

5 Rev. 1 Min 17 Sec.

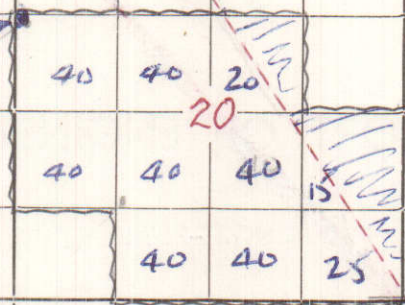
60
17
77 500

6.50 x .975 = 6.34 cfs w 317 inches

R-19E.

TO BELLEVUE
STATE HWY. No. 23

PD.



100

135

105

340

280

25

20

15

340

Subdivisions

10

Area

340 acres

Q

6.34 cfs w 317 inches

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

Notice is hereby given that at 10:00 A.M., on the 20th day of February 1962, at Hailey, County of Blaine, State of Idaho, before A. W. Ensign, Jr., Notary Public, at Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 6.7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26740, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is R. J. Struthers, Box 216, Sun Valley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.7 cubic feet per second.

3. The use to which said water has been applied is for irrigation purposes, and the amount applied to beneficial use is 6.7 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 20, Twp. 1 N., Rge. 19 EBM.

5. The place where said water is used is 334.7 acres in SW $\frac{1}{4}$ -NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$, all in Sec. 20, Twp. 1 N., Rge. 19 E.B.M.

6. The date of priority which said user is prepared to establish is Feb. 1, 1957.

GEO. N. CARTER
State Reclamation
Engineer.

Pub. 1/25;2/18,15,1962.

Affidavit of Publication

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

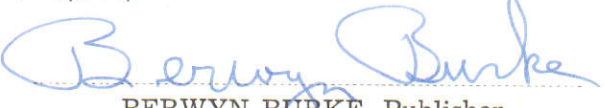
BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and 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 four consecutive weeks commencing with the first publication thereof on the

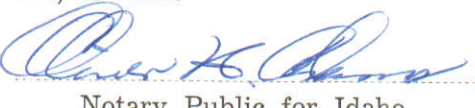
twenty-fifth day of January, 1962
and ending with the last publication thereof on the

fifteenth day of February, 1962

Cost of this publication is \$ 24.64


BERWYN BURKE, Publisher.

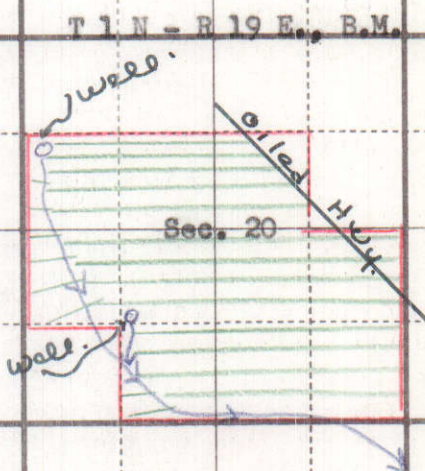
Subscribed and sworn to before me, this 20 day
of February, 19 62.


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

G 26740

NAME OF APPLICANT R. J. FRUTHERS

Form No. 0



Permit Map No. 9-26740
As Approved
MARK R. KULP
State Reclamation Engineer
FEB 8 1957

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

926740

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

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6. The date of priority which said user is prepared to establish is Feb. 1, 1957.

GEO. N. CARTER
State Reclamation
Engineer.

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT NO.)	ORDER AMENDING APPROVAL OF
37-2593 IN THE NAME OF ROBERT J.)	APPLICATION FOR EXTENSION OF
STRUTHERS)	TIME TO AVOID FORFEITURE OF A
_____)	WATER RIGHT

This matter having come before the Department of Water Resources (Department) as a result of an Application for Extension of Time to Avoid Forfeiture of a Water Right, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On January 15, 2003, the Department approved an Application for Extension of Time to Avoid Forfeiture of a Water Right (application), with conditions, for water right no. 37-2593. The application was approved with conditions including condition of approval no. 1 as follows:

The right holder is not authorized to transfer this water right or part thereof.

2. The approved application was mailed to Robert J. Struthers (applicant) on January 16, 2003.
3. On May 7, 2003, the Department received a petition to reconsider the approval (petition) from Josephine Beeman, attorney for the applicant. The petition requested that the Department amend the approval by removing the condition prohibiting future transfer of the water right. The petition states that "Removal of the transfer condition is proper because the issue of whether the water right can be transferred is not ripe for review."
4. The petition also indicated that the application's legal counsel, Josephine Beeman, was not served a copy of the approval order. Ms. Beeman first became aware of the approval order on April 25, 2003.

CONCLUSIONS OF LAW

1. Section 42-222(5), *Idaho Code*, provides the applicant a means, pursuant to Section 42-1701A(3), *Idaho Code*, to appeal the determination of the Department in approving or rejecting the application.
2. Section 42-1701A(3), *Idaho Code*, provides 15 days to contest the denial or conditional approval of the Department. Since counsel for the applicant was not served a copy of the application approval, and did not become aware of the

application approval until April 25, 2003, the petition submitted on May 7, 2003 is considered a timely appeal.

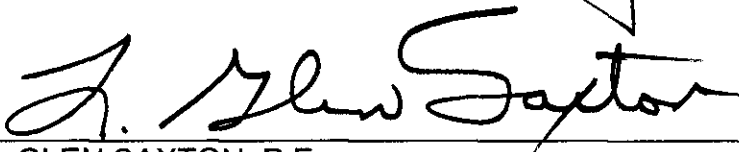
3. The Department should amend the application approval by removing condition no. 1 prohibiting future transfer of the water right and replacing it with a condition indicating that the application approval does not constitute a determination by the Department that any future request for transfer of the water right is approvable.

ORDER

IT IS HEREBY ORDERED that the application approval is **AMENDED** by removing condition of approval no. 1 prohibiting future transfer of the water right and replacing it with the following condition:

This approval does not constitute a determination by the Department that any future request for transfer of the water right is approvable.

Dated this 9th day of May, 2003.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

RECEIVED

Form 2-222

12/99

FEE \$100.00

OCT 28 2002

Water Right No. 37-2593

Department of Water Resources
Southern Region

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 13 2003

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

OCT 23 2002

Department of Water Resources

Department of Water Resources

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Robert J. Struthers, Jr.
2. Mailing address 388 Gannett Rd., Bellevue, ID 83313
3. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
 - vs. _____, Dated _____ in _____ (Name of Court)
 - Court, County of _____. Fully describe decree _____
- d. SRBA No. /License 37-2593
4. Source of water Ground water tributary to N/A
(Name of stream or source)
5. Date of priority of right February 1, 1957
6. Description of Right:

amount 6.34 cfs for irrigation purposes from 4/15 to 10/31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion SW 1/4 NW 1/4 of Sec. 20 Twp. 1N Rge. 19E County Blaine

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	19E	20			20				40	40	40	40		40	15	40	40	25	340

MICROFILMED

Total Acres 340

OCT 21 2001

9. Give the last date when water was put to beneficial use 1997

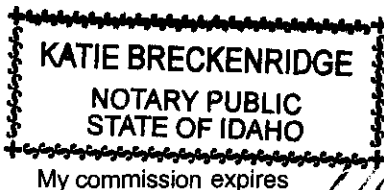
Length of extension of time requested 5 years, or until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Attachment A.

The information contained in this application is true to the best of my knowledge.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of October, 2002.



[Signature]
(Notary Public)

Residing at Peabo

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby granted said application subject to the following conditions or reasons:

1. The right holder is not authorized to transfer this water right or part thereof; 2. The extent and validity of this water right is subject to review under the Snake River Basin Adjudication and is not confirmed by approval of this extension; and 3. The right holder shall resume use of this right on or before October 31, 2007.

Signed this 15th day of January, 2003.

[Signature]
Chief, Water Allocation Bureau L. Glen Saxton

FOR DEPARTMENT USE ONLY

Date Received 10-23-02 FEE Received by J. [Signature] Date 10-23-02 Receipt # C065355
Preliminary T by JF Publication prepared by MBaldwin Pub. approved by _____ Date _____
Published in Wood River Journal Dates Published 12/18 + 12/24/02
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - 9 APPROVAL 9 DENIAL By Ad 1/10/03

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FEB 23 2003

ATTACHMENT A

On December 22, 1997, water right 37-2593 was severed from the land to which it was appurtenant pursuant to the Quitclaim Deed executed by Margaret E. Struthers in favor of the Applicant, Robert J. Struthers, Jr., a copy of which is attached as Exhibit 1. The land underlying the former place of use for water right 37-2593 was subsequently subdivided and sold to other individuals with the Applicant retaining one parcel. Water right 37-2593 was last used for irrigation of the licensed place of use during the 1997 irrigation season. Because water right 37-2593 has been severed from the land coupled with the fact that the Applicant no longer owns all the land licensed as the place of use for 37-2593, the Applicant must apply for and receive transfer approval in order to move the water right to other lands owned by the Applicant. The Applicant will timely apply for a transfer of water right 37-2593 in conjunction with the recommendation by IDWR of an expansion right derived from right 37-2593 pursuant to Idaho Code § 42-1426. In an earlier meeting with IDWR staff, David R. Tuthill, Jr., and Jeff Peppersack, Applicant's counsel, Josephine P. Beeman, outlined the Applicant's proposal for the filing of a transfer application for right 37-2593 in conjunction with the recommendation of the Applicant's expansion claim. Applicant's counsel is in the process of finalizing the transfer application and expansion claim which will be filed with IDWR. Because water right claims in Basin 37 have not yet been investigated and recommended in the SRBA, it is difficult to determine when exactly the Applicant's expansion claim will be investigated and recommended. Given this uncertainty, the Applicant requests a five-year extension of time within which to avoid forfeiture of 37-2593 so the Applicant can

MICROFILMED
FEB 25 2003

complete the transfer of this water right in conjunction with the recommendation and transfer of the expansion claim derived from this water right.

