 24th day
of May, 19 68.

James Blaine
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.



MEMORANDUM

TO: File 37-07020

FROM: Sharla

DATE: November 24, 1992

RE: Returned Mail

The order setting aside Trans. #2647 was returned undeliverable. Cindy Hoseley contacted the Assessor's Office for a current address, however, they have no record of Joe Beard owning property in Blaine County.

The land in question is shown by the assessor's office to be in the name of Marc Monheimer. This is the same individual who filed the SRBA claim on this right.

The mail will be placed in the file and no further action will be taken.

4

REASON CHECKED

REASON TO SENDER

Insufficient address

No such street

No such office or shop

Do not send to this number

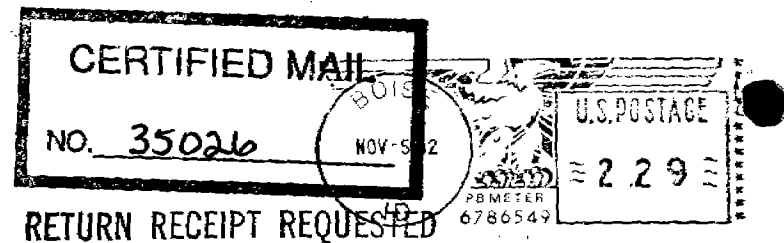
REASON TO SENDER

Insufficient address

No such street

No such office or shop

Do not send to this number



37-7020

NOV 19 1992

Department of Water Resources



Is your RETURN ADDRESS

completed on the reverse side?

SENDER

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JOE W BEARD
PO BOX 331
BELLEVUE ID 83313-0331

4a. Article Number

35026

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

37-07020

Thank you for using
Return Receipt Service.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1992

CERTIFIED MAIL # 35026

JOE W BEARD
PO BOX 331
BELLEVUE ID 83313-0331

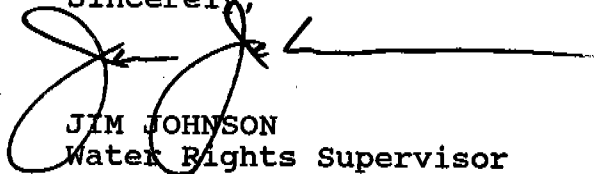
RE: Transfer No. 2647 of Water Right No. 37-07020

Dear Mr. Beard:

Enclosed please find an Order which sets aside the above referenced transfer from further consideration by the Department.

Please be advised that if you do not agree with the decision of the Department you may, within thirty (30) days of the receipt of the order, request a hearing before the Director. Failure to timely petition the Director within thirty days of receipt of the order may prevent you from further contesting the order.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2647 OF WATER RIGHT)
NO. 37-07020 IN THE NAME OF)
JOE W. BEARD)

ORDER

~~This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of related Snake River Basin Adjudication claims filed with the department, the department makes the following Findings of Fact, Conclusions of Law and Order:~~

FINDINGS OF FACT

1. On February 26, 1982, Joe W. Beard (applicant) filed Application for Transfer No. 2647 (application) with the department in connection with water right no. 37-07020. The application proposed a change in the place of use.

2. A review of the Snake River Basin Adjudication claim filed by the present owner in connection with the above captioned water right shows that the change proposed on the application has been claimed as already "accomplished" pursuant to Section 42-1416A, Idaho Code.

3. The adjudication claim has been filed pursuant to Section 42-1416A, Idaho Code, as if the change(s) proposed on the pending application can be approved and decreed without the necessity of filing for a change as required in Sections 42-108 and 42-222, Idaho Code.

CONCLUSIONS OF LAW

1. Section 42-1416A, Idaho Code, provides in part as follows:

If any person entitled to the use of water has made a change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a change as part of an exchange as defined in section 42-105, Idaho Code, prior to the entry of an order commencing a general adjudication pursuant to section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections

42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code; and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, and decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

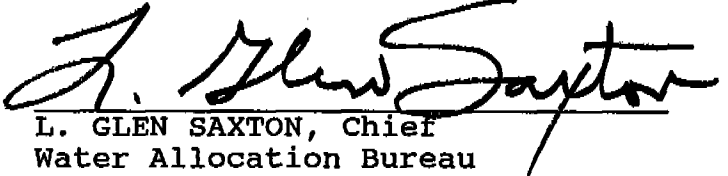
2. The department should set aside Application for Transfer No. 2647, and should consider the change(s) proposed in the application which have been claimed in the related adjudication claim(s) as being combined with and included in the review and recommendation of the adjudication claim in the Director's report required by Section 42-1411, Idaho Code.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 2647 filed in connection with water right no. 37-07020 is set aside and will not be separately considered by the department.

IT IS FURTHER, hereby ORDERED that if the applicant decides to contest this order, the applicant may request a hearing within thirty (30) days of the date of service of this order pursuant to Section 42-1701A, Idaho Code.

Dated this 29th day of October, 1992.


L. GLEN SAXTON, Chief
Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1992

CERTIFIED MAIL # 35026

JOE W BEARD
PO BOX 331
BELLEVUE ID 83313-0331

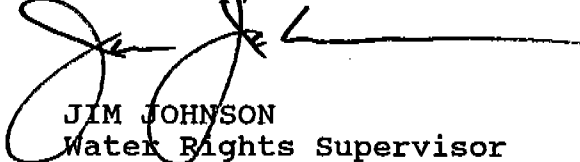
RE: Transfer No. 2647 of Water Right No. 37-07020

Dear Mr. Beard:

Enclosed please find an Order which sets aside the above referenced transfer from further consideration by the Department.

