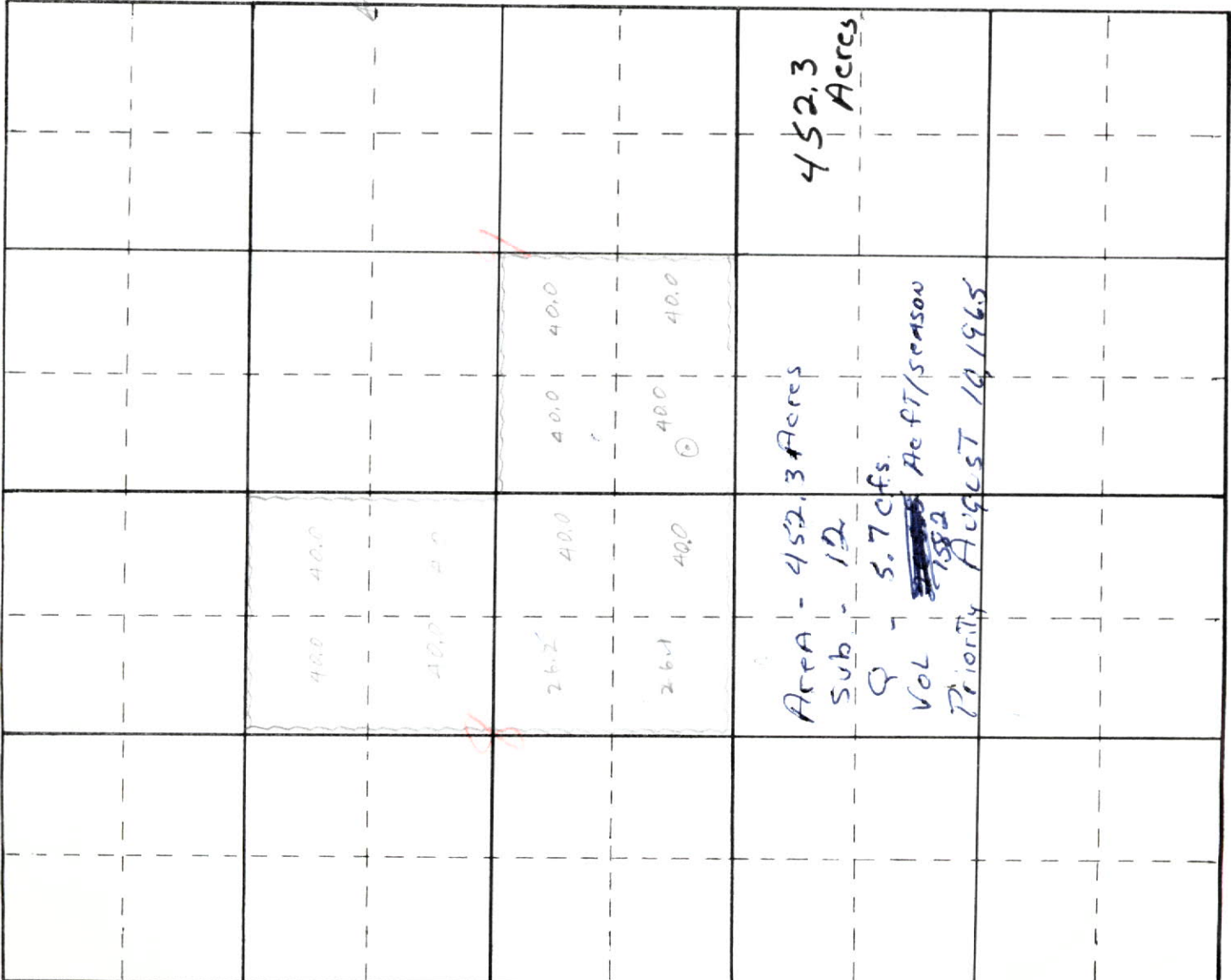




Permit No. G-32475 **22**

Name of Applicant Pauline E. (Mrs. Ross F.) Smith, Rexburg, Idaho

Source of Water Subterranean

a tributary of _____

Location of P.D. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 5 N, R. 40 E, B.M., Madison Co.

Water is used for Irrigation

Quantity of water claimed: Permit 9.6 c.f.s. Depositions 4000 g.p.m.

Type of measuring device installed or method of measurement and general description of diversion works well, pump, sprinkler system, 2 miles of mainline and lateral pipes. 443'x20", H-389', Q - 3300 g.p.m. 528 nozzles - 11/64" - 75# standard measuring device

Land to be irrigated or place of use:			Description	
TWP.	RGE.	SEC.		
5 N	40 E	9	SW $\frac{1}{4}$	
		8	E $\frac{1}{2}$	

Date filed: August 10, 1965 Total acreage 480

Proof due: August 13, 1970

Proof made: July 12, 1968

Priority: August 10, 1965

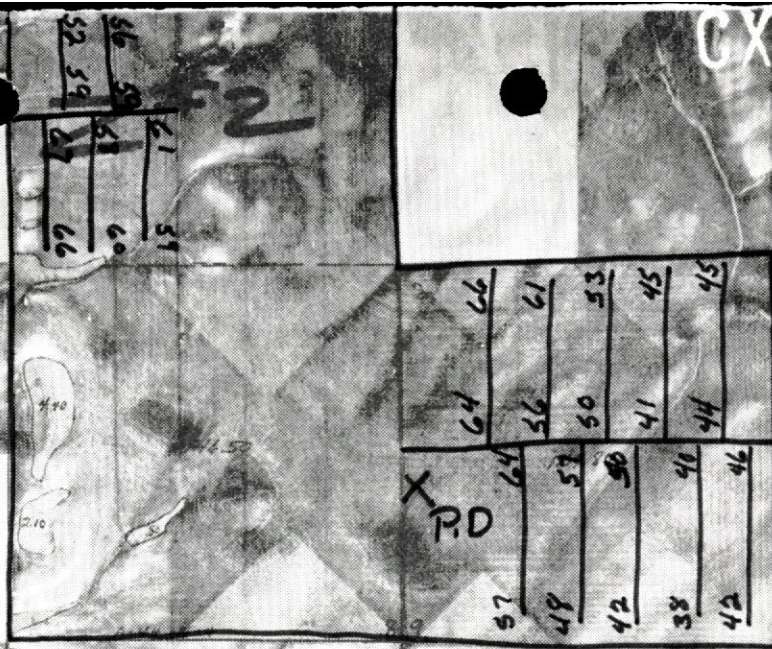
Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