MICROFILMED
FEB 25 2003

QUITCLAIM DEED

For Value Received

Margaret E. Struthers Limited Partnership
do hereby convey, release, remise and forever quitclaim unto

Robert J. Struthers Jr.
Whose current address is

388 Gannett Road , Bellevue, Idaho, 83313
the following described property to-wit:

All of the groundwater right licence number 37-02593 SRBA claim
number A37-02593 with a priority date of February 1, 1957

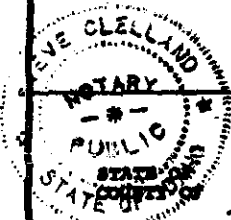
together with these appurtenances.

one electric 100 horse power motor, panel, pump, column, shaft,
bowls and discharge equipment

Dated: December, 23 1997

Margaret E. Struthers

Partner Margaret E. Struthers Ltd. Partnership



On this 22ND day of December
19 97, before me a Notary Public in
and for said State, personally
appeared

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

Shirley C. Allen
Notary Public

Residing at Twin Falls ID

Comm. expires 12/1/2000

409209

Deed

BLAINE CO. REQUEST

OF: Robert Struthers

'97 DEC 23 PM 1 19

MARY GREEN, CLERK mp

FEES \$ 3=

MICROFILMED

409209

EXHIBIT 1

State of Idaho

License and Certificate of Water Right

Water License No. G-26740

Amount 6.34 c.f.s.

Water District No.

Priority February 1, 1957

THIS IS TO CERTIFY that R. J. STRUTHERS
of Sun Valley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 1, 1957; that Permit No. G-26740
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.34 second feet, was issued thereunder on September 26, 1962, showing that said works
were completed on the 20th day of February, 1962; and that on the 20th
day of February, 1962,

R. J. STRUTHERS

of Sun Valley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-26740 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7461, on the 26 day of September, 1962;
The right hereby confirmed dates from February 1, 1957;

The Point of Diversion is located
in the SW 1/4 NW 1/4, Sec. 20, Tp. 1 N., R. 19 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 6.34 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N.	19 E.	20	SW NE	40	20
			SW NW	40	40
			SE NE	40	40
			NE SW	40	40
			NW SW	40	40
			SE SW	40	40
			NE SE	40	15
			NW SE	40	40
			SW SE	40	40
			SE SE	40	<u>25</u>
			Total number of acres to be irrigated: 340		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
26th day of September, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

37-258

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34644
Permit No. G- 26740
District No.

1. Name of Applicant: R. J. STRUTHERS
Postoffice address: Box 216, Sun Valley County: Blaine State: Idaho
2. Quantity of water claimed: 6.7 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 6.7 or Idaho
Miners' inches 335 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean water to be raised through two drilled wells.
4. Location of point of diversion or well is in the SW NW
NE 1/4 of the SW 1/4 of Section 20
Twp. 1 N., Rge. 19 E., B.M., County of Blaine
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: 2 drilled wells to be cased and equipped with turbine type pumps & motors.
8. Estimated cost of works: \$ 20,000.00
9. (a) Is reservoir to be used? No.
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Decreed water out of Wood River none of which covers this land adequately for irrigation. 114" of 1884; 89" of 1886; 113" of 1891.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

Applicant.

/s/ R. J. Struthers

2:30 P. M. February 1, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26740

Recorded in Book 94 Page 26740 Approved February 8, 1957

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 8, 1959

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 8, 1962.

Witness my hand this 8th day of February, 1957.

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 8th
day of February, 19 57.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG

By ROBERT E. SMYLIE

Governor

Secretary of State.

12. *Remarks cont'd: of beneficial use. The decreased water listed under Item #13 is not adequate or dependable for irrigation; therefore, this entire filing is supplementary.

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	19 E	20	40	40 40	40 40	40 40 40 40	
Fractions of N ¹ / ₂ SE ¹ / ₄ , Sec. 20., SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ leave a net of							33

Permit No. G-26740
CERTIFICATE OF COMPLETION OF WORKS

✓ TO ALL WHOM IT MAY CONCERN:

This is to certify that R. J. STRUTHERS of Sun Valley, County of Blaine, and State of Idaho, the holder of Permit No. G-26740, issued upon Application No. G-34644, bearing date of priority of February 1, 1957, authorizing the diversion of 6.7 second feet of waters of 2 wells, County of Blaine, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 6.34 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 1 N., R. 19 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

340 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 20, T. 1 N., R. 19 E., B. M.

Witness my hand this 26th day of September, A. D. 1962

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: February 20, 1962

LICENCE ISSUED FOR 6.34 SEC. FL.
page 7461



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 9, 2003

JOSEPHINE P BEEMAN
BEEMAN & ASSOCIATES PC
409 W JEFFERSON ST
BOISE ID 83702-6049

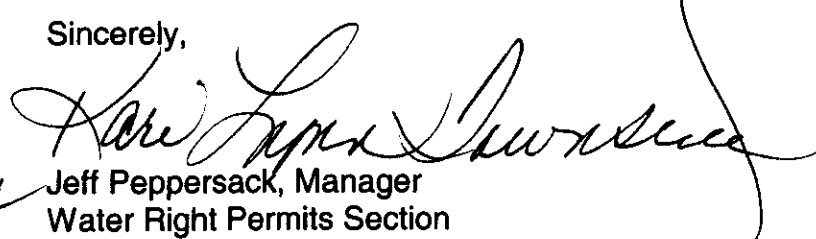
RE: Order In the Matter of Water Right 37-2593 in the name of Robert J. Struthers

Dear Water Right Holder(s):

Enclosed please find Order Amending Approval of Application for Extension of Time to Avoid Forfeiture of a Water Right issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAY 21 2003

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

RECEIVED

MAY 7 2003

Department of Water Resources

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

May 6, 2003

Jeff Peppersack, P.E.
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

*Re: Petition for Reconsideration In the Matter of Application for Extension of Time to
Avoid Forfeiture of Water Right 37-2593 in the Name of Robert J. Struthers, Jr.*

Dear Jeff:

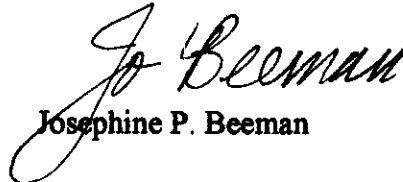
This letter is a follow-up to your telephone conversation last week with Matt Howard, who is assisting my office with the above-referenced matter. Enclosed is a Petition for Reconsideration concerning the removal of the transfer condition contained in the order granting the extension of time. I have also enclosed an additional copy of the petition that I would ask that you have your assistant conform and return to me in the enclosed envelope.

Also, will you please ensure that my name is entered into the Department's database as the attorney for Robert J. Struthers, Jr., so that I am copied with future documents and correspondence affecting his water rights?

Please do not hesitate to contact me or Matt Howard if you have any questions concerning the above. Thank you.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

MJH
Enclosures
cc: Client
Z:/1921/5614

MICROFILMED

MAY 21 2003

MAY 7 2003

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
office@beemanlaw.com

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
EXTENSION OF TIME TO AVOID)
FORFEITURE OF WATER RIGHT NO. 37-) PETITION FOR RECONSIDERATION
2593 IN THE NAME OF ROBERT J.)
STRUTHERS, JR.)

The Applicant, Robert J. Struthers, Jr. ("the Applicant"), by and through his attorney Josephine P. Beeman, Beeman & Associates, P.C., and pursuant to the Rules of Procedure of the Idaho Department of Water Resources (IDWR), hereby petitions IDWR for reconsideration of the conditions contained within the order issued on January 15, 2003, granting the Application for Extension of Time to Avoid Forfeiture of Water Right 37-2593.

May 1 2003

PROCEDURAL BACKGROUND

1. On October 23, 2002, the Applicant filed with IDWR an Application for Extension of Time to Avoid Forfeiture of Water Right 37-2593 ("Application"). The purpose of the Application was to give the Applicant additional time within which to file a transfer for water right 37-2593 in conjunction with the anticipated recommendation by IDWR of an expansion right derived from right 37-2593 pursuant to Idaho Code § 42-1426.

2. On January 15, 2003, IDWR granted the Application subject to various conditions, including the following condition prohibiting the future transfer of water right 37-2593: "The right holder is not authorized to transfer this water right or part thereof." (hereinafter "the Order").

3. The Applicant's legal counsel, Josephine P. Beeman, who was identified in Attachment A to the Application, was not served with a copy of the Order. Ms. Beeman first became aware of the Order on April 25, 2003, after contacting IDWR staff and inquiring about the status of the Application.