Please be advised that if you do not agree with the decision of the Department you may, within thirty (30) days of the receipt of the order, request a hearing before the Director. Failure to timely petition the Director within thirty days of receipt of the order may prevent you from further contesting the order.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

MAILED
NOV 13 1992
NOV 13 1992

CERTIFICATION OF MAILING

I hereby certify that on Nov. 4/92
an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Cindy Zimmerman



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 9, 1983

Joe W. Beard
Bellevue,
Idaho 83313

Re: Application for Transfer of Water Right

Dear Mr. Beard:

We recently received your transfer application back from the IDWR-State Office with a request that the owners of land within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T1N, R18E submit statements that they do not claim to own any portion of License 37-7020.

I was in hopes that after our meeting on February 22, 1983, that this matter would be cleared up. However, it has been determined that it is necessary that the current owners of the land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T1N, R18E, B.M., disclaim License 37-7020.

Please find enclosed the memo I wrote after our meeting for your reference. Please note that our investigation in February found that Paul Fosnot, Robert Fosnot and Stewart Buttery are the owners of record which must submit statements of disclaimer.

We regret the inconvenience the delay in taking final action on your application is causing you, however our office must continue to hold your application until we receive the disclaimers requested.

Sincerely,

Allen D. Merritt
Sr. Water Resource Analyst

LOH:ADM:marya

RECEIVED
NOV 13 1982

INTER-DEPARTMENT MEMO — 1

DATE

FROM Jim

TO Alan

SUBJECT Transfer 2647

Need statement from owners in NE SE S. 24
that they do not claim to own portion of Rt. 37-7020.

RECEIVED

APR 21 1983

Department of Water Resources
Southern District Office

RECEIVED

NOV 13 1992

SIGNATURE

FROM Allen Merritt

DATE 2/23/83

TO Jim Johnson

SUBJECT Transfer of 37-7020 by Joe Beard

I recently met with Mr. Beard to document the ownership of the Lic. Please find memo enclosed. Please review to see if this answers all your questions. Mr. Beard is selling this property and would like to get the trans. processed as soon as possible. If you have questions please let me know.

MICROFILMED

NOV 13 1992

ADH

SIGNATURE

MEMORANDUM

From : Allen Merritt
 To : Transfer of Lic. 37- 7020 by Joe Beard
 Subject : Proof of ownership of water right

Date : Feb. 22, 1983

On this day I met with Joe Beard at the Blaine County Courthouse to resolve the ownership of the portion of the Lic. 37-7020 which was licensed to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24, T1N, R18E, B.M.

A review of the records of the courthouse and those on the microfilm for this right reveal the following:

- 4/30/68 J.P. Nielsen made original application which was approved.
- 7/12/69 Well Log indicated well is completed for J.P. Nielsen.
- 4/23/73 J.P. Nielsen assigns to Barton Ballantyne all interest in water right.
- 5/16/73 Ballantyne requests extension of time.
- 6/28/74 Ballantyne submits proof of beneficial use.
- 8/13/74 Field exam completed.
- 5/12/75 License issued.
- 7/15/75 J.P. Nielsen deeds to Hulen Meadows, Inc.
 by instrument 160775 all of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24,
 T1N, R18E, B.M. No mention of well water listed
 however 200" of 1884 water specified. (See attached copy of deed)

Hulen Meadows then subdivided the above listed 40 acres into three parcels. The map below indicates how the land was sold to the present owners.

Approx 2 acres	
Hulen Meadows to Curtis	168789
Curtis to Osborn	186996
Osborn to <u>Paul Fosnot</u>	224849

Approx 18 acres	
Hulen Meadows to Osborn	186995
Osborn to <u>Robert Fosnot</u>	224767

Approx 20 acres	
Hulen Meadows to Palmer	194137
Palmer to <u>Stewart Buttery</u>	202169

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 T.1N., R18E., B.M

MICROFILMED

NOV 13 1992

Hwy 75

N

All of the deeds from Hulen Meadows to the present owners did not specifically mention water rights.

The lands in Section 19, T1N, R19E, B.M. which is the remaining lands covered under the license was covered in a sales agreement between J.P. Nielsen and Barton Ballantyne recorded by instrument 199086. This agreement indicated "all water rights" and referred to Exhibit A for a list of irrigation items however Exhibit A was not found. Mr. Beard indicated that Barton Ballantyne was who he bought the property he owns from as Mr. Ballantyne was doing business as Silver Sun Ranch, Inc. The real estate mortgage between these parties was submitted by Mr. Beard as proof of ownership and is recorded in instrument 204340.

In reviewing the forgoing it appears that the key point to support Mr. Beard's contention that he owns all of the license is that when Mr. Nielsen sold to Hulen Meadows only the 200" of decreed water was specifically mentioned. This is somewhat confusing however because this deed was after the license was issued however it is ~~from~~ Nielsen and not Ballantyne. It appears that the license was issued to Mr. Ballantyne on lands that he never had a possessory interest in.

11-22-82

ORIGINAL
MICROFILMED

NOV 13 1992

WARRANTY DEED

For Value Received

JAMES P. NIELSEN and RUTH F. NIELSEN,
husband and wife,Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
HULEN MEADOWS, INC., an Idaho Corporation

Whose address: P.O. Box 108; Ketchum, Idaho 83340

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho,
to-wit:

Township 1 North, Range 18 E., B.M., Blaine County, Idaho

Section 20; NE1/4SE1/4

AND 200 miners in fee of 1854 water.