None

PAT

22415
22-2255

T. 5 N. R. 40 E



452.3 Acres

7 8
18 17

18 17
19 20

17 16
20 21

32415
22-2255

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Proof of Completion
of Works and Application of Water
to Beneficial Use

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for four
consecutive issues, the first publication hav-

ing been made on May 30, 1968
and the last publication having been made

on June 20, 1968.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter

Subscribed to and sworn to before me

this 20th day of June, 1968
John C. Porter
Notary Public.
(SEAL)

My commission expires 5-24-72

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

Notice is hereby given that on
the 12th day of July 1968, at
Rexburg, County of Madison,
State of Idaho, before W. B.
Kennedy, Notary Public, at 5
West 1st South, Rexburg, Idaho,
proof will be submitted of the
completion of works for the div-
ersion of 9.6 cubic feet per sec-
ond 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-32475
heretofore issued by the Depart-
ment of Reclamation of the State
of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is Paul-
ine E. (Mrs. Ross F.) Smith,
Rexburg, 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 9.6 cubic
feet per second.

3. The use to which said wa-
ter has been applied is irriga-
tion purposes, and the amount
applied to beneficial use is 9.6
cubic feet per second.

4. The point of diversion of
said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
9, T. 5 N, R. 40 E, B. M., Madi-
son County.

5. The place where said water
is used is E $\frac{1}{2}$, Sec. 8, SW $\frac{1}{4}$,
Sec. 9, T. 5 N, R. 40 E.B.M.

6. The date of priority which
said user is prepared to estab-
lish is August 10, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer
(Publ. May 30, June 6, 13,
20, 1968).

RECEIVED
JUL 29 1968
Department of Reclamation
Bureau of Reclamation

G32475

A hand-drawn diagram on a grid showing two adjacent squares. The left square is labeled "Sec. 8" and the right square is labeled "Sec. 7". A red "X" is marked in the bottom-right corner of the right square, with the text "1011" written above it.

§ 32475



Twp. 5 N.
Range 40 E.

Permit Map No. 32475
APPROVED AUG 13 1965
CARL E. TAPPAN
State Reclamation Engineer

32475

WATER LICENSE

Water License No. G-32475/22-2255 Priority August 10, 1965 Amount 5.7 c.f.s.

THIS IS TO CERTIFY, that PAULINE E. SMITH (MRS. ROSS F.)
of Rexburg, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated August 10, 1965; that Permit G-32475/22-2255 was issued pursuant
to said application; that the proposed works were completed on or about June 9, 1967,
with a storage/or carrying capacity of 5.7 c.f.s., said works consisting of well,
pumps and motors; and that on July 12, 1968,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1582
acre feet per season, with a maximum rate of diversion of 5.7 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SW 1/4 SW 1/4, Sec. 9, T. 5 N, R. 40 E, B.M., and
other additional points _____, in the County of
Madison; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1582 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N	40 E	8	40	40	40	40									40	26	26	40	292
		9									40	40	40	40					160

Total number of acres irrigated 452

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
4th day of November, 1969.

[Signature]
State Reclamation Engineer

22-2255
~~22-2255~~
22-2255
32475
dated 9/18

APPLICATION FOR PERMIT 22-82

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G40629
Permit No. G- 32475
District No.

1. Name of Applicant: **Pauline E. Smith (Mrs. Ross F.)**
 Postoffice address: **Rexburg** County: **Madison** State: **Idaho**
2. Quantity of water claimed: **480 miners inches or 9.6 c.f.s.**
 (a) Rate of withdrawal in cubic feet per second _____ or Idaho
 Miners' inches _____ or gallons per minute
 (b) Annual withdrawal in acre feet per annum _____
3. Source of water supply: **Subterranean**
4. Location of point of diversion or well is in the **SW NE 1/4 of the SW SE 1/4 of Section 9 8**
 Twp. **5 N** , Rge. **40 E.** , B.M., County of **Madison**
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. **40 E.** , 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: **Sprinkler system**
8. Estimated cost of works: **\$ 30,000.00**
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: **None**
 (a) _____ (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 (b) **9.6** (cubic feet per second, inches or gallons per minute) is for new lands.

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

By _____ Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G— 32475

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

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

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **February 13, 1968**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before **August 13, 1970**

Witness my hand this 13th day of August, 1965 s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 13th
day of August, 1965.

Countersigned: STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS *Secretary of State.*

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	40 E	8 9	x	x	x	x						x	x	x	x	x	x	320 160	
AMENDMENT TO POINT OF DIVERSION ✓																			
See application for amendment in file.																			
LICENSE ISSUED FOR 5.7 SEC. FT. LICENSE PAGE NO. _____																			



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 15, 1999

Steven R. Parry
Anderson, Nelson, Hall, Smith, P.A.
P.O. Box 51630
Idaho Falls, Idaho 83405-1630

Re: Water Right Nos. 22-02190, 22-07408, 22-07325, 22-2255,
22-07409, and 22-07494

Dear Mr. Parry:

As you noted in your letter dated February 15, 1999, the questions you have asked concerning the equitable division of these rights are complex requiring a block of uninterrupted time to properly consider and respond. I have finally been able to focus on the questions and offer the following thoughts to assist you in this matter. I apologize for the delay and hope that this response will be of value to you and your clients at this time.