DISCUSSION

The Applicant requests that the Order be amended to exclude the condition prohibiting the future transferability of water right 37-2593 ("the transfer condition"). Removal of the transfer condition is proper because the issue of whether the water right can be transferred is not ripe for review. The Application does not seek permission to transfer any portion of the water right. It only seeks additional time within which to file an application for transfer.

The transfer condition also deprives the Applicant of the future opportunity to present IDWR with a transfer application that details the specifics of the requested transfer. The Applicant is sensitive to IDWR's concern that an enlargement of the water right could occur if it

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were allowed to be transferred in whole from its current place of use. However, the Applicant believes it is possible under Idaho law to transfer certain element(s) of the water right without creating an unlawful expansion. As indicated in the Application, such a transfer appears possible if it is joined with another water right as part of the transfer.

While the Applicant and his legal counsel have discussed the possibility of such a transfer with IDWR allocation and adjudication staff members, the Applicant has not requested that IDWR make any formal ruling on such a transfer until IDWR has before it a transfer application that details the specifics of the requested transfer. For that reason, the Applicant requests that IDWR not render a final decision on the future transferability of water right 37-2593 until a specific transfer application is filed. If the transfer condition is not removed, it will unfairly prejudice the Applicant's ability to present a concise statement of facts and law to support a future transfer application. Conversely, removal of the transfer condition creates no prejudice and does not impact other water rights. It merely postpones, until a more appropriate time, the issue of transferability of water right 37-2593.

Additionally, imposition of the transfer condition defeats the purpose of the Application currently pending before IDWR. The purpose of the Application was to allow the Applicant additional time within which to seek a transfer for 37-2593. As indicated in "Attachment A" to the Application, it is anticipated that the proposed transfer of 37-2593 will be made in conjunction an expansion right that still needs to be claimed and recommended in the SRBA. The Applicant intends to file the notice of claim for the expansion right and anticipates that it will be recommended in the SRBA pursuant to Idaho Code § 42-1426. However, it was necessary to seek an extension of time to avoid forfeiture of water right 37-2593 because of the

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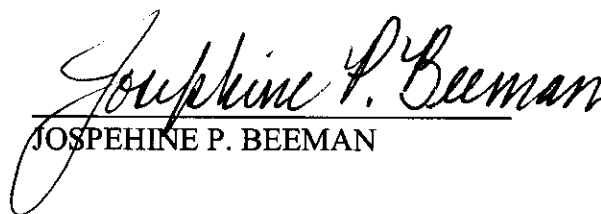
uncertainty as to when the basin 37 expansion claim would be investigated and recommended in the SRBA.

To the extent IDWR is concerned that approval of the above-captioned Application may be construed as tacit approval by IDWR of a future transfer of 37-2593, the Applicant has no objection to IDWR inserting a condition that makes clear that the granting of the requested extension does not constitute approval of any future transfer request.

CONCLUSION

Based on the foregoing, the Applicant respectfully requests that the Order be amended to remove the condition prohibiting the future transfer of water right 37-2593.

DATED this 6th day of May, 2003.


JOSEPHINE P. BEEMAN

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MAY 21 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2003

ROBERT J STRUTHERS JR
388 GANNETT RD
BELLEVUE ID 83313

RE: WATER RIGHT NO. 37-2593

Dear Water Right Holder:

Enclosed is a copy of the approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right. Please note that resumption of beneficial use of water shall occur on or before **October 31, 2007**.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption date, the Department will send you a Resumption of Use Notice by certified mail.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of the water right and/or a change in the address of the owner or if you have any questions concerning this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region

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FEB 25 2003

MEMORANDUM

Date: January 15, 2003

To: WR File No. 37-2593

From: Jeff Peppersack



Re: Request for Extension of Time to Avoid Forfeiture – Condition Prohibiting Transfer

This extension is requested to avoid forfeiture of water right 37-2593 during the SRBA review period for an enlargement claim associated with the right (not yet filed with IDWR). The history of this request is described in my memo dated April 10, 2002 in the water right file. Transfers were filed and approved on a junior right overlapping right 37-2593. Right 37-2593 was withheld from sale of the lands to preserve it for transfer to other lands; however, IDWR identified that as an enlargement situation.

Discussions with attorneys for water right owner resulted in understanding that an SRBA enlargement right would be pursued (based on enlargement use prior to 1987), and then transferred and right 37-2593 would be relinquished as a result of the transfer. The relinquishment would be necessary to prevent future unstacking from the overlapping junior right. The enlargement right (if decreed) would ultimately stand alone.

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MEMO

FROM: Allen Merritt

DATE: January 10, 2003

TO: Jeff Peppersack, Shelly Keen

SUBJECT: Special Consideration for approval of this "Extension of Time" for 37-2593 in the name of Robert Struthers, Jr.

RECEIVED
JAN 13 2003
Department of Water Resources

We have processed this application without protest. I recommend approval of the extension but we may consider some kind of special language or condition such that ... *"The right is subject to SRBA determination and that use of well during period of granted extension is not authorized for use for delivery of any right claimed pursuant to Idaho Code 42-1426 for expansion of 37-2593."*

The subject License is limited in use when combined with right 37-2705 which has been split numerous times. (See attached memo dated 1/31/2002 but note that numbers in memo were not ultimately assigned to the rights as described in the memo...see attached handwritten split tree as rights exist.) Ultimately Struthers has retained only a portion of the original irrigated acres of the original place of use of rights 37-2705 and 37-2593. SEE COMMENT IN 37-2593 RECORD. Ultimately 37-2593 may not be worth 6.34 cfs for irrigation of 340 acres.

I do not feel this prevents the right from being protected by the extension request but I believe the extension request should be clear that by approval of the extension the department is not acknowledging that the right is worth 6.34 cfs for irrigation of 340 acres.

1/13/03

I discussed with Allen and he agreed that his recommended condition is not appropriate. Approval does need a condition stating that 37-2593 can not be transferred and validity is subject to SRBA review.

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JP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20442 V1

WATER RIGHT NUMBER: 37-20442 V1

Owner Type Name and Address
 Original Owner MARGARET E STRUTHERS
 C/O RJ STRUTHERS
 BOX 610
 HAILEY, ID 83333
 (208)788-4613
 Current Owner ROBERT J STRUTHERS
 388 GANNETT RD
 BELLEVUE, ID 83313
 (208)788-4613

*Struthers portion
 of
 37-2705*

Priority Date: 01/29/1965

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.040 CFS	304.20 AF
<u>Total Diversion:</u>		2.040 CFS	304.20 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SW1/4 Sec. 20, Twp 01N, Rge 19E, B.M.
 BLAINE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 19E 20							37.0				40.0	35.0					112.0

Conditions of Approval:

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
2. X35 Right 37-20442 when combined with all other rights for the same 101.4 acres shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 304.2 af at the field headgate.

Remarks:

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FEB 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20442 V1

Comments:

1. PSKAGGS 5/31/2002 9:38:37 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69287

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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FEB 25 2003

MEMO

FROM: Allen Merritt

DATE: January 31, 2002

TO: Transfer Files No.	69287	69417
In the name of:	John Welsh	SMET-Pleasants Family Trust
Water Right(s):	<u>37-02705A</u> 37-20442** 37-20443	<u>37-02705A</u> 37-20493 (Unchanged Struthers' portion) 37-20494

Base Right

Split from Base

**Place holder record (should be deleted)

SUBJECT: Review and Recommendation

These transfers deal with splitting up of the Robert Struthers property into at least four parcels. The transfers propose to add a well by the new owners of the parcels that has been split off of the Struthers' property. Approved transfer 68500 in the name of Robert Stilo was the first. It split off 39 acres. Transfer 69287 in the name of Welsh and Transfer 69417 in the name of SMET - Pleasants Family Trust (SMET) have gone through advertising without protest.

HISTORY

Section 20, T01N, R19E has several decreed rights associated with all tracts in the section.

License 37-2593 was issued in 1962 for well in SWNW Sec 20 for 6.34 cfs to irrigate 340 acres in Sec 20.

License 37-2705 was issued in 1969 for well in NWSW Sec 20 for 6.7 cfs to irrigate 335 acres in Sec 20. (essentially the same lands as earlier licensed) This license was limited when combined with other rights to 6.7 cfs and 1005 afa or 3.0 afa/acre). Current volume value is 3.5 afa and current season of use is 4/15 to 10/31.

Struthers filed numerous SRBA claims for surface rights totaling 316 acres and Licenses 37-2593 and 37-2705 totaling 360 acres for property in Section 20 for a total of no more than 360 acres. The Struthers' ground water claims included land in the SWSW of the section that was not originally covered by ground water licenses; thus the acreage totals more than what was licensed.

The Stilo transfer only dealt with a portion of 37-2705 and did not deal with 37-2593 since only a portion of 37-2705 was included in the deed. Similarly the Welsh transfer only deals with a portion of 37-2705 since it is the only ground water right specifically mentioned in the deed. The SMET transfer originally dealt with portions of both rights (37-2705 and 37-2593) but was

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FEB 25 2003

amended to only deal with 37-2705 since the deed specified only 37-2705. Note that all parties are in agreement that only portions of 37-2705 went with the property split off to the new owners. Struthers has attempted to retain 37-2593.