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

Dated: July 15, 1982

James P. Nielsen

Ruth F. Nielsen

STATE OF Idaho COUNTY OF Blaine
On this _____ day of _____, 19____
before me, a notary public in and for said State, personally appeared

James P. Nielsen and Ruth F. Nielsen, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Edward M. Henry
Notary Public

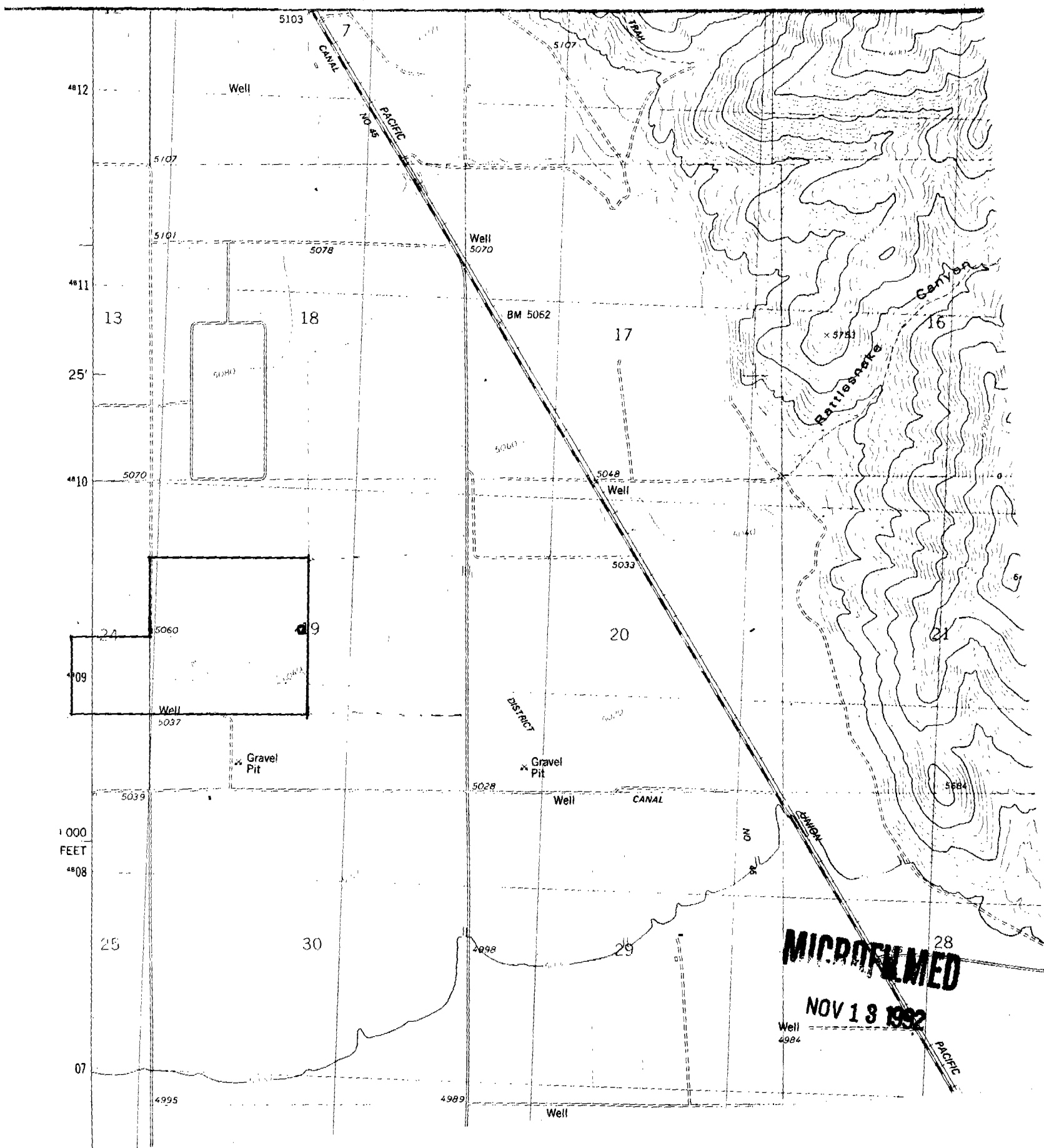
Residing at _____, Idaho
Comm. Expires _____

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at the request of James P. Nielsen or
at _____ minutes past _____ o'clock _____ m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book _____ of Deeds at page _____.

Ex-Officio Recorder

By _____
Fees \$_____
Mail to _____

JUL 15 1982





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

November 9, 1982

U. S. Department of Agriculture
Farmers Home Administration
Box 1660
Hailey, Idaho 83333

Gentlemen:

Please find enclosed a copy of an application for transfer of licensed water right No. 37-7020 filed by Joseph Beard on February 26, 1982.

We are sending this copy to you so that you might comment on the application. Since your letter, which we received on April 29, 1980, indicates that you hold a mortgage on the right and as a covenant of the mortgage it requires your consent if the right is modified we request your comment.

Our office is presently holding the application pending proof of ownership of the water right by Mr. Beard and submission of your comments.

Sincerely,

Allen D. Merritt
Sr. Water Resource Analyst

LOH:ADM:marya

Encl:

RECORDED

NOV 13 1982



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

November 9, 1982

Joe W. Beard
Box 331
Bellevue, Idaho 83312

Re: Transfer Application #2647 for License 37-7020

Dear Mr. Beard:

As you may recall you made an application for transfer of license 37-7020 on February 26, 1982. At that time our office requested that you submit evidence showing that you owned the water right. On June 15, 1982, our office received from you a copy of a mortgage between you and Silver Sun Ranch, Inc., to evidence your ownership of the license.

On June 16, 1982, our office forwarded your application to the IDWR - State Office for final review. On November 2, 1982, your application was returned to our office from the IDWR - State Office with a memo indicating that the evidence you originally submitted is not sufficient to show that you have ownership of the entire right. (Please find enclosed a copy of the memo for your reference).