A. Methods for Dividing Water Rights to Even Up the Amount of Water
Allocated to the Land.

There are several procedures that could be used to balance the water between the parties so that each acre receives a proportionate share of the water. One method would be to divide each of the water rights proportionately between the three owners then file a transfer moving each owner's share of each right to the wells and land he owns. The water rights should be divided based upon the fraction of the irrigated land owned by each owner. A transfer can not expand the number of acres covered by each water right, but by using permissible place of use (ppu), all of the land owned by each brother could be listed as the place of use on his share of each right with a limitation on the number of acres irrigated under the right each year. This method has the advantage of allowing the priority dates and annual diversion volumes to be shared equitably. It has the disadvantage of fragmenting the rights, essentially tripling the number of filings.

Another possible approach is to file a transfer of each right listing all wells as the point of diversion and all of the land as the place of use but limiting the acreage irrigated under each right to that authorized under the right (the ppu concept). Each brother would then be given an appropriate undivided share in each of the rights, the amount based upon the fraction of the total irrigated acreage he owns. This provides maximum flexibility in

the use of the rights, but could turn into a record-keeping nightmare depending upon how further splits of the property occur.

B. Amendment of License to Remove a Restrictive Condition.

While Idaho statutes do not provide a specific procedure for reissuing a license to correct an error made by the department, IDWR has done so in the past when the information available clearly demonstrated that the department erred in the licensing process. Licenses will not be amended to conform to a change in policy or law occurring after the license was issued. A review of IDWR's file for License No. 22-07408 does not provide the information necessary to conclude that IDWR clearly erred in issuing the license and that IDWR should initiate action to amend the license at this time. However, I am willing to further review whether the ½ miner's inch per acre policy was properly and appropriately applied if an appropriate petition is filed seeking amendment of the license. Attached for your convenience is a copy of the ½ miner's inch per acre policy as used to evaluate adjudication claims.

A threshold question will be whether a petition can be considered timely filed more than six years after issuance of the license. If IDWR does find that the petition is timely, the petitioner must demonstrate that IDWR erred in applying the ½ miner's inch policy or made some other error in the licensing process. If error is clearly shown, the petitioner will also need to establish that water was used beneficially to grow crops in the same season on all 1275 acres during the permit development period and in accordance with the terms and conditions of the permit.

In recent months, IDWR's procedure for amending licenses has been questioned by an attorney representing the Twin Falls Canal Company and the Northside Canal Company. As you know, holders of senior surface and ground water rights are concerned that ground water development in the Snake River Basin has reduced water available under their rights. Their concern has helped prompt the ongoing effort to tighten management of ground water diversion and use in the Snake River Basin. Some senior water users have expressed concern that license amendment could be used to expand the use of ground water and have asked that IDWR provide notice of any license amendments that involve the use of ground water in the Eastern Snake Plain Aquifer (ESPA). Attached is a copy of correspondence regarding this matter.

The water right which you suggest amending (22-07408) diverts from a well located just to the east of the ESPA as defined in the "Rules for Conjunctive Management of Surface and Ground Water Resources." However, the geo-hydrologic information available to the department does indicate a close relationship between the ground water in the Rexburg Bench area and the flow of Henrys Fork of Snake River. For this reason, notice of a petition to amend the license will be given to interested holders of senior priority rights to allow opportunity for objections.

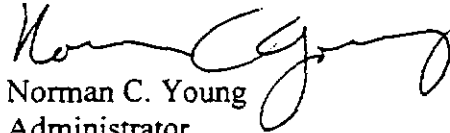
C. Miscellaneous

A key part of the plan for division of water that you have suggested involves the filing of a claim from or an amendment of License No. 22-07325 to address the 277 acre parcel south of the railroad track. I am not aware of a precedent for applying the enlargement procedure of Section 42-1426, Idaho Code, to a parcel of land already having a water right and then moving the place of use of the existing right to another parcel of land under the accomplished transfer provisions of Section 42-1425, Idaho Code. I assume these filings would be made for consideration by the SRBA court. If the filings are made, the department's adjudication staff will review them and a recommendation will be made to the court at that time.

Regarding lapsed permit No. 22-07494, Section 42-218a(2), Idaho Code, may provide a basis for seeking reinstatement of the right. Note that application of this statute requires that beneficial use must have occurred during the permit period and the permit holder must demonstrate a reason for not having filed the proof of beneficial use on time.

I hope that the above discussions are of value to you. If you want to discuss these or other ideas in more detail, I will be happy to do so by telephone or to meet with you.

Sincerely,



Norman C. Young
Administrator
Water Management Division

Enclosures - *See file No. 22-02190*

cc: Harold "Skip" Jones - Idaho Falls Regional Office of IDWR

WATER RIGHT NUMBER 22-2255 ✓

OWNER LAST NAME - SMITH ✓

FIRST NAME - PAULINE E. ✓

ORIG OWNER - ✓

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - REXBURG ✓

STATE - ID - ZIP CODE -

SOURCE - GROUNDWATER ✓

TRIBUTARY OF -

STAGE - LICENSE ✓

STATUS -

PRIORITY - 08-10-1965 ✓ COUNTY - MADISON ✓

TOTAL DIV. RATE - 5.7000 -CFS

TOTAL DIV. VOLUME - 1582.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSW 09-05N-40E-LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01-TO - 10-31- USE - IRRIGATION