Analysis

With the reservation of right 37-2593 by Struthers there is a great potential to expand the use of ground water. One approach to prevent this is to require that any portion of 37-2593 that may have been appurtenant to the Stilo, Welsh, or SMET properties be abandoned by action of these transfers even though Struthers has specifically not deeded any portion of 37-2593 to the new owners. In any event the portion of 37-2593 that may still remain should not be allowed to be removed in any subsequent transfer or there would be an enlargement issue. The unchanged portions of right 37-2705 (37-20493) is drafted to limit 37-2593 to prevent expansion. Note that on 1/10/02 Doug Jones and I met with Mr. Struthers (See 1/10/02 mail message and follow up messages in file) It is recommended that Struthers be issue a preliminary order quantifying 37-20493 which also limits 37-2593.

Another issue is that the original licenses were limited to 3.0 afa/acre however the standard for the area has more recently been determined to be 3.5 afa/acre. The Stilo transfer allowed 3.5 afa/acre so these pending transfers should likewise allow 3.5 afa/acre for the changed and unchanged portions.

Recommendation

Tuthill and Peppersack need to review this recommendation.

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

WATER RIGHT NO. 37 20443

GEN By acceptance of approval of this transfer any claim to 37-2593 is relinquished.

01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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FEB 25 2003

- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 138.7 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 37 20493

- GEN This right when combined with 37-2593 shall be limited to 2.04 cfs and 264.6 afa for irrigation of no more than 75.6 acres.
- 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 75.6 acres within the place of use described above in a single irrigation season.
- W36 Right 37-2593 is also diverted through the point(s) of diversion described above.

WATER RIGHT NO. 37 20494

- GEN By acceptance of approval of this transfer any claim to 37-2593 is relinquished.
- 01Q After specific notification by the Department, the right holder shall measure the diversion or

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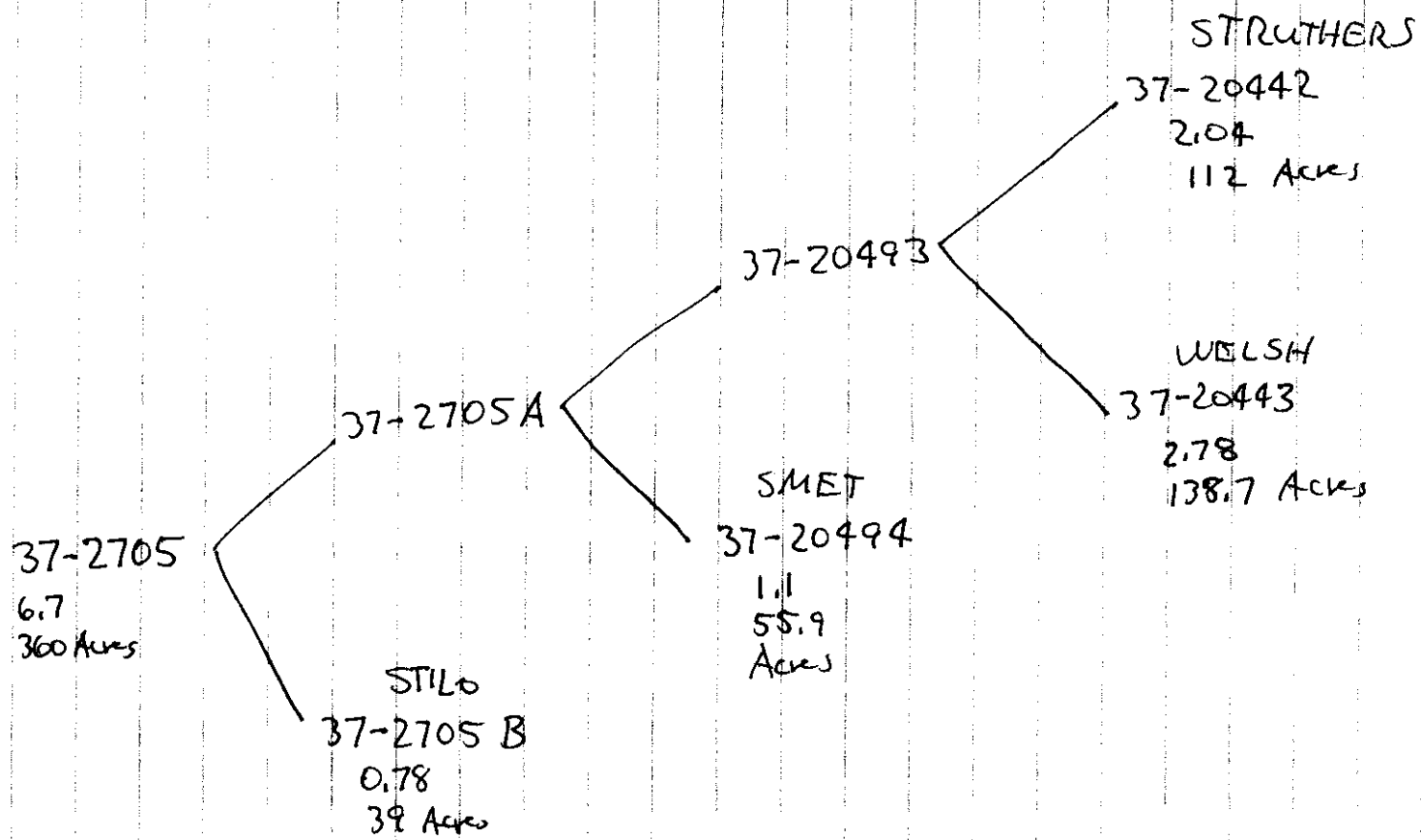
SEP 25 1991

shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 55.9 acres within the place of use described above in a single irrigation season.

MICHAEL

FEB 25 2003



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FEB 26 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2705

WATER RIGHT NUMBER: 37-2705

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARGARET E STRUTHERS LIMITED PARTNERSHIP 388 GANNETT RD BELLEVUE, ID 83313 (208)788-4613
Original Owner	MARGARET E STRUTHERS C/O RJ STRUTHERS BOX 610 HAILEY, ID 83333 (208)788-4613

Priority Date: 01/29/1965

Basis: License

Status: Parent

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	6.700 CFS	1,005.00 AF
<u>Total Diversion:</u>		6.700 CFS	1,005.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SW1/4	Sec. 20, Twp 01N, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	20			20.0				37.0	40.0	40.0	40.0	35.0	40.0	4.0	39.0	40.0	25.0	360.0

Total Acres: 360

Conditions of Approval:

1. 16

Remarks:

1. General WHEN COMBINED WITH ALL OTHER RTS. FOR THE SAME LAND THE MAXIMUM RATE OF DIVERSION SHALL BE 6.7 CFS AND VOLUME OF 1005.00 AFA.
| CLAIM IS SPLIT BY CHANGE OF OWNERSHIP INTO PARTS A & B.
SCC 3/1/00.

MICHAEL

01/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2705

Comments:

Dates and Other Information:

Claim Received Date: 10/5/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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FEB 26 2003

FILE PROGRESS SUMMARY

APPLICANT: Struthers, Robert J. WATER RIGHT NO. 37-2593

[illegible]

EXTENSION OF TIME TO AVOID FORFEITURE
ANALYSIS SHEET

*Struthers,
Robert J.*

1. INITIAL REVIEW BY: John Freidag
2. RIGHT NUMBER 37-2593 APPLICANT Robert J. Struthers jr.
3. TYPE OF RIGHT: ☐ Decree ☒ License ☐ Claim
4. Is reason for request extension given on application?
Yes ☒ No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☐ Period of Use
- (b) ☒ Description of Point(s) of Diversion
- (c) ☒ Description of Place of Use
- (d) ☒ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ☒ Copy of Tax Notice, Deed, or other Quit Claim Deed for water right claim in file.
- (b) ☐ County Assessor records. Date Contacted _____

7. Is the right in a Watermaster District? ☒ Yes ☐ No Dist. 37
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by AP

- (a) Is Application published correctly? ☒ Yes ☐ No
- (b) Protest Received? ☐ Yes ☒ No

RECOMMENDED ACTION

- ☒ Approve
☐ Deny

*With conditions
(See Attached)*

Conditions: _____

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 27 2002

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region

On this 24 day of December, in the year 2002, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 18 day of December 2002, and the date of the last publication was on the 24 day of December 2002.

Subscribed and sworn to before me this 24 day of Dec. 2002
(SEAL) JANET M. STONE
NOTARY PUBLIC
STATE OF IDAHO

Janet M Stone
NOTARY PUBLIC

#11765
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 153
Number of Insertions 2
Lines tabular at 7¢ / Pica
153 Lines straight at 1.43 6¢ / Pica
Subsequent lines at 5¢ / Pica
TOTAL COST 122.85 * 223.79

COPY OF NOTICE
(Paste Here)

Application for Water Rights
TITLE OF NOTICE

Walker Sam and Gabel
PLAINTIFF ATTORNEY

DEFENDANT

24620

PLAINTIFF

Idaho Dept of Water
BILL TO Resources
Twin Falls

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FEB 23 2003

(over)

The following applications have been filed concerning the public waters of the State of Idaho, Blaine County:
WALKER SAND & GRAVEL LTD CO.,
PO BOX 400; BELLEVUE ID 83313
Application for Permit No. 37-20833
Source: GROUND WATER
Point of Diversion: SWNESW S24 T01N R18E

Use: 04/15 To 10/31

IRRIGATION (0.5 CFS)

Date Filed: 11/15/2002

Place Of Use: 25 acres within E1/2SW S24 T01N R18E

Remark: This application records a pre-1987 development for irrigation of 25 acres from a well. The well and land irrigated is located approximately 4.5 miles south of Bellevue between the Big Wood River and Hwy 75.