As the above indicates, the Department must be provided with evidence showing that you have ownership of the entire right before the transfer can be approved. We believe there is little question over your ownership of that portion of the right which is appurtenant to the lands in Section 19; however, there is a question about the ownership of that portion of the right which was recorded as being appurtenant to the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24. If you could submit to our office evidence that when the parcel of land in Sec. 24 was sold it was sold without any portion of water right 37-7020 it may be sufficient to satisfy any question. If on the other hand, if no documents presently exist which presently show that is what happened, it may be necessary for you to obtain releases or quit claim deeds from all individuals presently owning the lands, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Sec. 24, T1N, R18E, B.M.

If you have any questions please feel free to contact our office.

Sincerely,

ALLEN D. MERRITT
Sr. Water Resource Analyst

Enc1.

MICROFILMED

NOV 13 1992

MEMO

To: Loren Holmes and Allen Merritt

November 2, 1982

From: Jim Johnson *Jim*

Re: Transfer Application 2647

This transfer is removing water from the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Twp. 1N, Rge. 18E. The transfer applicant does not have ownership of this land and the real estate mortgage does not specifically state that he has all of the water right. Therefore, there may be a question as to the ownership of the water right appurtenant to the above said land.

I feel that we must be sure that the present land owners of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, do not object to water under this right being removed from this land.

Please pursue the appropriate action. Also, attached is a copy of a letter from FHA requesting that they be informed of any action which affects this right. Please follow up on this also.

If you have any questions, please let me know.

RECEIVED

NOV 2 1982

Department of Water Resources
Southern District Office

MICROFILMED

NOV 13 1992

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Box 1660 Hailey, Idaho 83333

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Gentlemen:

This is to inform you that on 7-17-79
Mr. Joseph Beard
has/have given a mortgage to the United States of America,
Farmers Home Administration.

This mortgage encumbers well permit # 37-7020.

As a covenant of this mortgage, the mortgagees agreed that
they would not assign, encumber or amend this permit and
or license without the consent of FmHA.

Please acknowledge the receipt of this letter by signing
and returning a copy to this office. I have enclosed an
envelope for your convenience.

Sincerely,

Shirley A. Martin
for RANDY W. HART
County Supervisor

RECEIVED

MAY 1 1980

Department of Water Resources

RECEIVED

APR 29 1980

Department of Water Resources
Southern District

MICROFILMED

NOV 13 1992

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination based on race, sex, religion,
national origin or marital status should be sent to:
Secretary of Agriculture, Washington, D. C. 20250

INTER-DEPARTMENT MEMO — 1

FROM Allen

DATE 6/16/82

TO File — Jim Johnson

SUBJECT Review of Ownership of Water Right.

Documents submitted by Mr. Beard do not list ownership of NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 T.1N., R.18E., B.M. I phoned Blaine Co. assessor's office and their records indicate these lands ^{are} contained in tax lots 5676 and 5677 owned by a Fosnot and a Buttrey. Statement of ownership of right offered by applicant appears to be copy of Mortgage which lists Lic. 37-7020. The Mortgage however seems to contradict item #2 of the application. Please advise if Mortgage is sufficient evidence of right. Love & Jim S. ~~UNRECORDED~~ this may be enough.

NOV 13 1992

ADH

SIGNATURE

Copyright 1970 American Land Title Association
ALTA Single Form Policy-1970 with
ALTA Indorsement-Form 1 coverage



RECEIVED

JUN 14 1982

POLICY OF TITLE INSURANCE

Issued from the office of

SUN VALLEY TITLE COMPANY

119 South Main Street, P. O. Box 577
Hailey, Idaho 83333

Department of Water Resources
Southern District Office

SAFECO TITLE INSURANCE COMPANY OF IDAHO

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, SAFECO TITLE INSURANCE COMPANY OF IDAHO, an Idaho corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title;

and in addition, if a mortgage is referred to in Schedule A as the insured mortgage, by reason of:

5. The invalidity or unenforceability of the lien of the insured mortgage upon said estate or interest except to the extent that such invalidity or unenforceability, or claim thereof, arises out of the transaction evidenced by the insured mortgage and is based upon
 - a. usury, or
 - b. any consumer credit protection or truth in lending law;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Any statutory lien for labor or material which now has gained or hereafter may gain priority over the lien of the insured mortgage, except any such lien arising from an improvement on the land contracted for and commenced subsequent to Date of Policy not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment, shown in Schedule A, of the insured mortgage or the failure of said assignment to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

In Witness Whereof, SAFECO Title Insurance Company of Idaho has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of Date of Policy shown in Schedule A.

SAFECO TITLE INSURANCE COMPANY
OF IDAHO

COUNTERSIGNED:
SUN VALLEY TITLE COMPANY

By: 

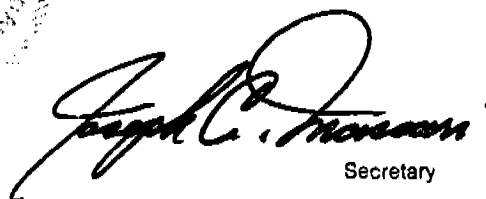
MICROFILMED

NOV 13 1992





President



Secretary

SCHEDULE A (Owners-Purchasers-Lessee)

Order No. 22-5102

Amount of Insurance: \$ 140,000.00

Date of Policy: November 27, 1979
at 11:59 a.m.

1. Name of Insured:

JOSEPH W. BEARD.

2. The estate or interest in the land described herein and which is covered by this policy is:

FEE SIMPLE.

3. The estate or interest referred to herein is at Date of Policy vested in:

J. P. NIELSEN and RUTH E. NIELSEN, husband and wife, presumptively as community property, as to Parcel I.

JOSEPH W. BEARD, a single man, presumptively as his sole and separate property, as to Parcel II.

4. The land referred to in this policy is described as follows:

PARCEL I: Lots ^{OK} 2 and 3 and the ^{OK} SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the ^{OK} NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 1 North, Range 19 East of the Boise Meridian, Blaine County, Idaho.

