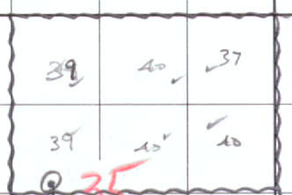
Rge. 40EBM




Twp. 6N

To Rexburg

11 6

11 9

235 Acres

40 acres

Photo with Permit #6-29137

AREA - 235 ACRES

SUBD - 6

Q - ~~3.65~~ 3.66

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

G31973

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

NOTICE OF PROOF

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 having been made on NOVEMBER 23, 1965 and the last publication having been made on DECEMBER 14, 1965.

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 subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county dur a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Annette Porter

Subscribed to and sworn to before me this 15th day of DECEMBER, 1965

John C Porter
Notary Public.

(SEAL)

My commission expires 6-5-68

RECEIVED
JAN 28 1965
Reclamation

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

Notice is hereby given that at 5 P.M., on the 8th day of January 1965, at Rexburg, County of Madison, State of Idaho before W. B. Kennedy, Notary Public, at (address) 5 West 1st South, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 4.8 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-31973, 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 H. Bert Summers (also known as Harvey B. Summers) RFD No. 1 Sugar City, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes and the amount applied to beneficial use is 4.8 cubic feet per second.

4. The point of diversion of said water is SE¼NW¼ of Section 35, Twp. 6 N., Rge. 40 E.B. M., Madison County, Idaho.

5. The place where water is used is NE¼ and E½NW¼ of Section 35, Twp. 6 N., Rge 40 E.B.M.

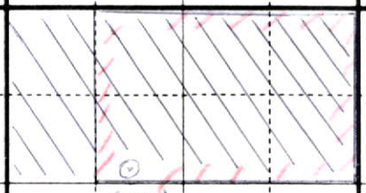
6. The date of priority which said user is prepared to establish is June 29th, 1964.

Carl E. Tappan
State Reclamation Engineer
Publ. Nov. 23, 30, Dec. 7, 14, 1965

G31973

NAME OF APPLICANT H. Bell Simmons

Form No. 0




Sec 35

T 6N - R 10E

Permit Map No. 2 31973
As Approved JUL 2 - 1964
CARL E. TAPPAN
State Reclamation Engineer

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

D 31973

IM 3-1-59

State of Idaho

# License and Certificate of Water Right

Water License No. G-31973 Priority June 29, 1964 Amount 3.66 c.f.s.

THIS IS TO CERTIFY that H. BERT SUMMERS

of Sugar City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 29, 1964; that Permit No. G-31973 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.66 second feet, was issued thereunder on April 15, 1968, showing that said works were completed on the 8 day of January, 1966; and that on the 8 day of January, 1966 H. BERT SUMMERS

of Sugar City, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of sprinkler irrigation, under Use Permit No. G-31973 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~~ of Licenses, at Page, on the 15 day of April, 1968.

The right hereby confirmed dates from June 29, 1964.

The Point of Diversion is located in the SE ¼ NW ¼, Sec. 35, Twp. 6 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.66 cubic feet per second.

Description and location of use:

| Twp. | Range | Section | Forty-Acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|---|---|---|---|---|---|
| 6 N | 40 E | 35 | NE¼ NE¼ | 40 | 37 |
| | | | NW¼ NE¼ | 40 | 40 |
| | | | S½ NE¼ | 80 | 80 |
| | | | NE¼ NW¼ | 40 | 39 |
| | | | SE¼ NW¼ | 40 | 39 |
| | | | Total number of acres irrigated: | | 235 |

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 15 day of April, 1968.

R. Keith Higginson
State Reclamation Engineer.

G 31973 22 2238

G-31973
22.

# APPLICATION FOR PERMIT 22-

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40103
Permit No. G- 31973
District No.

1. Name of Applicant: H. Bert Summers

   Postoffice address: Sugar City , RFD #1 County: Madison State: Idaho - 83448

2. Quantity of water claimed: 240 inches or 4.8 CFS

   (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 SE ¼ of the NW ¼ of Section 35 Twp. 6 N , Rge. 40 E , B.M., County of Madison

5. Water is to be used for: Sprinkler irrigation

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

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B.M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.