Application for Permit No. 37-20834

Source GROUND WATER

Point(s) of Diversion SWNESW, (2 points) SENWSW S24 T01N R18E

Use: 01/01 To 12/31

Industrial (3.47 CFS)

Date Filed: 11/15/2002

Place Of Use: SW S24 T01N R18E

Remark: This application proposes to add diversion capacity to three existing wells used for industrial use of washing rock and sand. Use is non-consumptive, water will be returned to aquifer through loss in existing pond. The wells and industrial use are located approximately 4.5 south of Bellevue between the Big Wood River and Hwy 75.

ROY R. WOODS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340 filed an Amended Application for Permit No. 37-20809 on 12/4/02 as follows:

Point of Diversion: SESENE, S15, T05N, R17E

Source: GROUND WATER

Use: 05/01 To 10/31

Place Of Use: IRRIGATION (0.05 CFS) of 1.8 Acres within E1/2, S15, T05N, R17E

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application

TIMBERVIEW TERRACE HOMEOWNERS ASSOCIATION, C/O JEFFREY BATES, PO BOX 3455; KETCHUM ID 83340

Application for Permit No. 37-20837

Source: GROUND WATER

Points of Diversion: (2 Points) NESW S7 T03N R18E

Use: IRRIGATION 04/15 To 10/31 (0.15 CFS)

Use: DOMESTIC 01/01 To 12/31 (0.15 CFS)

Total Diversion: 0.3 CFS

Date Filed: 11/22/2002

Place Of Use: Domestic and 5 acres within NESW S7 T03N R18E

Remark: Application proposes to develop domestic and irrigation use within Timberview Terrace Subdivision located near the mouth of Greenhorn Gulch approximately 2 miles west and 6 miles north of Hailey. The application proposes diverting water from two existing wells for 10 homes within the five-lot subdivision. The 5 acres of proposed irrigation use is based on a 1/2 acre allowance per home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

AIRPORT WEST PARTNERS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340 filed Application No. 70260 on 9/19/02. Transfer application proposes changing the place of use of a 0.21 cfs and 8.82 acre portion of water right 37-7683. The changed portion will be diverted from an existing irrigation well and used to irrigate landscaping within the Airport West Subdivision. The subdivision is located between Broadford Road and the airport, approximately 1.0 mile south and 0.5 miles east of the center of Hailey. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

✓ An Extension of Time to Avoid Forfeiture of A Water Right was filed by Robert J. Struthers, Jr., 388 Gannett Rd; BELLEVUE ID 83313 on 10/23/02. The extension is requested to avoid loss of the water right due to non-use because portions of the appurtenant place of use has been sold.

Water Right No. 37-2593

Priority Date: February 1, 1957

Source: groundwater

Use: Irrigation (6.34 cfs) 4/15-10/31

Point(s) of Diversion: SWNW S20 T01N R19E

Place of Use: Portions of S20 T01N R19E.

Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 01/06/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Publish: Wood River Journal-December 18 & 24, 2002.

MICROFILMED

State of Idaho
Department of Water Resources
Application For Extension Of Time To Avoid
Forfeiture Of A Water Right
RECOMMENDATION OF WATERMASTER

RECEIVED
DEC 20 2002
Department of Water Resources
Southern Region

Application No: 37-2593

Water Right No(s): 37-2593

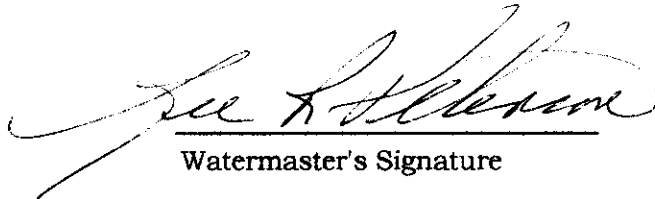
Applicant's Name: Robert J. Struthers, Jr.

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 18th day of December, 2002.

Water District No. 37


Watermaster's Signature

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FEB 25 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2002

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Four Applications for Permit, one Transfer of Water Right and one Extension of Time To Avoid Forfeiture

Dear Mr. Peterson:

Enclosed are copies of various Applications within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED
FEB 25 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2002

ROBERT J. STRUTHERS, JR
388 GANNETT RD
BELLEVUE ID 83313

Re: Application for Extension of Time To Avoid Forfeiture, No. 37-2593

Dear Mr. Struthers:

The Department of Water Resources acknowledges receipt of your Application for Extension of Time to Avoid Forfeiture as referenced above.

This office has scheduled advertising the application in the **Wood River Journal** on 12/18 & 12/24/02.

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests. **(January 6, 2003)**

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

MICROFILMED

FEB 26 2003

The following applications have been filed concerning the public waters of the State of Idaho, Blaine County:

WALKER SAND & GRAVEL LTD CO., PO BOX 400; BELLEVUE ID 83313

Application for Permit No. 37-20833

Source: GROUND WATER

Point of Diversion: SWNESW S24 T01N R18E

Use: 04/15 To 10/31

IRRIGATION (0.5 CFS)

Date Filed: 11/15/2002

Place Of Use: 25 acres within E1/2SW S24 T01N R18E

Remark: This application records a pre-1987 development for irrigation of 25 acres from a well. The well and land irrigated is located approximately 4.5 miles south of Bellevue between the Big Wood River and Hwy 75.

Application for Permit No. 37-20834

Source GROUND WATER

Point(s) of Diversion SWNESW, (2 points) SENWSW S24 T01N R18E

Use: 01/01 To 12/31

Industrial (3.47 CFS)

Date Filed: 11/15/2002

Place Of Use: SW S24 T01N R18E

Remark: This application proposes to add diversion capacity to three existing wells used for industrial use of washing rock and sand. Use is non-consumptive, water will be returned to aquifer through loss in existing pond. The wells and industrial use are located approximately 4.5 south of Bellevue between the Big Wood River and Hwy 75.

ROY R. WOODS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340

filed an **Amended Application for Permit No. 37-20809** on 12/4/02 as follows:

Point of Diversion: SESENE, S15, T05N, R17E

Source: GROUNDWATER

Use: 05/01 To 10/31

Place Of Use: IRRIGATION (0.05 CFS) of 1.8 Acres within E1/2, S15, T05N, R17E

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application

TIMBERVIEW TERRACE HOMEOWNERS ASSOCIATION, C/O JEFFREY BATES, PO BOX 3455; KETCHUM ID 83340

Application for Permit No. 37-20837

Source: GROUNDWATER

Points of Diversion: (2 Points) NESW S7 T03N R18E

Use: IRRIGATION 04/15 To 10/31 (0.15 CFS)

Use: DOMESTIC 01/01 To 12/31 (0.15 CFS)

Total Diversion: 0.3 CFS

Date Filed: 11/22/2002

Place Of Use: Domestic and 5 acres within NESW S7 T03N R18E

Remark: Application proposes to develop domestic and irrigation use within Timberview Terrace Subdivision located near the mouth of Greenhorn Gulch approximately 2 miles west and 6 miles north of Hailey. The application proposes diverting water from two existing wells for 10 homes within the five-lot subdivision. The 5 acres of proposed irrigation use is based on a 1/2 acre allowance per home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

AIRPORT WEST PARTNERS, C/O JAMES P SPECK, SPECK & AANESTAD, PO BOX 987;

KETCHUM ID 83340 filed **Application No. 70260** on 9/19/02. Transfer application proposes changing the place of use of a 0.21 cfs and 8.82 acre portion of water right 37-7683. The changed portion will be diverted from an existing irrigation well and used to irrigate landscaping within the Airport West

MICROFILMED

FEB 25 2003

Subdivision. The subdivision is located between Broadford Road and the airport, approximately 1.0 mile south and 0.5 miles east of the center of Hailey. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

An Extension of Time to **Avoid Forfeiture of A Water Right** was filed by **Robert J. Struthers, Jr.**, 388 Gannett Rd; BELLEVUE ID 83313 on 10/23/02. The extension is requested to avoid loss of the water right due to non-use because portions of the appurtenant place of use has been sold.

Water Right No. 37-2593

Priority Date: February 1, 1957

Source: groundwater

Use: Irrigation (6.34 cfs) 4/15-10/31

Point(s) of Diversion: SWNW S20 T01N R19E

Place of Use: Portions of S20 T01N R19E.

Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 01/06/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 12/18 & 12/24/02.