PARCEL II: S $\frac{1}{2}$ NE $\frac{1}{4}$ ^{N/A} and N $\frac{1}{2}$ SE $\frac{1}{4}$ ^{N/A} of Section 19, Township 1 North, Range 19, East of the Boise Meridian, Blaine County, Idaho.

RECEIVED

OCT 15 1982

Department of State Resources
Southern District Office

REAL ESTATE MORTGAGE

THIS MORTGAGE is made as of the 20th day of November, 1979, by and between JOSEPH W. BEARD, a single man, MORTGAGOR, and SILVER SUN RANCH, INC., an Idaho corporation, MORTGAGEE:

The MORTGAGOR, hereby mortgages to the MORTGAGEE, the real property located in Blaine County, Idaho, more particularly described as follows, to wit:

T.1 N, 19E, B.M., Blaine County, Idaho:
Section 19:
Lots 2 & 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$, & N $\frac{1}{2}$ SE $\frac{1}{4}$.

Together with the following decreed rights to the waters of Big Wood River delivered through the Wood River Valley Irrigation District:

40" with date of priority of 6/12/86
44" with date of priority of 6/23/88
23" with date of priority of 6/2/89
78" with date of priority of 6/15/91

Well License No. 37-7020, with date of priority of April 30, 1968; FE 100 HP Motor, No. 5K6267XH3A, Worthington Pump, No. 14N160-2 D24824.

TOGETHER WITH all easements, appurtenances, tenements, hereditaments, water and water rights and privileges now or hereafter appurtenant or belonging to or used in connection with the premises or any part thereof.

TO SECURE: Payment of the principal sum of \$162,682.41 evidenced by a Mortgage Note of even date given by MORTGAGOR to MORTGAGEE payable in annual installments with a final payment due April 1, 1986.

MORTGAGOR covenants and agrees: To defend this mortgage as a first mortgage lien upon the real property against the claims, lawful or otherwise, of all persons whatsoever; to pay prior to delinquency all taxes, liens, assessments and governmental levies against the mortgaged premises; to keep the improvements on the premises insured for their reasonable value against loss or damage by fire for the benefit of the MORTGAGEE.

If MORTGAGOR fails to pay taxes, liens, assessments, fire insurance premiums, or governmental levies against the mortgaged premises in the manner above provided, or to pay encumbrances against the premises, MORTGAGEE may at its option pay the same; all sums expended by MORTGAGEE for any such purposes, together with interest thereon at ten percent per annum from dates of payment, shall be at once due and payable to MORTGAGEE from the MORTGAGOR, be a lien upon said premises and be secured by this mortgage.

MICROFILMED

NOV 13 1992

Time is material and of the essence hereof, and if default be made by MORTGAGOR in the payment of the debt hereby secured, or interest, or in the performance of any of their covenants herein, then in any of said cases, the balance of unpaid principal, with accrued interest and all of indebtedness hereby secured, shall, at MORTGAGEE's election become immediately due, without notice, and this mortgage may be foreclosed. In any suit to foreclose this mortgage, or any suit or proceedings which MORTGAGEE may defend to protect the lien hereof, MORTGAGOR agrees to pay a reasonable sum as attorney's fees, and further agrees to pay the reasonable costs of searching the records and abstracting the same as may necessarily be incurred in foreclosing this mortgage or in defending the same, which sums shall be secured hereby and included in the decree of foreclosure.

MORTGAGEE's omission to enforce his rights upon a breach by MORTGAGOR of the terms of this mortgage or of the note secured thereby, or on MORTGAGOR's default in the performance of any of its covenants, shall not require the MORTGAGEE to give notice to MORTGAGOR that he will thereafter demand strict performance or be a waiver of the power to enforce such rights immediately upon the occurrence of any subsequent breach or default.

This mortgage is recorded to correct that certain mortgage between the same parties dated November 20th, 1979, recorded November 27, 1979 as Instrument No. 199089, records of Blaine County, Idaho, to show the full principal sum due from the MORTGAGOR to the MORTGAGEE.

IN WITNESS WHEREOF, the MORTGAGOR has executed this instrument this 1st day of March, 1980.

Joseph W. Beard
Joseph W. Beard



STATE OF IDAHO)
COUNTY OF BLAINE) ss

On this 1st day of March, 1980, before me, a Notary Public for said State, personally appeared JOSEPH W. BEARD, a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

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

Frank A. Knutson
Notary Public for Idaho
Residing in Hailey

RECORDED & INDEXED ON MARCH 19 1980
STATE OF IDAHO
COUNTY OF BLAINE

STATE OF IDAHO,)
COUNTY OF BLAINE,) ss
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE
OFFICE AT THE CLERK'S OFFICE
AT 2:50 P.M. MARCH 19 1980
BY *Marie M. Liva*
MARIE M. LIVA
Marie M. Liva
Marie M. Liva

MICROFILMED

NOV 13 1992

No. 304340

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-7020

Notice is hereby given that Joe W. Beard of Bellevue, Idaho has applied to the Department of Water Resources for a change of place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License 37-7020 and is recorded as follows:

Amount: 3.2 cfs 600 Acre Feet

Priority: April 30, 1968

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T1N, R19E, B.M., Blaine County

Place of Use: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T1N, R18E; S $\frac{1}{2}$ NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$, Sec. 19, T1N, R19E for irrigation of 200 acres from April 15 to October 15

TO BE CHANGED AS FOLLOWS:

Amount: No change

Point of Diversion: No Change

Place of Use: Lt1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lt2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 19, T1N, R19E for irrigation of 160 acres

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, on or before April 19, 1982.

A. KENNETH DUNN
Director

Published in Wood River Journal on April 1 and April 8, 1982.