USE DIV. RATE - 5.7000 CFS USE DIV. VOLUME - 1582.00 AFA

USE - IRRIGATION ✓

PLACE OF USE - TWN 05N,RNG 40E-SEC 09-TRACT NESW-LOT

AC 40-TRACT NWSW-LOT AC 40-TRACT

TRACT SWSW-LOT

AC 40-TRACT SESW-LOT AC 40-TRACT

USE - IRRIGATION ✓

PLACE OF USE - TWN 05N,RNG 40E-SEC 08-TRACT NENE-LOT

AC 40-TRACT NWNE-LOT AC 40-TRACT

TRACT SWNE-LOT

AC 40-TRACT SENE-LOT AC 40-TRACT

TRACT NESE-LOT

AC 40-TRACT NWSE-LOT AC 26-TRACT

TRACT SWSE-LOT

AC 26-TRACT SESE-LOT AC 40-TRACT

DECREE NAME -

DATE -

TOTAL ACRES

452 ✓

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 32475 ✓

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL - ✓

DIVERSION MEANS -

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

AFTER FIVE DAYS RETURN TO

Pauline E. Smith
262 So 7th East
Lippincott, Idaho 83440
ZIP CODE



State of Idaho
Dept of Reclamation
State House, Annex 2
Boise, Idaho

32475
82-2253

83707

November 4, 1969

Re: Permit No. G-32475/22-2255

Pauline E. Smith
262 So. 2nd East
Rexburg, Idaho 83440

Dear Mrs. Smith:

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

Also enclosed is departmental receipt No. 3784 in the amount
of \$29.00 covering the licensing fees.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures

22-2255
32475

October 22, 1969

Re: Permit No. 32475/22-2255

Pauline E. Smith
Rexburg,
Idaho 83440

Dear Mrs. Smith:

A representative of this department has made an examination of the works covered by your Permit 22-2255 and has found the following:

Quantity of water diverted: 5.7 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 5.7 c.f.s.

The maximum quantity diverted shall not exceed 1582 acre feet per season.

Beneficial Use: for irrigation of 452.3 acres in E½, Section 8;
SW¼, Section 9, T. 5N, R. 40E, B.M.

The priority date established is: August 10, 1965

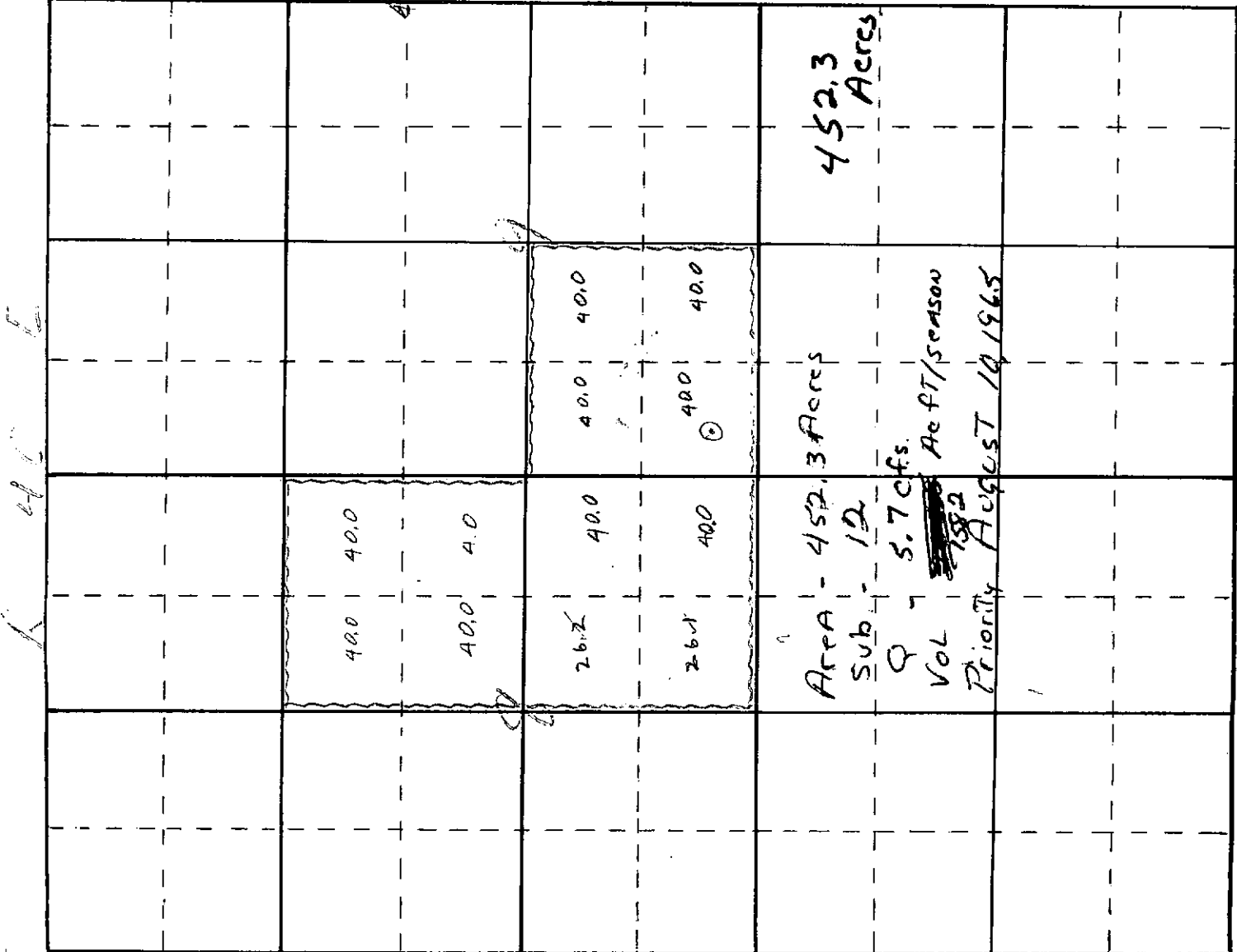
A fee totaling \$ 29.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:mh

22-2255
32475



Permit No. G-32475 22
Name of Applicant Pauline E. (Mrs. Ross F.) Smith, Rexburg, Idaho
Source of Water Subterranean
a tributary of _____
Location of P.D. SW 1/4 SW 1/4, Sec. 9, T. 5 N, R. 40 E, B.M., Madison Co.