7. Kind of works: Pump

8. Estimated cost of works: $30,000

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

Remarks:

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

s/ H. Bert Summers *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A.M. June 29, 1964

Returned to applicant for correction:

Corrected application received:

## Approval of State Reclamation Engineer

The number of this permit is G— 31973

Recorded in Book 112 Page 31973 Approved July 2, 1964

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 deligently 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 January 2, 1967

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 July 2, 1969

Witness my hand this 2nd day of July, 1964

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 2nd day of July, 1964

Countersigned:

STATE OF IDAHO

(SEAL)

By ARNOLD WILLIAMS

s/ By: Paula L. Fleenor *Secretary of State.*
Deputy Secretary of State

By s/ ROBERT E. SMYLIE *Governor*

12.

| Twp. | Range | Sec. | NE¼ NE¼ | NE¼ NW¼ | NE¼ SW¼ | NE¼ SE¼ | NW¼ NE¼ | NW¼ NW¼ | NW¼ SW¼ | NW¼ SE¼ | SW¼ NE¼ | SW¼ NW¼ | SW¼ SW¼ | SW¼ SE¼ | SE¼ NE¼ | SE¼ NW¼ | SE¼ SW¼ | SE¼ SE¼ | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6 N | 40 E | 35 | 40 | 40 | 40 | 40 | 40 | | | 40 | | | | | | | | | 240 A |

PERMIT NO. G-31973

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that H. BERT SUMMERS of Sugar City, County of Madison, and State of Idaho, the holder of Permit No. G-31973, issued upon Application No. G-40103 bearing date of priority of June 29, 1964, authorizing the diversion of 4.8 second feet of waters of a well County of Madison, State of Idaho, for sprinkler 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 3.66 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the SE¼NW¼ Section 35, Township 6 North, Range 40 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

NE¼, E½NW¼ Section 35, Township 6 North, Range 40 East, Boise Meridian.

Proof of completion of works made: January 8, 1966

Witness my hand this 15 day of April, A. D. 1968

/S/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 3.66 SEC. FT.
LICENSE PAG. NO. 31973.

FORM 22

Permit No. G-31973

# Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that H. BERT SUMMERS of Sugar City, County of Madison, and State of Idaho, the holder of Permit No. G-31973, issued upon Application No. G-40103 bearing date of priority of June 29, 1964, authorizing the diversion of 4.8 second feet of waters of a well

County of Madison, State of Idaho, for sprinkler 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 3.66 second feet of the waters of a well from subterranean flow.

that the point of diversion of said waters is in the SE¼NW¼ Section 35, Township 6 North, Range 40 East, Boise Meridian;

and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: NE¼, E½NW¼ Section 35, Township 6 North, Range 40 East, Boise Meridian.

Proof of completion of works made: January 8, 1966

Witness my hand this 15 day of April, A. D. 19 68

R. Keith Higginson

State Reclamation Engineer

April 15, 1968

Re: Permit No. G-31973

COPY

H. Bert Summers
Route # 1
Sugar City, Idaho 83448

Dear Mr. Summers:

Enclosed are your Certificate of Completion of Works and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. 563 in the amount of $17.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures: Certificates
Receipt

b31973

January 3, 1968

Re: Permit No. G-31973

Herbert Summers
Route #1
Sugar City, Idaho 83448

Dear Mr. Summers:

**A representative of this department has made an examination of the works covered by your permit** G-31973 **and has found the following:**

**Quantity of water diverted:** 3.66 c.f.s.

**Amount of water that can be recognized as beneficially used under Idaho Law:** 3.66 c.f.s.

**Purpose of use:** irrigation for 235 acres in E½, E½NW¼, sec. 35, T. 6 N, R. 40 E, B.M.

**The priority date established is:** June 29, 1964.

**A fee totaling $** 17.00 **must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.**

Very truly yours,

Donald A. McGaughey
Water Rights Clerk

DAM:ks

G31973

January 30, 1968

Re: Permit No. G-31973

H. Bert Summers
Route #1
Sugar City, Idaho 83448

Dear Mr. Summers:

**A representative of this department has made an examination of the works covered by your permit** G-31973 **and has found the following:**