MICROFILMED

NOV 13 1992

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 37-7020**

Notice is hereby given that Joe W. Beard of Bellevue, Idaho, has applied to the Department of Water Resources for a change of place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License 37-7020 and is recorded as follows:

Amount: 3.2 cfs 600 Acre Feet

Priority: April 30, 1968

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T1N, R19E, B.M., Blaine County

Place of Use: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T1N, R18E; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 19, T1N, R19E for irrigation of 200 acres from April 15 to October 15

TO BE CHANGED AS FOLLOWS:

Amount: No Change

Point of Diversion: No Change

Place of Use: Lt1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lt2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 19, T1N, R19E for irrigation of 160 acres.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before April 19, 1982.

A. KENNETH DUNN
Director

Publish: Wood River Journal-April 1, 8, 1982.

*ok
mug
3/24/82*

RECEIVED

NOV 13 1992

March 19, 1982

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Notice of Proposed Change of Water Right No. 37-7020
Gentlemen: 37-0902
37-0686, 37-0578

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

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

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

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

NOV 13 1992

Bill submitted: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: T.G. Blau

1. Right number 37-7020 Applicant BEARD, Joe W.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. *Needs proof of own
ership requested
by g.s*
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Mez. device req'd. When combined with other rights
shall not exceed 0.02 cfs/acre.

4. By ADM Date 6/16/82

RECEIVED
JUN 21 1982

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Box 1660 Hailey, Idaho 83333

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Gentlemen:

This is to inform you that on 7-17-79
Mr. Joseph Beard
has/have given a mortgage to the United States of America,
Farmers Home Administration.

This mortgage encumbers well permit # 37-7020.

As a covenant of this mortgage, the mortgagees agreed that
they would not assign, encumber or amend this permit and
or license without the consent of FmHA.

Please acknowledge the receipt of this letter by signing
and returning a copy to this office. I have enclosed an
envelope for your convenience.

Sincerely,

for Shirley A. Martin
RANDY W. HART
County Supervisor

RECEIVED

MAY 1 1980

Department of Water Resources

MICROFILMED

NOV 13 1992

RECEIVED

APR 29 1980

Department of Water Resources
Southern District Office

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination based on race, sex, religion,
national origin or marital status should be sent to:
Secretary of Agriculture, Washington, D. C. 20250



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 13, 1975

Re: Permit No. 37-7020

Mr. Barton H. Ballantyne
1078 N. Cole Road
Boise, Idaho 83704

Dear Mr. Ballantyne:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

April 28, 1975

Mr. Barton H. Ballantyne
1078 N. Cole Road
Boise, Idaho 83704

Dear Mr. Ballantyne:

A representative of this Department has made an examination of the works covered by your Permit No. 37-7020 and has found the following:

Quantity of water diverted: 3.20 cfs Source: ground water

Amount of water that can be recognized as beneficially used under Idaho law: 3.20 cfs

The maximum quantity diverted shall not exceed 600 acre feet per year.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, Twp. 1 N, Rge. 19 E, B. M., Blaine County

Beneficial use: Irrigation of 200 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 1 N, Rge. 18 E, B. M. and S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 1 N, Rge. 19 E, B. M.

Priority date established: April 30, 1968

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

RECEIVED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

JUN 1974 Permit holder Barton H. Ballantyne

Department of Post Office address Silver Meadows, 1078 N. Cole Rd., Boise, ID Phone _____

Southern District Office
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 4.0 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr. 15 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 37-7020
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 4.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 1N N/S, Range 19E E/W, B.M., Section 19, Subdivision SE $\frac{1}{4}$ NW $\frac{1}{4}$, Blaine
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: Drilled well, pump, motor, & sprinkler system.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	18E	24													40				40
1N	19E	19							40	40	40	40							160