Water is used for Irrigation
Quantity of water claimed: Permit 9.6 c.f.s. ✓ Depositions 4000 g.p.m.
Type of measuring device installed or method of measurement and general description
of diversion works well, pump, sprinkler system, 2 miles of
mainline and lateral pipes. 443'x20", H-389', 0 - 3300 g.p.m.
528 nozzles - 11/64" - 75# - standard measuring device

Land to be irrigated or place of use:				Description	
TWP.	RGE.	SEC.			
5 N	40 E	9		SW 1/4	
		8		E 1/2	
Date filed: August 10, 1965				Total acreage	480
Proof due: August 13, 1970					
Proof made: July 12, 1968					
Priority: August 10, 1965					

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

None

PLAT

22-415
22-225

Source of supply Sub.

a tributary of _____

Location of P.D.(s) _____

Water is used for IRRIGATION

Quantity of water found 5.7 cfs

How was the measurement made? Pres. GA9E

Measurement calculations _____

$$\frac{(495 \text{ Noz.}) (5.179 \text{ gpm})}{448.8} = 5.7 \text{ cfs.}$$

Diversion works description and diagram

HOLLOSHAFT motor 400 H.P. Ser. # 1405834

LAYNE & BOWLER Ser. # 44406

Booster pump

HOLLOSHAFT motor 100 H.P. Ser. # 1401608

LAYNE & BOWLER Ser. # 559632

RAIN Bird mod 30 ws $\frac{5}{32}$

irrigation Reg. 3.5

Indicate area irrigated in each subdivision on the map. 12

Total acreage irrigated 452.3 Acres

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

MR. BRYANT

Recommended allowance for licensing _____

Description of required amendments. Comments. _____

Report checked? _____

Examination date 10 JULY 69

Signature P.m.