**Quantity of water diverted:** 3.66 c.f.s.

**Amount of water that can be recognized as beneficially used under Idaho Law:** 3.66 c.f.s.

**Purpose of use:** irrigation for 235 acres in NE¼, E½NW¼, sec. 35, T. 6 N, R. 40 E, B.M.

**The priority date established is:** June 29, 1964.

**A fee totaling $** 17.00 **must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.**

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

fee paid 2-26-68 MD

G 31973

DON SAMUELSON
GOVERNOR

R. KEITH HIGGINSON
State Reclamation Engineer

# STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 30, 1968

RECEIVED
FEB 26 1968
Department of Reclamation

31973

Re: Permit No. G-31973

H. Bert Summers
Route #1
Sugar City, Idaho 83448

Dear Mr. Summers:

**A representative of this department has made an examination of the works covered by your permit** G-31973 **and has found the following:**

**Quantity of water diverted:** 3.66 c.f.s.

**Amount of water that can be recognized as beneficially used under Idaho Law:** 3.66 c.f.s.

**Purpose of use:** irrigation for 235 acres in NE¼, E½NW¼, sec. 35, T. 6 N, R. 40 E, B.M.

**The priority date established is:** June 29, 1964.

**A fee totaling $** 17.00 **must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.**

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 31973

Form 23
2M-4-65

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF EXAMINER

Permit No. G-31973

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

1. Name of applicant H. Bert Summers
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the SE¼NW¼ of Section 35
   T. 6 N R. 40 E.B.M. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same:
   100 HP US HOLLOSHAFT # 136657
   LAYNE & BOWLER VERT PUMP D # 9599
   12" DISCHARGE THROUGH GATE VALVE - UNDER-GROUND MAIN LINE
5. Water is used for: Sprinkler 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):

   NE¼, E½NW¼ Sec. 35., Twp. 6 N., Rge. 40 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:

10 LAT - ¼ MILE 5/32 RAINBIRD 30 W.S @ 50 lbs

$Q = \frac{(330 \text{ ac})(4.98 \text{ gpm})}{450 \text{ gpm}} = \frac{3.65 \text{ cfs}}{3.66}$

418.8 gpm

This examination was made on the 19TH day of SEPT, 19 67

(Signed) D.R
Examiner.

G31973

DW
Plat V

## 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.

43/1973

H. Bert Summers
Route #1
Sugar City, Idaho
Permit No. G-31973

Examination for Completion of Works & Beneficial Use

County Madison

Sec. 35 T.6 N R.40 EBM

**Quantity:** 4.8 c/s 240 inches

**Source:** Subterranean

**P.D.:** SE NW Section 35
Twp. 6N. Rge 40E.

**Use:**
Irrigation

**Extension:**

**Protest:**

**Completion of Works:**

**Other Rights:** None

**Filed:** June 29, 1964

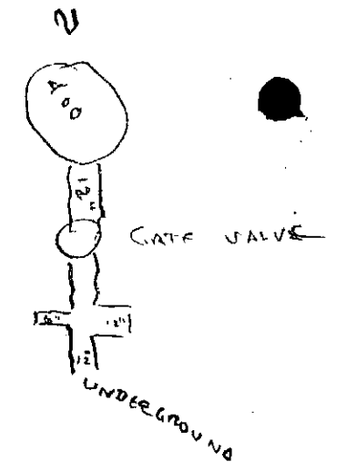
**Due:** July 2 - 1969
made January 8. 1966
priority June 29. 1964