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FEB 15 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

December 10, 2002

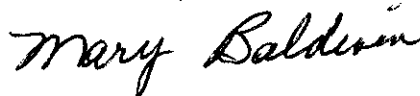
ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED
FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2593

WATER RIGHT NUMBER: 37-2593

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT J STRUTHERS JR 388 GANNETT RD BELLEVUE, ID 83313 (208)788-4613
Original Owner	MARGARET E STRUTHERS C/O RJ STRUTHERS BOX 610 HAILEY, ID 83333 (208)788-4613

Priority Date: 02/01/1957

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	6.340 CFS	
<u>Total Diversion:</u>		6.340 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NW1/4	Sec. 20, Twp 01N, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	20			20.0				37.0	40.0	40.0	40.0	35.0	40.0	4.0	39.0	40.0	25.0	360.0

Total Acres: 360

Conditions of Approval:Remarks:Comments:Dates and Other Information:

MICROFILMED

FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2593

Dates and Other Information:

Claim Received Date: 10/5/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2593

WATER RIGHT NUMBER: 37-2593

Owner Type Name and Address
 Current Owner R J STRUTHERS
 SUN VALLEY, ID 83353

Priority Date: 02/01/1957

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	6.340 CFS	
	<u>Total Diversion:</u>	6.340 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4 Sec. 20, Twp 01N, Rge 19E, B.M.
 BLAINE County

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	20			20.0				40.0	40.0	40.0	40.0		40.0	15.0	40.0	40.0	25.0	340.0

Total Acres: 340

Conditions of Approval:Remarks:Comments:

1. pskaggs 4/26/2002 Overlapping Rt 37-2705

Comment: Rights 37-2705 & 37-2593 overlap much of the same land. The right holder has sold some property with only Right 37-2705, retaining ownership of 37-2593. Issues of expansion have been raised, researched & an overview added to the WR file for future reference. Please review the memo & file prior to processing a transfer to any portion of Right 37-2593.

Dates and Other Information:

MICROFILMED
 SEP 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2593

Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

MICROFILMED
FEB 25 2003

MEMORANDUM

TO: FILE 37-02593
FROM: VAULT
RE: TRANSFER # 69417
DATE: 6.3.02

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 37-02705

MICROFILMED
JUN 05 2002

MEMORANDUM

Date: April 10, 2002

To: File

From: Jeff Peppersack

Re: Transfer Nos. 68500, 69287, and 69417
Water Right Nos. 37-2593 and 37-2705

Enlargement issues were identified with these transfers. This memo summarizes the issues, discussions, and potential resolutions.

License 37-2593

This license was issued to R.J. Struthers in 1962 with a priority date of 2/1/1957 for 6.34 cfs for irrigation of 340 acres from ground water. Irrigation use was supplemental to decreed surface water from Big Wood River.

License 37-2705

This license was issued to R.J. Struthers in 1969 with a priority date of 1/29/1965 for 6.7 cfs for irrigation of 335 acres from ground water. Irrigation use was supplemental to decreed surface water and license 37-2593 for same lands (generally) as 37-2593. The license included a condition limiting use to 1005 af/year (3.0 af/acre) when combined with all other rights appurtenant to the same land.

Transfer 68500 (old no. 5817)

This transfer was filed in June 2000 to change the point of diversion for part of license 37-2705 purchased by applicant – Robert Stilo. The warranty deed conveyed surface water rights and 0.78 cfs of license 37-2705 (no mention of 37-2593). The transfer was approved in April 2001 for irrigation of 39 acres with a diversion rate of 0.78 cfs. No enlargement issue was identified, possibly because the purpose of the transfer was simply to change the point of diversion.

Transfer 69287

This transfer was filed in July 2001 to change the point of diversion for part of license 37-2705 purchased by applicant – John Welsh. The quit claim deed provided surface water rights and 2.78 cfs of license 37-2705 (no mention of 37-2593). Enlargement was identified as an issue – see below for explanation. The transfer is pending at S.O.

Transfer 69417

This transfer was filed in Sept 2001 to change the point of diversion for part of license 37-2705 purchased by applicant – The Smet-Pleasant Family Trust. The warranty deed does not mention water rights but includes usual language regarding appurtenances to property. There is also a quit claim deed providing surface surface water rights and 1.10

MICROFILMED

APR 10 2002

cfs of license 37-2705 (no mention of 37-2593). Enlargement was identified as an issue – see below for explanation. The transfer application was amended twice; once in November 2001 to include license 37-2593 and again in January 2002 to exclude license 37-2593. The transfer is pending at S.O

Enlargement Issue

The review files for the two pending transfers include correspondence and memos identifying the enlargement issue. Southern Region met with Struthers (see e-mail in file from Allen Merritt) to determine the status and plans for license 37-2593 and to discuss the enlargement issue. Apparently, the farm converted to sprinkler irrigation in 1974 and since that time license 37-2593 has occasionally been used to supplement other lands (300 acres or so). It is evident from information in the file that Struthers intends to retain ownership of license 37-2593. Jo Beeman, representing Struthers, was part of the enlargement discussion; she indicated that she had discussed the matter with Dave Tuthill and believes there may be a way to resolve the enlargement issue. Jo indicated that they may file a transfer related to license 37-2593 and an extension to avoid forfeiture.

At this point in time, it does not appear that enlargement is occurring except, perhaps, during those occasions when the water is used to supplement other lands (expansion claim may resolve that). It is evident that enlargement would occur if license 37-2593 is transferred to other lands/uses without 37-2705. Mr. Welsh called me on March 20 and his attorney, Jim Speck, called me on the same day to discuss Mr. Welsh's pending transfer. I indicated that the potential enlargement issue needs to be resolved prior to processing the pending transfers. Matt Howard (working with Jo Beeman) called me the same day to discuss the issue and suggested we meet to discuss further.

Meeting of April 9

Jo Beeman and Matt Howard, representing Mr. Struthers, met with Dave Tuthill and myself to discuss the enlargement issue. Matt indicated that Mr. Struthers converted from gravity irrigation to sprinkler irrigation sometime between 1974 and 1976 and was able to utilize water under license 37-2593 on other lands (those other lands also had surface water rights). We discussed the possibility of an enlargement claim for those lands. Matt indicated that Mr. Struthers was interested in moving the enlargement water right, once established, to other lands. The question that arose was: how can Mr. Struthers move the enlargement right and disconnect it from the original system under 37-2593, since 37-2593 could not be moved out from under 37-2705? Since parcels of land have already been sold off (along with parts of right 37-2705), the preferred method of creating a permissible place of use under all three rights and splitting off proportional amounts of all three rights was no longer an option. The resolution appears to be relinquishment of 37-2593 as the enlargement right is transferred away. I had previously discussed this possibility with Glen and he indicated that it would be a reasonable solution. Matt indicated that they would need to file an enlargement claim and show ownership and evidence of the development, and pursue decree of the enlargement claim prior to its transfer. Once decreed, they could file the transfer to move the enlargement right and relinquish 37-2593. The enlargement right would, in effect, be a stand alone

MICROFILMED
JUN 6 5 2002

right with a 1970's priority, but would include the standard enlargement conditions regarding the 1994 priority date relative to other rights.

Since the enlargement place of use includes surface water rights, the final discussion item was the transfer of the enlargement right to other lands. I indicated that a supplemental right could be transferred to other lands that include similar primary rights. A supplemental irrigation right cannot become a primary right unless it can be shown that there is no ultimate enlargement of the water rights.

Pending Transfers

Processing can proceed for the pending transfers related to license 37-2705, since they are simply for a change in point of diversion and the enlargement issue does not appear to be a problem at this point.

MICROFILMED
JUN 05 2002

5 Rev. 1 Min 17 Sec.

$\frac{60}{17}$
 $77 \overline{) 500}$

$6.50 \times .975 = 6.34$ cts w 317 inches

R-19E.

TO BELLEVUE
STATE HWY. NO. 23

PD.

40 40 20
20
40 40 40
40 40 25

100

135

105

340

Subdivisions

10

AREA

340 acres

9

6.34 cts w 317 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26740

REPORT ON PROOF OF Completion of Works & Beneficial Use

R. J. Struthers, Box 216, Sun Valley, Idaho

B 26740

September 26, 1962

RE: Permit No. G-26740

R. J. Struthers
Box 216
Sun Valley, Idaho

Dear Mr. Struthers:

Enclosed are the Certificate of Completion of Works and License
and Certificate of Water Right on Permit No. G-26740.

Also enclosed is departmental receipt No. G-7432 in the amount
of \$25.00 covering the fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. certificate
license
receipt

5 26740

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

August 7, 1962

Re: Permit No. G-26740

R. J. Struthers
Box 216
Sun Valley, Idaho

Dear Mr. Struthers:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26740 shows the well is (~~317~~) capable of conveying 317 miner's inches, or 6.34 c.f.s. of water for the irrigation of 340 acres.

Upon receipt of the statutory fees, totaling \$ 25.00, which consists of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$ 20.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of February 1, 1957 to the use of 6.34 second feet of subterranean water with the point of diversion in the SW¹/₄ NW¹/₄, Sec. 20 for irrigation of 340 acres in the SW¹/₄ NE¹/₄, SE¹/₄ NW¹/₄, NE¹/₄ SW¹/₄, SE¹/₄ SW¹/₄, SE¹/₄, Sec. 20, T. 1 N., R. 19 E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

526740

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26740

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

1. Name of applicant R. J. Struthers
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20
T. 1 N R. 19 E. B.M. County of Blaine
4. Describe works as they exist, giving dimensions and capacities of same: 100 HP U.S. Motor #1073548, U.S. Pump #23639, Column 120' x 12" column well, 170' x 20" cased all the way perforated. 12" discharging to north into 6' x 8' x 6' concrete distribution box. Then to open ditches (50°F.)
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes.
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 20., Twp. 1 N., Rge. 19 E.B.M.