T 5 N R. 40 E

CX1 8 AA 7

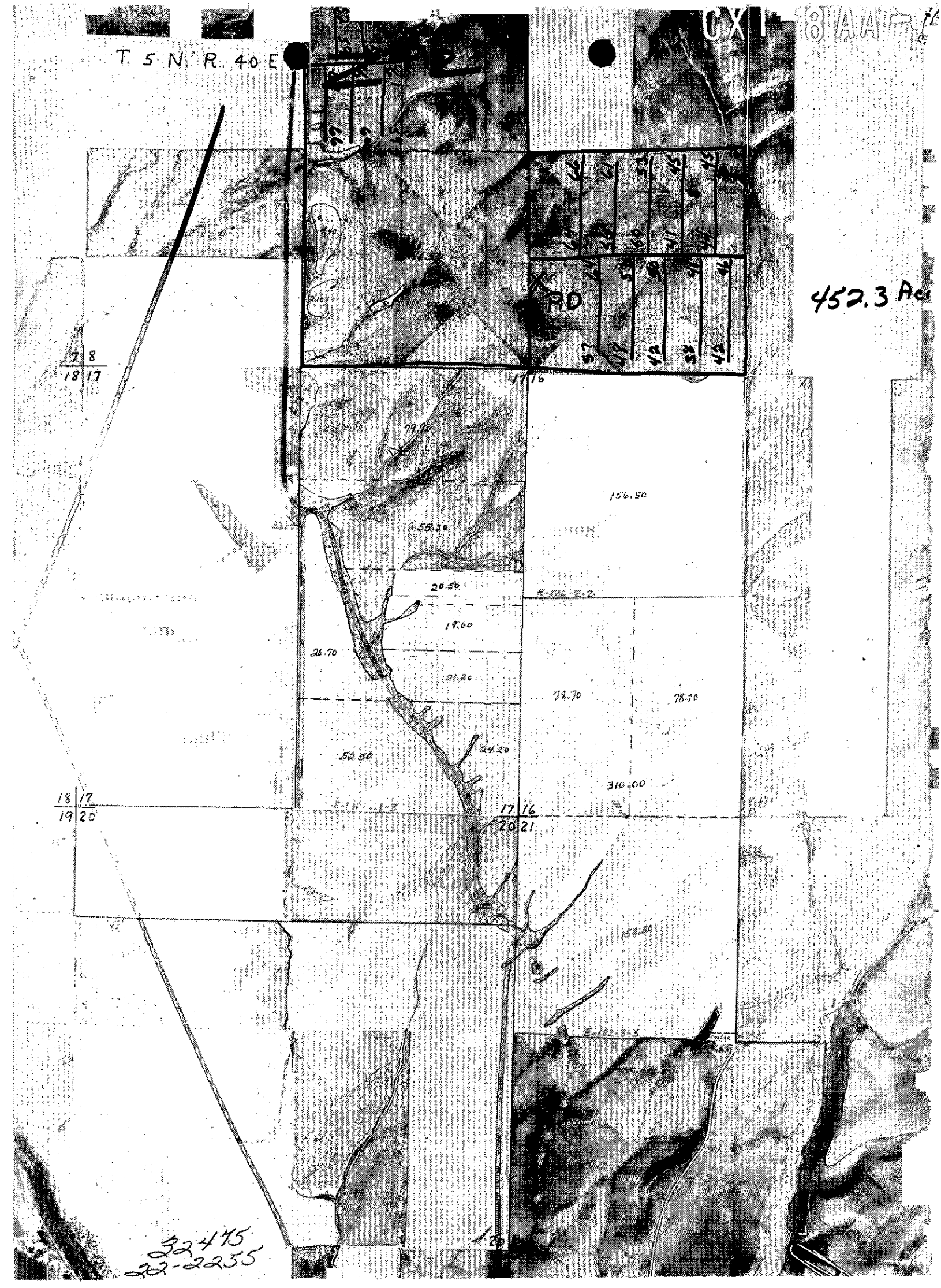
452.3 Acres

7 8
18 17

18 17
19 20

17 16
20 21

32415
22-2235



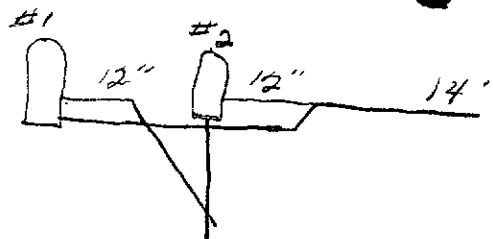
HOLLOSHAFT

400 H.P.

1405834

LAPNE 4 BOWLER

444106



HOLLOSHAFT

100 H.P.

1401608

LAPNE 4 BOWLER

559636

July 31, 1968

Re: Permit No. G-32475
Pauline E. Smith (Mrs. Roes F.)

Pauline E. Smith
Rexburg, Idaho 83440

Dear Mrs. Smith:

We acknowledge receipt of the depositions and affidavit of publication in the Rexburg Journal submitted as proof of completion of works and beneficial use on Permit G-32475.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Copy to: W. B. Kennedy, Attorney At Law

P. S. It is possible that this permit will be examined during the 1969 irrigation season. As soon as it is examined and fees received for licensing, the License will be issued.

*exam
typed
G32475*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. G-32475

* * * * *

RECEIVED
JUL 29 1968
Department of Reclamation

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: _____

Pauline E. Smith, farmer, Rexburg, Idaho

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

Ques. 3. State number, approval date of permit, and date of priority: _____

G-32475 - approved August 13, 1965 - priority date August 10, 1965.

Ques. 4. State source of water supply: subterranean

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Twp. 5 N., R. 40 E.B.M.

Ques. 5. Describe your works of diversion: well, pump and sprinkler system.

_____ ; state amount of water they are capable of con-

veying from point of diversion to place of use: 4000 gpm ; Give name of canal or ditch

or other works by which water is conducted to such place of use: 2 miles of mainline

and lateral pipes ; if a well, state depth of well 443 ft. ; depth and size of

casing 13 ft. of 20 inch ; depth to water 389 ft. ; if pump is used,

state discharge of pump: 3300 gpm ; tell how it was measured or determined standard

measuring device ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: 528 nozzles - 11/64" - 75 lbs.

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

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

E $\frac{1}{2}$ Section 8 and the SW $\frac{1}{4}$ of Section 9, T. 5 N. R. 40 E.B.M.

Gene Cushman

G32475

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

Change from dry to irrigated farming.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Gene Cushman, 1837 Gallup, Idaho Falls, Idaho

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

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 6/9/67 - 3300 gpm - Time used since first use:

Continuing through summer of 1967 to October, 1967 & present irrigation, June, 1968, to date.

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

None

(sign)

Pauline E. Smith

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

Rexburg, County of Madison

State of Idaho, on this 12th day of July, A. D. 1968.

My commission expires: 2/22/70

W B Kennedy
Notary Public for Idaho
Rexburg, Idaho

832475

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-32475

RECEIVED
JUL 29 1968
Department of Reclamation

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:

Timothy H. Parkinson, 50 yrs - Rexburg, Idaho, Farmer.

Ques. 2 Are you acquainted with Pauline E. Smith, the holder of

Permit No. G-32475? How long have you known him and where does he reside?

40 years - Rexburg, Idaho

Ques. 3. Have you read or heard said Permit No. G-32475 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Subterranean

Give location of place of diversion, showing subdivision, section, township and range
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Twp. 5 N., R. 40 E.B.M.

Describe works for conveying water to place of use: mainline & lateral pipes

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 3300 gallons per minute How much water have you seen being so conveyed? 3300 gallons per minute

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

320 acres in E $\frac{1}{2}$ Section 8 and 160 acres in SW $\frac{1}{4}$ Section 9, Twp. 5 N.

R. 40 E. B. M.

G32475

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

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.
Dry farm - minimum of one inch per acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?
If so, in what way and to what extent? None

Ques. 10. When did you first see this water used? June 9, 1967
Other times you have seen such use: Throughout irrigation season of 1967 and to date.

(Signed):

Emathy H. Pearson

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

Rexburg, County of Madison, State of Idaho, on
this 12th day of July, A. D. 1968

W B Kennedy
Notary Public for the State of Idaho
Residing Rexburg, Idaho

My commission expires 2/22/70

532475

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. G-32475

* * * * *

RECEIVED
JUL 29 1968
Department of Reclamation

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:

Preston H. Parkinson, 49, Rexburg, Idaho, farmer.

Ques. 2 Are you acquainted with Pauline E. Smith, the holder of
Permit No. G-32475? How long have you known him and where does he reside?

40 years - Rexburg, Idaho

Ques. 3. Have you read or heard said Permit No. G-32475 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: subterranean

Give location of place of diversion, showing subdivision, section, township and range
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Twp. 5 N., R. 40 E.B.M.

Describe works for conveying water to place of use: mainline & lateral pipes

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 3300 gallons per minute How much water have you seen being so
conveyed? 3300 gallons per minute

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

320 acres in E $\frac{1}{2}$ Section 8, and 160 acres in SW $\frac{1}{4}$ Section 9, Twp. 5 N.

R. 40 E. B. M.

G 32.475

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

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.
Dry farm - minimum of one inch per acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?
If so, in what way and to what extent? None -

Ques. 10. When did you first see this water used? June 9, 1967
Other times you have seen such use: Throughout irrigation season of 1967 and to date.