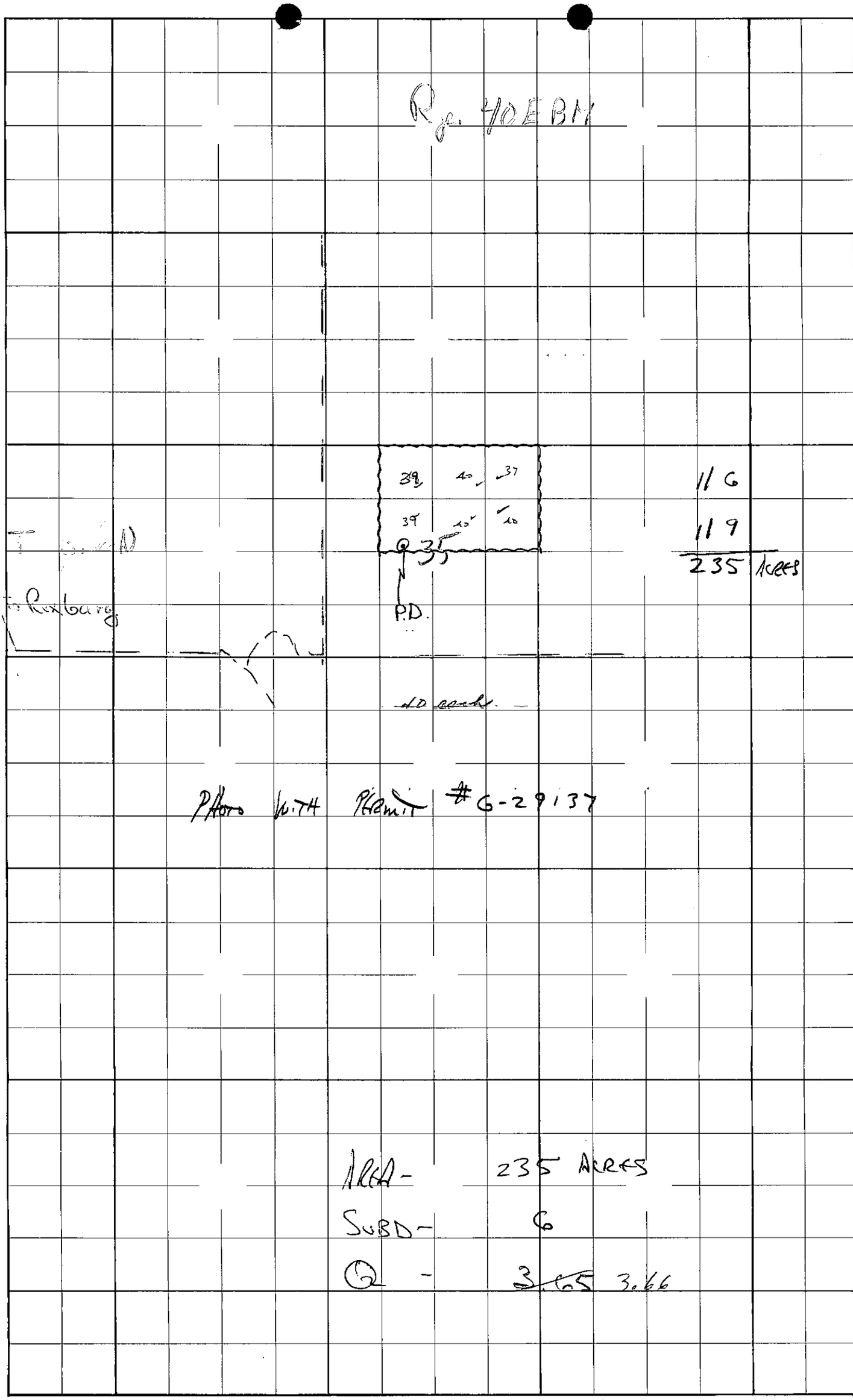
400 HP US HOLLOW SHAFT
# 1366657

L E B VERT PUMP
# D 9599
1900 G.P.M. 768'
1720 RPM

CONCRETE PAD MARKED
BERT SUMMERS 1961

12" DISCHARGE - GATE VALVE






Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

#31973

Form 23
2M-4-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF EXAMINER

PERMIT NO. G-31973

REPORT ON PROOF OF Completion of Works & Beneficial Use

January 26, 1966

Re: Permit No. G-31973

H. Bert Summers
Route #1
Sugar City, Idaho

Dear Mr. Summers:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the REXBURG STANDARD, all submitted in proof of completion of works and beneficial use on Permit No. G-31973.

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,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

G31973

Form 16-- 2M
5-5-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-31973

RECEIVED
JAN 26 1966
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:
H. Bert Summers, Farmer, RFD #1, Sugar City, Madison County, 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-31973 - July 2nd, 1964 - June 29th, 1964

Ques. 4. State source of water supply: Ground
Give location of point of diversion, showing subdivision, section, township and range
SE¼NW¼, Section 35, Twp. 6 North, Range 40 E.B.M., Madison County, Idaho.