TOTAL ACREAGE 200

Rge - 18E

Rge - 19E

T
1
N

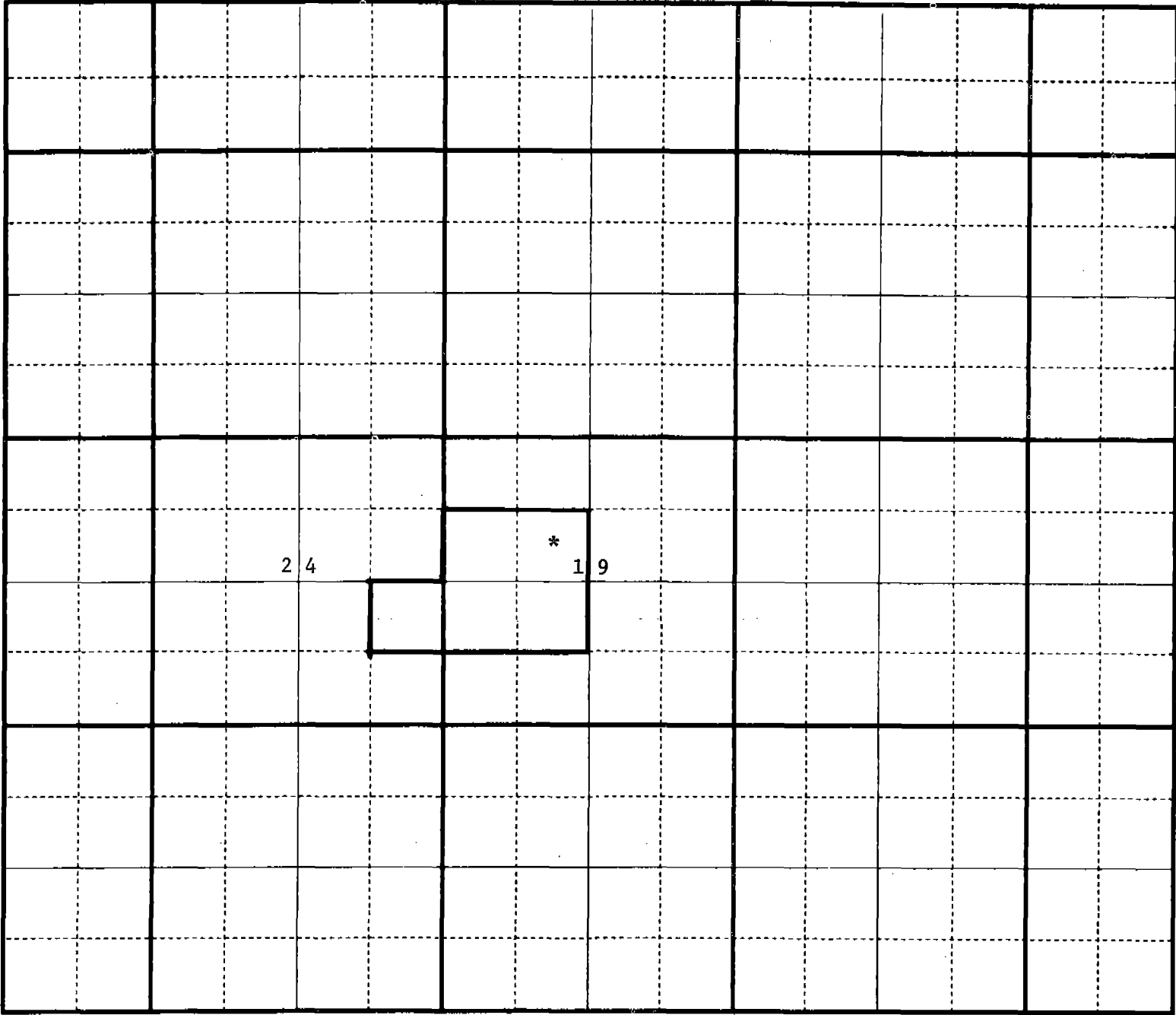


Diagram of System

DATE OF EXAM 8-13-74

ACREAGE
Found 200
Recommended 200

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.2 c.f.s. V = 700 AF/Ann. from April-15 to Oct-15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of injection: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of exchange: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Total Q measured 3.2 c.f.s. Method of measurement Metraflex ☒

Total Q recommended 3.2 c.f.s. Meter No. ☒ Type ☒ Condition good

Total V recommended 700 Ac Ft/ANN.

Recommended Amendments:

P.D. ☒
Place of Use ☒
Other ☒
None ☒

MEASUREMENT CALCULATION:

Q = 3.2 c.f.s. as Read on Meter ☒
V = 700 Ac Ft/ANN = (200 Acres) (3.5 Ac Ft/Ac Irr. Req)

SYSTEM DESCRIPTION:

Layne & Bowler Pump Caterpillar engine Diesel ^{S.P.}
ABC-52491

REMARKS:

Meter seemed to be operating properly.

Examiner's Signature Gary Tunderburg Date 8-14-74

Checked by Bob Holmes Date 8-14-74

Approved by _____ Date _____

June 5, 1974

Re: Permit No. 37-7020

Barton H. Ballantyne
Silver Meadows
1078 N. Cole Road
Boise, Idaho 83704

Dear Mr. Ballantyne:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Southern District Office at 1041 Blue ~~Alma~~ Blvd., North, Twin Falls, Idaho.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JFR

37-7020

Identification No. _____

Permit No. 37-7020

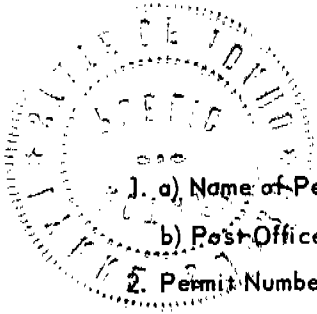
RECEIVED

MAY 29 1974

Department of Water Administration

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE



1. a) Name of Permit Holder Barton H. Ballantyne - Silver Meadows

b) Post Office Address 1078 N. Cole Road Boise, Idaho 83704

2. Permit Number 37-7020

3. Date of Priority that you are prepared to establish April 30, 1968

4. a) Source from which water was appropriated ground

b) Location of the point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19

Township 1N, Range 19E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

amount 4.0 for irrigation purposes from April 15 to October 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Drilled well, pump, motor, sprinkler system.

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____

b) Describe the type and size of measuring device which you have installed at your point of diversion: Orifice - Metraflex Model #33 Meter

c) Give well drillers name and address and date the well was completed _____

Exam typed 6/2/74 DR-jg

37-7020

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

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	
1 N	18 E	24													40				40
1 N	19 E	19						40	40	40	40								160

Total number of acres irrigated 200

10. Remarks: 200" decreed October 1, 1884, Big Wood River are other
water rights used for the same purposes.

The above information is a true statement of the extent to which the above numbered permit has been developed.

Barton H. Ballantyne

(Signature)

Barton H. Ballantyne

(Date)

May 28, 1974

State of Idaho)
 County of Ada) ss.

On this 28th day of May, 19 74, personally appeared before me the
 signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lynne Sword

Lynne Sword

Notary Public residing at Boise, Idaho

My commission expires May, 1978



SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

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

APR 2 1974

377020

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

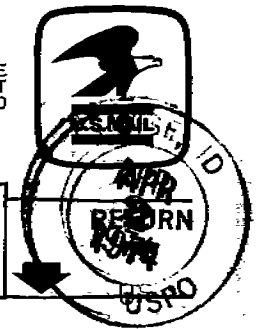
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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



PS Form 3811
June 1973

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

37-7020

April 1, 1974

CERTIFIED MAIL

#25262

Re: Permit No. 37-7020

Barton H. Ballantyne
4706 Fairview Ave.
Boise, Idaho 83704

Dear Mr. Ballantyne:

One of the conditions of approval of your water Permit No. 37-7020 (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 June 1, 1974. 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

37-7020

June 1, 1973

Re: Permit No. 37-7020

Mr. Barton H. Ballantyne
4706 Fairview Ave.
Boise, Idaho 83704

Dear Mr. Ballantyne:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Enclosed is a copy of the application for extension of time which you submitted to us. Please note that the time within which to submit proof has been extended to June 1, 1974.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

jc
Enclosure

37 7020

May 18, 1973

Re: Permit No. 37-7020--J. P. Nielsen

Mr. Barton H. Ballantyne
4706 Fairview Avenue
Boise, Idaho 83704

Dear Mr. Ballantyne:

We are herewith returning the extension of time application submitted in connection with the above referenced permit.