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

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

Remarks: Mr. R. J. Struthers along

This is very gravelly soil and takes a big head of water to cross the lands still getting after the decrease in flow less 20% 253' - unusual for this time of year - last year none at this time

Measured by Spacing Meter 5 Rev 1 min 17 sec

only drilled one well located in NW corner of SW NW Sec. 20

This examination was made on the 17th day of July, 1962

(Signed)

Lloyd Johnson

Examiner.

R. J. Struthers
Box 216
Sun Valley, Idaho
Permit No. G-26740

Examination for Completion of Works & Beneficial Use

County Blaine

Sec. 20 T. 1 N. R. 19 E. B. M.

Quantity: 6.7 c.f.s.

Sources: Wells

SW, NW. }
P.D.: NE, SW. } Sec. 20, T. 1 N. - R. 19 E. B. M.

Use: Irrigation

Filed: Feb. 1, 1957

Due: Feb. 8, 1962

Extension: _____

Completion of Works: _____

Other Rights: Secured water out of
Wood River, 114" of '84, 89" of '86;
113" of '91.

Dittler, Gene Walker

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 6 1962

Department of Reclamation

114
89
113
31680
25380

26740

February 27, 1962

Re: Permit No. G-26740

R. J. Struthers
P. O. Box 216
Sun Valley, Idaho

Dear Mr. Struthers:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Hailey Times, all submitted in proof of completion of works and beneficial use on Permit No. G-26740.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

D 26740

RECEIVED
FEB 23 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G-26740

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

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

Ans. R. J. Struthers, P. O. Box 216, Sun Valley, Idaho.

Rancher

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

Ans. _____

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

Ans. Permit No. G-26740. Date of permit and priority February 1, 1957.

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

Ans. Well. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 1 N., Rge. 19 EBM.

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

Ans. Depth of well 172 ft. Size of casing 20 in. Depth to water 52 ft. Discharge of pump 3200 gals. per minute measured with a test pump.

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

Ans. Irrigation of 334.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, all in Sec. 20, Twp. 1 N., Rge. 19 EBM. Cultivated land all in alfalfa hay and grain.

See Ques. 10

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

Ans. Eugene W. Walker, Twin Falls, Idaho.

G 26740 RT

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

Ans. _____

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

Ans. To properly irrigate entire acreage of 334.7 requires a minimum of 700 miners inches of water, through May, June, July, August and September. See below.*

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

Ans. _____

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

Ans. Entire discharge from above well has been used in the irrigation of 334.7 acres located in SW¹/₄NE¹/₄, S¹/₂NW¹/₄, N¹/₂SW¹/₄, SE¹/₄SW¹/₄, SE¹/₄, all in Sec. 20, Twp. 1 N., Rge. 19 EBM.

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

Ans. Water rights in Big Wood River as follows: 114" of 1884; 89" of 1886; 113" of 1891, have been diverted and used on land herein described. These river rights and the well are not adequate for proper irrigation of the 334.7 acres due to the fact that the soil is very gravelly with shallow layer of top soil.

(Sign) _____

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____ Hailey _____, County of _____ Blaine _____, State of Idaho, on this _____ 20th _____ day of _____ February _____, A. D. 1962.

My commission expires _____ February 16, 1964 _____

*The Wood River water of 1886 and 1891 are normally delivered until some time in June of each year. The 1884 water is normally delivered until some time in July of each year.

B 26740

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

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

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

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

Ans. R. G. Price, Jr., age 52, Hailey, Idaho. Manager, First Security Bank of
Idaho, N. A., Ketchum-Sun Valley Office, Ketchum, Idaho

Ques. 2. Are you acquainted with Robert J. Struthers, the
holder of Permit No. G-26740? How long have you known him and where does
he reside? Fifteen years, Sun Valley, Idaho

Ans. _____

Ques. 3. Have you read or heard read said Permit No. G-26740, and are you
familiar with its provisions and conditions?

Ans. Yes

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

Ans. Well and adequate ditches for conveying water produced by well and also that
taken from Big Wood River Canal.

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

Ans. Ditches on said land will safely carry in excess of 15 cubic feet per second,
which I have seen them do.

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

Ans. I have seen the pump deliver what I estimate to be approximately 350
miners inches of water.

G 26740

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

Ans. Irrigation of 334.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, all in Sec. 20 Twp. 1 N., R. 19 EBM. Cultivated land all in alfalfa hay and grain.

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

Ans.

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

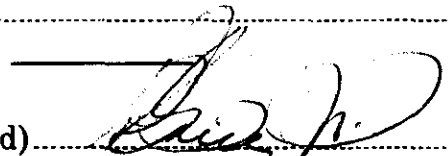
Ans. Gravelly top soil lying over coarse gravel sub-soil requiring approximately 2 miners inches of water per acre.

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

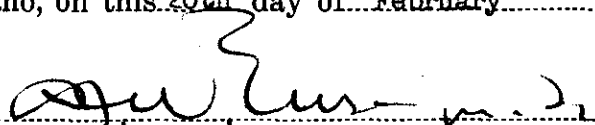
Ans. No.

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

Ans. Over period of last several years have seen the water used to produce excellent crops of alfalfa hay and grain.

(Signed) 

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey, County of Blaine, State of Idaho, on this 20th day of February, A. D. 1962.


Notary Public.

My commission expires February 16, 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No.

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

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

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

Ans. JOHN W. DAVIES, HAILEY, IDAHO, INSURANCE & RELATOR, HAILEY,
BLAINE COUNTY, IDAHO. Age 44.

Ques. 2. Are you acquainted with R. J. STREUTHERS, the
holder of Permit No. G-26740? How long have you known him and where does
he reside?

Ans. YES, 10 Years, Sun Valley, Blaine County, Idaho

Ques. 3. Have you read or heard read said Permit No. G-26740, and are you
familiar with its provisions and conditions?

Ans. Yes

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

Ans. Water discharged from well and also diverted from Big Wood River Canal
in ditches to point of use.

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

Ans. Have seen the ditches carry approximately 15 cubic feet per second, which
they safely held.

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

Ans. From observation estimated the pump was delivering about 350 miners inches.

G26740

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

Ans. Water irrigates 334.7 acres in ^{2 50.00} SE¹/₄ NE¹/₄, S¹/₂ NW¹/₄, N¹/₂ SW¹/₄, SE¹/₄ SW¹/₄, SE¹/₄, all in Sec. 20, Twp. 1 N., R., 19 EBM. Land all cultivated and used to produce alfalfa hay and grain.

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

Ans. _____

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

Ans. Ground is composed of a shallow layer of top soil over coarse gravel, and requires about 2 miners inches of water per acre.

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

Ans. None

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

Ans. Since purchased by Mr. Struthers have seen several very good crops of hay and grain produced from water diverted.

(Signed)

John W. Warner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey, County of Blaine, State of Idaho, on this 20th day of February, A. D. 1962.

W. E. ...

Notary Public.

My commission expires February 16, 1964

B26740

and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 20th day of February 1962, at Hailey, County of Blaine, State of Idaho, before A. W. Ensign, Jr., Notary Public, at Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 6.7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26740, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is R. J. Struthers, Box 216, Sun Valley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.7 cubic feet per second.

3. The use to which said water has been applied is for irrigation purposes, and the amount applied to beneficial use is 6.7 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 20, Twp. 1 N., Rge. 19 EBM.

5. The place where said water is used is 334.7 acres in SW $\frac{1}{4}$ -NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$, all in Sec. 20, Twp. 1 N., Rge. 19 EBM.

6. The date of priority which said user is prepared to establish is Feb. 1, 1957.

GEO. N. CARTER

Affidavit of Publication

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

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and 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 four consecutive weeks commencing with the first publication thereof on the

twenty-fifth day of January, 1962
and ending with the last publication thereof on the

fifteenth day of February, 1962

Cost of this publication is \$ 24.64

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 20 day
of February, 1962.

Chas H Carter
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

B 26740

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

Notice is hereby given that at 10:00 A. M., on the 20th day of February 1962, at Hailey, County of Blaine, State of Idaho, before A. W. Ensign, Jr., Notary Public, at (address) Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 6.7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26740, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is R. J. Struthers, Box 216, Sun Valley, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.7 cubic feet per second.

3. The use to which said water has been applied is for irrigation purposes, and the amount applied to beneficial use is 6.7 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 20, Twp. 1 N., Rge. 19 EBM,

5. The place where said water is used is 334.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, all in Sec. 20, Twp. 1 N., Rge. 19 E.B.M.

6. The date of priority which said user is prepared to establish is Feb. 1, 1957

GEO. N. CARTER

State Reclamation Engineer

B26740

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

Notice is hereby given that at 10 A. M., on the 8TH day of FEBRUARY 1962, at HAILEY, County of BLAINE, State of Idaho, before A.W. ENSIGN JR., Notary Public, at (address) HAILEY IDAHO, proof will be submitted of the completion of works for the diversion of 6.7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 26740, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is R. J. STRUTHERS Box 216 SUN VALLEY IDAHO

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.7 cubic feet per second.

3. The use to which said water has been applied is FOR IRRIGATION purposes, and the amount applied to beneficial use is 6.7 cubic feet per second.