Ques. 5. Describe your works of diversion: Well and pump.
; state amount of water they are capable of conveying from point of diversion to place of use: 4.8 cfs ; Give name of canal or ditch or other works by which water is conducted to such place of use: pump and sprinkling system ; if a well, state depth of well 1375' ; depth and size of casing 15' of 26" ; depth to water 412 ; if pump is used, state discharge of pump: cfs - 4.8 ; tell how it was measured or determined standard measuring device ; if sprinkler irrigation, give number and size of nozzles and operating pressure: 322 nozzles - 5/32" - 45 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:
NE¼, E½NW¼, of Section 35, Twp. 6 North, Range 40, E.B.M. - total acreage has been irrigated.

Logan

G 31973

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

None

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Lee Harris, Rexburg, 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: 4.8 cfs - June 1, 1965 - Time used since first use:

Irrigation season of 1965.

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

None

(sign) H. Burt Summers

* * * * * * * * * * *

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 8th day of January, A. D. 19 66.

W B Kennedy
Notary Public for Idaho.
Residing at Rexburg, Idaho.

My commission expires: 2/26/66.

b 31973

Form 174 - 4M
5-6-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

RECEIVED
JAN 26 1973

Permit No. G-31973

* * * * * * *

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:

Roy Summers, R.F.D. #1, Sugar City, Idaho, Farmer . Age 47 yrs.

Ques. 2 Are you acquainted with H. Bert Summers, the holder of Permit No. Yes ? How long have you known him and where does he reside?

All his life - RFD #1, Sugar City, Idaho.

Ques. 3. Have you read or heard said Permit No. G-31973 read, and are you familiar with its provisions and conditions: Yes X No. _____

Ques. 4. State source of water supply: Ground

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

SE¼NW¼, Section 35, Twp. 6 North, Range 40 E.B.M., Madison County, Idaho.

Describe works for conveying water to place of use: pump and sprinkling system

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4.8 cfs How much water have you seen being so conveyed? 4.8 cfs

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

NE¼, E½NW¼, of Section 35, Twp. 6 North, Range 40 E.B.M. - total acreage has been irrigated.

31973

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 - 418 cfs

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1, 1965

Other times you have seen such use: N 1965 irrigation season

(Signed): Roy Summers

* * * * * * * * *

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 8th day of January, A. D. 1966

W B Kennedy

Notary Public for the State of Idaho

Residing Rexburg, Idaho.

My commission expires 2/26/66.

31973

Form 17A - 4M
5-6-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-31973

RECEIVED
JAN 26 1966
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:

Frank Summers - 43 years - RFD #1, Sugar City, Idaho - Farmer.

Ques. 2 Are you acquainted with H. Bert Summers, the holder of Permit No. G-31973? How long have you known him and where does he reside?

All his life - RFD #1, Sugar City, Idaho.

Ques. 3. Have you read or heard said Permit No. G-31973 read, and are you familiar with its provisions and conditions: Yes X No. _____

Ques. 4. State source of water supply: Ground

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

SE¼NW¼, Section 35, Twp. 6 North, Range 40 E.B.M., Madison County, Idaho.

Describe works for conveying water to place of use:

Pump and sprinkling system

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4.8 cfs How much water have you seen being so conveyed? 4.8 cfs

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

NE¼, E½NW¼, of Section 35, Twp. 6 North, Range 40 E.B.M., - total acreage has been irrigated.

G31973

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 - 4.8 cfs

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1, 1965

Other times you have seen such use: 1965 irrigation season

(Signed): Frank Summers

* * * * * * * * *

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 8th day of January, A. D. 19 66

M B Kennedy

Notary Public for the State of Idaho

Residing Rexburg, Idaho.

My commission expires 2/26/66.

B 31973

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

NOTICE OF PROOF

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 having been made on NOVEMBER 23, 1965 and the last publication having been made on DECEMBER 14, 1965.

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 subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county dur a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Annette Porter

Subscribed to and sworn to before me this 15th day of DECEMBER, 1965

John C Porter
Notary Public.