Please be advised that in order for the Department to consider the application, it must be signed by the permit holder of record. Before we could accept the request in your name, Mr. Nielsen would have to assign the permit to you, or give you power of attorney to act in his behalf.

We are enclosing an assignment and power of attorney form for your consideration in this matter. Please re-submit the extension of time request in proper form on or before the date set for proof, June 1, 1973.

If you have any questions, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:kss

Enc: Orig. App. for Ext.
Assignment form
Power of Att. form

37 7020

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

24413

1

Ruth F. Nielsen

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3/31/73

3

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

37 7020

37-7020

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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

**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE • ANNEX #2

BOISE, IDAHO 83707

37 7020

PS Form 3811 Nov. 1970 c55-16-81277-3

March 30, 1973

CERTIFIED MAIL

#24413

Re: Permit No. 37-7020

J. P. Nielsen
Route # 1
Bellevue, Idaho 83313

Dear Mr. Nielsen:

One of the conditions of approval of your water Permit No. 37-7020 (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 June 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
Director

Enc: Proof affidavit

37 7020

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER Name <u>J P NEILSEN</u> Address <u>BELLEUE IDAHO</u> Owner's Permit No. <u>37-7020</u>	7. WATER LEVEL Static water level <u>51</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature <u>49</u> ° F. Quality <u>EVEFI</u> Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																																																												
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☒ Pump ☐ Bailer ☐ Other <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Draw Down</th><th>Hours Pumped</th></tr></thead><tbody><tr><td><u>1800</u></td><td><u>29</u></td><td><u>4</u></td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Draw Down	Hours Pumped	<u>1800</u>	<u>29</u>	<u>4</u>																																																																																																																						
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other																																																																																																																													
5. WELL CONSTRUCTION Diameter of hole <u>20</u> inches Total depth <u>251</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>3/2</u> inches</td><td><u>20</u> inches</td><td><u>0</u> feet</td><td><u>251</u> feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> Was a packer or seal used? ☐ Yes ☐ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch Size of perforation <u>3/8</u> inches by <u>2 1/2</u> inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>1400</u> perforations</td><td><u>74</u> feet</td><td><u>241</u> feet</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal? ☒ Yes ☐ No To what depth <u>UNKNOWN</u> feet Material used in seal ☒ Cement grout ☐ Puddling clay	Thickness	Diameter	From	To	<u>3/2</u> inches	<u>20</u> inches	<u>0</u> feet	<u>251</u> feet																					Number	From	To	<u>1400</u> perforations	<u>74</u> feet	<u>241</u> feet																																																																																											
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6. LOCATION OF WELL Sketch map location must agree with written location. N W E S X <u>37 7020</u> County <u>BLAINE</u> <u>N 1/4 SW 1/4 Sec. 19 T. 1 N. R. 19 E. 4N</u>	10. Work started <u>May 12</u> finished <u>July 69</u>																																																																																																																												
	11. DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. <u>Eugene H Walker</u> Driller's or Firm's Name <u>624 PERCE ST TWIFALLS</u> Address <u>Eugene H Walker</u> Signed By <u>13 Aug 1969</u> Date <u>15</u> Number																																																																																																																												

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Shoshone, Idaho

Aug. 11, 1969

RECEIVED

AUG 12 1969

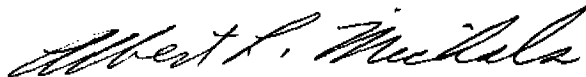
Department of Reclamation

State Reclamation Engineer
State House
Boise, Idaho

Dear Sirs:

James P. Nielsen has mortgaged the rights to Permit No. 37-7020 to the United States of America and has agreed that he will not assign or amend the permit without the consent of the Farmers Home Administration.

Sincerely yours,



Albert L. Michals
Acting County Supervisor

37 7020

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Post Office Box 337
Shoshone, Idaho 83352

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE



June 17, 1968

Re: Permit 37-7020

**J. P. Nielsen
Route # 1
Bellevue, Idaho 83313**

Dear Mr. Nielsen:

We enclose a copy of your approved application for permit 37-7020 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:kd

**Enclosures: Copy of application
Receipt No. 821 for \$35.00**

37 7020

Form 4

May 6, 1968

Re: Application No. 37-7020
J. P. Nielsen

The Hailey Times
Hailey,
Idaho 83333

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication 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.

(Do not certify this letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

37 7020

Form 3

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that J. P. Nielsen, Route #1, Bellevue, Idaho
_____ has on April 30, 1968
applied for permit to divert ~~store~~ 4.0 cubic feet per second ~~any feet~~
of water from a subterranean source
under application No. 37-7020. Water will be diverted by a well, pump,
motor, sprinkler system within the SE1/4, sec. 19, T. 1 N, R.
19 E, E.M., Blaine County,
and is to be used from April 15 ~~1967~~ to October 15 for irrigation

_____ in the NE1/4, sec. 24, T. 1 N, R. 18 E, E.M. and the S1/4NW1/4,
N1/2S1/4, sec. 19, T. 1 N, R. 19 E, E.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 Hailey Times, Hailey, Idaho,
on May 16 and May 23.