4. The point of diversion of said water is SW 1/4 of NW 1/4 SEC. 20 TWP 1N RGE 19E.B.M.

5. The place where said water is used is FR. N 1/2 SE 1/4 DESIGNATED AS TAX LOT 152 SEC 20. TWP 1N RGE 19 E., B.M. AND THAT PART OF THE SW 1/4 NE 1/4 LYING WEST OF THE RAILROAD RIGHT OF WAY AND SE 1/4 NW 1/4, SEC 20; NE 1/4 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4 AND THAT PART OF THE SE 1/4 SE 1/4 LYING WEST OF THE RAILROAD RIGHT OF WAY IN SEC. 20; SW 1/4 NW 1/4, NW 1/4 SW 1/4, SEC. 20, TWP 1N RGE 19, E, B.M.

6. The date of priority which said user is prepared to establish is FEB 1, 1957

State Reclamation Engineer

G 26740

January 17, 1962

Re: Permit No. G-26740

Mr. R. J. Struthers,
Box 216,
Sun Valley, Idaho.

Dear Mr. Struthers:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-26740. The proofs are to be made at 10:00 o'clock A.M., on the 20th day of February, 1962, before A. W. Ensign, Jr., Hailey, Idaho, Notary Public.

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

P.S. You will note that we have changed the date for making proof from February 8th to February 20th, as February 8th does not allow sufficient time for four publications of this notice. If this date is not satisfactory to you or the notary, please notify us immediately of a convenient date.

B 26740

1200 .
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26740
R. J. Struthers

Date: Jan. 17, 1962

Hailey Times,
Hailey, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 20, 1962** the date set for proof; the expense of the publication is to be paid by the applicant

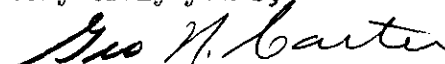
R. J. Struthers

of **Box 216, Sun Valley, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

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

Encl.

B26740

RECEIVED
JAN 15 1962

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE Department of Reclamation

Notice is hereby given that at 10 A. M., on the 20th day of February, 1962, at Hailey, County of Blaine, State of Idaho, before A. W. Ensign Jr, Notary Public, at (address) Hailey Idaho, proof will be submitted of the completion of works for the diversion of 6.7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 26740, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is R. J. STRUTHERS BOX 216 SUN VALLEY IDAHO

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.7 cubic feet per second.

3. The use to which said water has been applied is for irrigation purposes, and the amount applied to beneficial use is 6.7 cubic feet per second.

4. The point of diversion of said water is SW 1/4 of NW 1/4 Sec 20 Twp 1 N Rge 19 E B.M.

5. The place where said water is used is FR. N 1/4 SE 1/4 DESIGNATED AS TAX LOT 152, SEC 20, TWP. 1 N RGE 19 E, B.M. AND THAT PART OF THE SW 1/4 NW 1/4 LYING WEST OF THE RAILROAD RIGHT OF WAY AND SE 1/4 NW 1/4, SEC 20, NE 1/4 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4 AND THAT PART OF THE SE 1/4 SE 1/4 LYING WEST OF THE RAILROAD RIGHT OF WAY IN SEC. 20, SW 1/4 NW 1/4, NW 1/4 SW 1/4, SEC 20, TWP 1 N - RGE 19 E, B.M.

6. The date of priority which said user is prepared to establish is Feb 1 - 1957

334.7 acres in SW 1/4 NE 1/4, S 2 NW 1/4, N 2 SW 1/4, SE 1/4 SW 1/4, SE 1/4, all in Sec. 20. T. 1 N. - R. 19 E B.M.

State Reclamation Engineer

\$26740

Form No. 11
2M - 10/60

RECEIVED
JAN 15 1962

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 1/11/62

(P. O.) Sun Valley Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Hailey Times of Hailey Idaho published in
the county in which the works are situated. Blaine Co.

X R. J. Matthews

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

\$26740

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 26740

R. J. Struthers

Date: Dec. 1, 1961

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

Dear Mr. McDowell:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 26740 are due not later than **February 8, 1962**

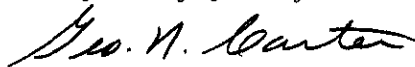
Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use of the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,



GEO. N. CARTER

State Reclamation Engineer

Enclosures 36 - 11

cc: R. J. Struthers
Box 216
Sun Valley, Idaho

B 26740

February 18, 1957

RE: Permit No. G26740
R. J. Struthers

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

Dear Mr. McDowell:

We enclose Permit No. G-26740 in the name of R. J. Struthers in which we direct his attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Enclosed is departmental receipt No. G-2437 issued covering the \$6.50 filing fee in connection with the above captioned permit.

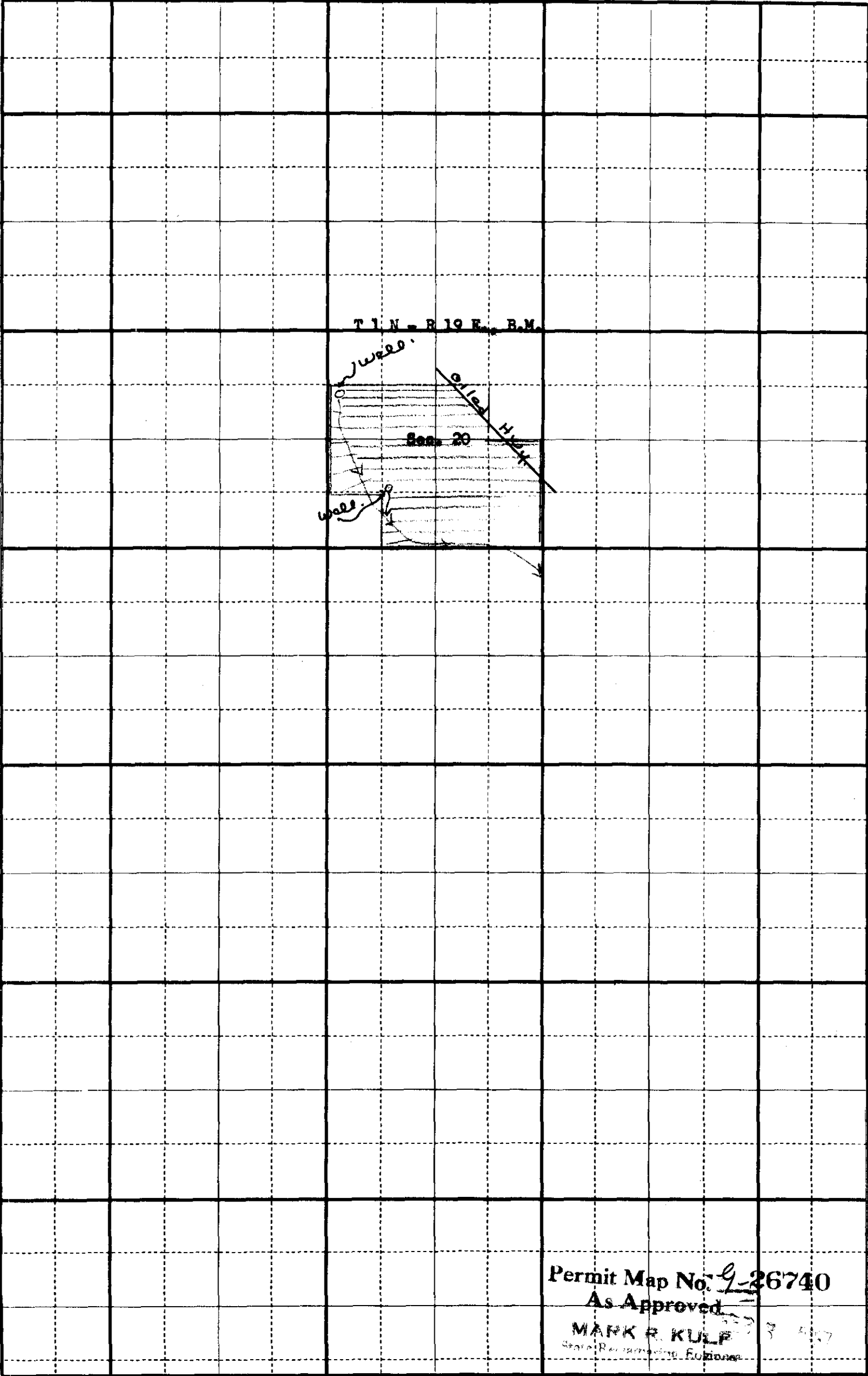
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:ab
Enclosure
cc: R. J. Struthers

B 26740



Permit Map No. 9-26740
As Approved
MARK R. KULP
State Representative, Eugene

926740

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

**APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M. on the 20th day of February 1962, at Hailey, County of Blaine, State of Idaho, before A. W. Ensign, Jr., Notary Public, at Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 6.7 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26740, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is R. J. Struthers, Box 216, Sun Valley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.7 cubic feet per second.

3. The use to which said water has been applied is for irrigation purposes, and the amount applied to beneficial use is 6.7 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 20, Twp. 1 N., Rge. 19 E.B.M.

5. The place where said water is used is 334.7 acres in SW $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$, all in Sec. 20, Twp. 1 N., Rge. 19 E.B.M.

6. The date of priority which said user is prepared to establish is Feb. 1, 1957.

GEO. N. CARTER
State Reclamation
Engineer.