(SEAL)

My commission expires 6-5-68

RECEIVED
JAN 23 1966
Reclamation

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

Notice is hereby given that at 5 P.M., on the 8th day of January 1965, at Rexburg, County of Madison, State of Idaho before W. B. Kerns, Notary Public, at (address) 5 West 1st South, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 4.8 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. a-31973, 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 H. Bert Summers (also known as Harvey B. Summers) RFD No. 1 Sugar City, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes and the amount applied for beneficial use is 4.8 cubic feet per second.

4. The point of diversion of said water is SE¼NW¼ of Section 35, Twp. 6 N., Rge. 40 E.B. M., Madison County, Idaho.

5. The place where water is used is NE¼ and E½NW¼ of Section 35, Twp. 6 N., Rge 40 E.B.M.

6. The date of priority which said user is prepared to establish is June 29th, 1964.

Carl E. Tappan
State Reclamation Engineer

Publ. Nov. 23, 30, Dec. 7, 14, 1965

a-31973

December 6, 1965

COPY

Re: Permit No. G-31973
H. Bert Summers

Rexburg-Standard Journal
Rexburg, Idaho

Gentlemen:

On November 16, 1965 we mailed you a Notice of Publication on the above numbered permit, requesting a tear sheet of the first publication for checking purposes.

To date we have not received such copy and ask at this time that a copy be mailed to this office as soon as possible.

Very truly yours,

CARL E . TAPPAN
State Reclamation Engineer

By:

H. PETRI
Office Manager

HP:ew

G 31973

Re: Permit No. G-31973
H. Bert Summers

November 16, 1965

Mr. W. B. Kennedy,
Attorney at Law,
Rexburg, Idaho.

Dear Mr. Kennedy:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-31973, in the name of H. Bert Summers (also known as Harvey B.). Final Proof is to be made before you, as Notary on the 8th day of January, 19 66, at 5:00 o'clock P.M., at 5 West 1st South, Rexburg, Idaho.

As of this date, we have mailed the Notice to the Rexburg Standard Journal Rexburg, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. 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, that your 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

$31973

Form No. 11
2M - 10/60

RECEIVED
NOV 16 1965
Department of Reclamation

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

(Date) November 15th, 1965

(P. O.) Rexburg, 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 Rexburg Standard - Journal of Rexburg, Idaho published in the county in which the works are situated.

Please send further correspondence to W. B. Kennedy, Atty., Rexburg, Idaho.

H Burt Summers

(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.

$31973

No. 36 - 4M
1/65

RECEIVED
NOV 16 1965
Department of Reclamation

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

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4. The point of diversion of said water is SE¼NW¼ of Section 35, Twp. 6 N., Rge. 40 E.B.M., Madison County, Idaho

5. The place where said water is used is NE¼ and E½NW¼ of Section 35, Twp. 6 N., Rge. 40 E.B.M.

6. The date of priority which said user is prepared to establish is June 29th, 1964.

Carl E. Tappan
State Reclamation Engineer

G 31973

Re: Permit No. G-31973
H. Bert Summers

Date: Nov. 16, 1965

Rexburg Standard-Journal,
Rexburg, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to January 8, 1966 the date set for proof; the expense of the publication is to be paid by the applicant's attorney, W. B. Kennedy of Rexburg, 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,

Carl E Tappan

CARL E. TAPPAN
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

G31973

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

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6. The date of priority which said user is prepared to establish is June 29th, 1964.

Carl E. Tappan
State Reclamation Engineer

Publ. Nov. 23, 30, Dec. 7, 14, 1965

July 20, 1964

Re: Permit No. G-31973

Mr. H. Bert Summers,
RFD #1,
Sugar City, Idaho.

Dear Mr. Summers:

We enclose Permit No. G-31973 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-8628 which was issued covering payment in the amount of $ 6.00 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

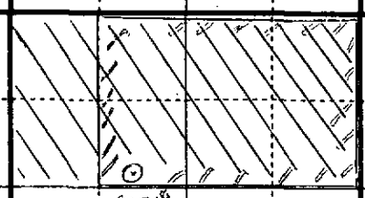
(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

B31973

NAME OF APPLICANT H. Bell Simmons

Form No. 0



well

Sec 35

T 6N - R 10 E

Permit Map No. 2 31973
As Approved
OCT 2 - 1964
CARL E. TAPPAN
State Reclamation Engineer

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

2 31973