(Signed):

Anton G. Pan

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

Rexburg, County of Madison, State of Idaho, on
this 12th day of July, A. D. 1968

W. B. Kennedy
Notary Public for the State of Idaho
Residing Rexburg, Idaho

My commission expires 2/22/70

§32475

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Proof of Completion
of Works and Application of Water
to Beneficial Use

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for four
consecutive issues, the first publication hav-

ing been made on May 30, 1968
and the last publication having been made

on June 20, 1968

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter

Subscribed to and sworn to before me

this 20th day of June, 1968
John C. Porter
Notary Public.
(SEAL)

My commission expires 5-27-70

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

Notice is hereby given that on
the 12th day of July 1968, at
Rexburg, County of Madison,
State of Idaho, before W. B.
Kennedy, Notary Public, at 5
West 1st South, Rexburg, Idaho,
proof will be submitted of the
completion of works for the div-
ersion of 9.6 cubic feet per sec-
ond 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-32475
heretofore issued by the Depart-
ment of Reclamation of the State
of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is Paul-
ine E. (Mrs. Ross F.) Smith,
Rexburg, 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 9.6 cubic
feet per second.

3. The use to which said wa-
ter has been applied is irriga-
tion purposes, and the amount
applied to beneficial use is 9.6
cubic feet per second.

4. The point of diversion of
said water is SW1/4SW1/4, Sec.
9, T. 5 N., R. 40 E., B. 1, Mad-
ison County.

5. The place where said water
is used is E1/2, Sec. 9, T. 5 N.,
R. 40 E., B. 1, Madison County.

6. The date of priority which
said user is prepared to estab-
lish is August 10, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer
(Publ. May 30, 1968)
20, 1968.

RECEIVED

JUL 29 1968

Department of Reclamation

G32475

W. B. KENNEDY

ATTORNEY AT LAW

5 WEST 1ST SOUTH

REXBURG, IDAHO

PHONE 356-5787

July 25, 1968

RECEIVED

JUL 29 1968

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Re: Permit No. G-32475
Pauline E. Smith

Attention: Donald W. McEldowney, Appropriation Examiner

Dear Mr. McEldowney:

I enclose herewith the necessary three depositions and the Affidavit of Publication in connection with the Proof of Completion of Works on this permit.

I trust that this is in order and satisfactory. Could you advise me as to the approximate time when the permit will be finally approved.

Yours very truly,


W. B. Kennedy

WBK/j

Encls: Three depositions
Affidavit of Publication

G32475

June 12, 1968

RE: Permit G-32475
Pauline E. Smith

W. B. Kennedy
Attorney at Law
5 West 1st South
Rexburg, Idaho 83440

Dear Mr. Kennedy:

Enclosed herewith is a copy of the approved
amendment to point of diversion which you submitted
for recording. We are retaining the original for
our files.

Also enclosed is Departmental Receipt No. 970
in the amount of \$5.00 which covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRD:ejw

Enclosures

32475

Permit No. G-32475 ✓

632475

[illegible]

§ 32475

June 3, 1968

Re: Permit No. G-32475
Pauline E. Smith

W. B. Kennedy
Attorney At Law
5 West 1st South
Rexburg, Idaho 83440

Dear Mr. Kennedy:

Thank you for your letter of May 21, 1968, concerning the above referenced permit. Please be advised we shall proceed with the advertising of the proof of completion of works and application of water to beneficial use as you have directed.

However, we are returning your application for amendment. The Department has a new amendment form which we are requiring to be completed. Also, in order for an amendment to be acceptable, we must have a \$5.00 application fee.

Please return the completed amendment as soon as possible in order to correspond with the advertising. Thank you for your assistance in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Returning original amendment
Amendment form

32475

Re: Permit No. G-32475

May 28, 1968

Pauline E. Smith
Rexburg, Idaho 83440

Dear Mrs. Smith:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit No. G-32475.

We have mailed the notice to the Rexburg Journal to be published once a week for four consecutive weeks prior to July 12, 1968, which is the hearing date when the permit holder Pauline E. Smith

and two disinterested witnesses must appear before W. B. Kennedy, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by Pauline E. Smith. Be sure all the forms have the notary's seal and are signed. Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

832475

RECEIVED

MAY 28 1968

Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Rexburg Journal of Rexburg, Idaho 83440; published in the county in which the works are situated.

x Pauline E. Smith
(signature)

Rexburg, Idaho

(address)

May 21st, 1968
(date)

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 when proof is for completion of works.

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

Engineer

832475

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

RECEIVED

MAY 25 1968

Department of Reclamation

Notice is hereby given that ~~XXXXXXXXXXXX~~ on the 12th day of July 1968, at Rexburg, County of Madison, State of Idaho, before W. B. Kennedy, Notary Public, at ~~(XXXXXX)~~ 5 West 1st South, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 9.6 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-32475, 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 Pauline E. (Mrs. Ross F.) Smith, Rexburg, 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 9.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 9.6 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{2}$ SW $\frac{1}{2}$, Sec. 9, T. 5 N, R. 40 E.
B. M., Madison County

5. The place where said water is used is E $\frac{1}{2}$, Sec. 8; SW $\frac{1}{2}$, Sec. 9, T. 5 N.
R. 40 E. B. M.

6. The date of priority which said user is prepared to establish is August 10, 1965.

R. KEITH HIGGINSON

State Reclamation Engineer

632475

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

Notice is hereby given that on the 12th day of July 1968, at Rexburg, County of Madison, State of Idaho, before W. B. Kennedy, Notary Public, at 5 West 1st South, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 9.6 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-32475 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 Pauline E. (Mrs. Ross F.) Smith, Rexburg, 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 9.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 9.6 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 5 N., R. 40 E., B. M., Madison County.

5. The place where said water is used is E $\frac{1}{2}$ Sec. 8, SW $\frac{1}{4}$, Sec. 9, T. 5 N., R. 40 E., B. M.

6. The date of priority which said user is prepared to establish is August 10, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer
(Publ. May 30, June 6, 13,
20, 1968).

May 28, 1968

Re: Permit No. G-32475
Pauline E. Smith

Rexburg Journal
Rexburg, Idaho 83440

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to July 12, 1968. The expense of the publication is to paid by Pauline E. (Mrs. Ross F.) Smith,
Rexburg, Idaho

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

632475

W. B. KENNEDY

ATTORNEY AT LAW

5 WEST 1ST SOUTH

REXBURG, IDAHO

PHONE 356-5787

May 21, 1968

RECEIVED

MAY 23 1968

Department of Reclamation

State of Idaho
Dept. of Reclamation
107 State House
Boise, Idaho 83701

Re: Pauline E. Smith
Permit # G-32475

Dear Sir:

I enclose herewith Notice of Proof of Completion of Works and Application of Water to Beneficial Use setting the same for hearing on July 12, 1968. I also enclose Form 11 and Application for Amendment.

I trust these instruments are in order and that we can proceed with the final proof.

Yours very truly,


W. B. Kennedy

WBK/j

632475

May 14, 1968

C
O
P
Y
Re: Permit No. G-32475
Pauline E. Smith (Mrs. Ross F.)

W. B. Kennedy
Attorney At Law
Rexburg, Idaho 83440

Dear Mr. Kennedy:

Pursuant to your letter of May 10, 1968, we are forwarding proof forms for your use in the matter of the above referenced permit.

Please follow the instructions in the enclosed Form 36A in completing Forms 36 and 11.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DJ

Enc: Forms 36A, 36 & 11

32475

W. B. KENNEDY

ATTORNEY AT LAW

5 WEST 1ST SOUTH

REXBURG, IDAHO

PHONE 386-3787

May 10, 1968

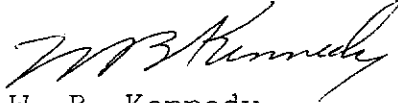
State Of Idaho
Department of Reclamation
Room 107, State House
Boise, Idaho

Re: Mrs. Pauline E. Smith
Permit No. G - 32475

Gentlemen:

Mrs. Smith is now ready to make final proof on her well. Would you please send me the necessary papers to commence publication of notice, etc.

Yours very truly,


W. B. Kennedy

WBK/j

632475

MAY 15 1987

Department of Reclamation

WELL OWNER:

Rexburg, Idaho

(explain)

(explain)

Use other side for additional remarks

11/22/92

632475

W. B. KENNEDY
ATTORNEY AT LAW
REXBURG, IDAHO

RECEIVED
MAY 2 1967

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Re: Pauline E. Smith
Rexburg, Idaho

Permit No. G-32475

Gentlemen:

The above named owner learned, after the well was drilled, that it had inadvertently been located in a different 40 acre tract than that shown in the permit as the point of diversion.

We will have to amend the Permit to show the point of diversion as being the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, instead of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, Twp. 5 N., R. 40 E.B.M.

Please send me the necessary forms and directions from your office to accomplish the amendment.

Yours very truly,



W. B. Kennedy

/j

PS - Final proof will probably be made next Fall.

6 32475

May 1, 1967

Re: Permit G-32475
Pauline E. Smith

W. B. Kennedy
Attorney At Law
Rexburg, Idaho 83440

Dear Mr. Kennddy:

Pursuant to your letter of May, 1967, we are forwarding an application for amendment to the point of diversion for the above referenced permit. When you return the amendment, please remember to include a \$1.00 recording fee.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enclosure: Amendment form

C
O
P
Y

G 3 2475

August 23, 1965

Re: Permit No. G-32475

Mrs. Pauline E. Smith
Rexburg, Idaho.

Dear Mrs. Smith:

We enclose Permit No. G-32475 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9545 which was issued covering payment in the amount of \$ 7.25 for the filing fee of the above mentioned permit.

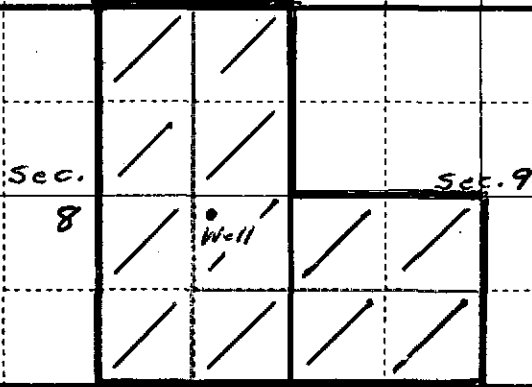
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

G 32475



Twp. 5 N.
Range 40 E.

Porter Map No. 32475
APPROVED AUG 13 1965
CARL E. TAPPAN
State Registration Engineer

W. B. KENNEDY
ATTORNEY AT LAW
REXBURG, IDAHO

RECEIVED
AUG 10 1965

August 9, 1965

Department of Reclamation

State Department of Reclamation,
Boise, Idaho.

Re: Application for Permit
Pauline E. Smith
Rexburg, Idaho.

Gentlemen:

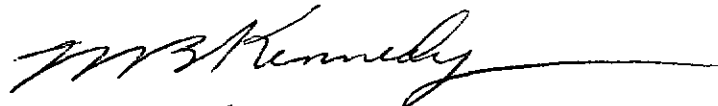
I enclose herewith the above application.

Mrs. Smith is the widow of Ross F. Smith, who had
Permit No. G29047, but has never drilled the well.

This application is identical with No. G29047, upon
which no final proof will be made this September.

Please contact me if any further information is
needed.

Yours very truly,


W. B. Kennedy

/j

Encls: Application & \$7.25 check.

B 32475