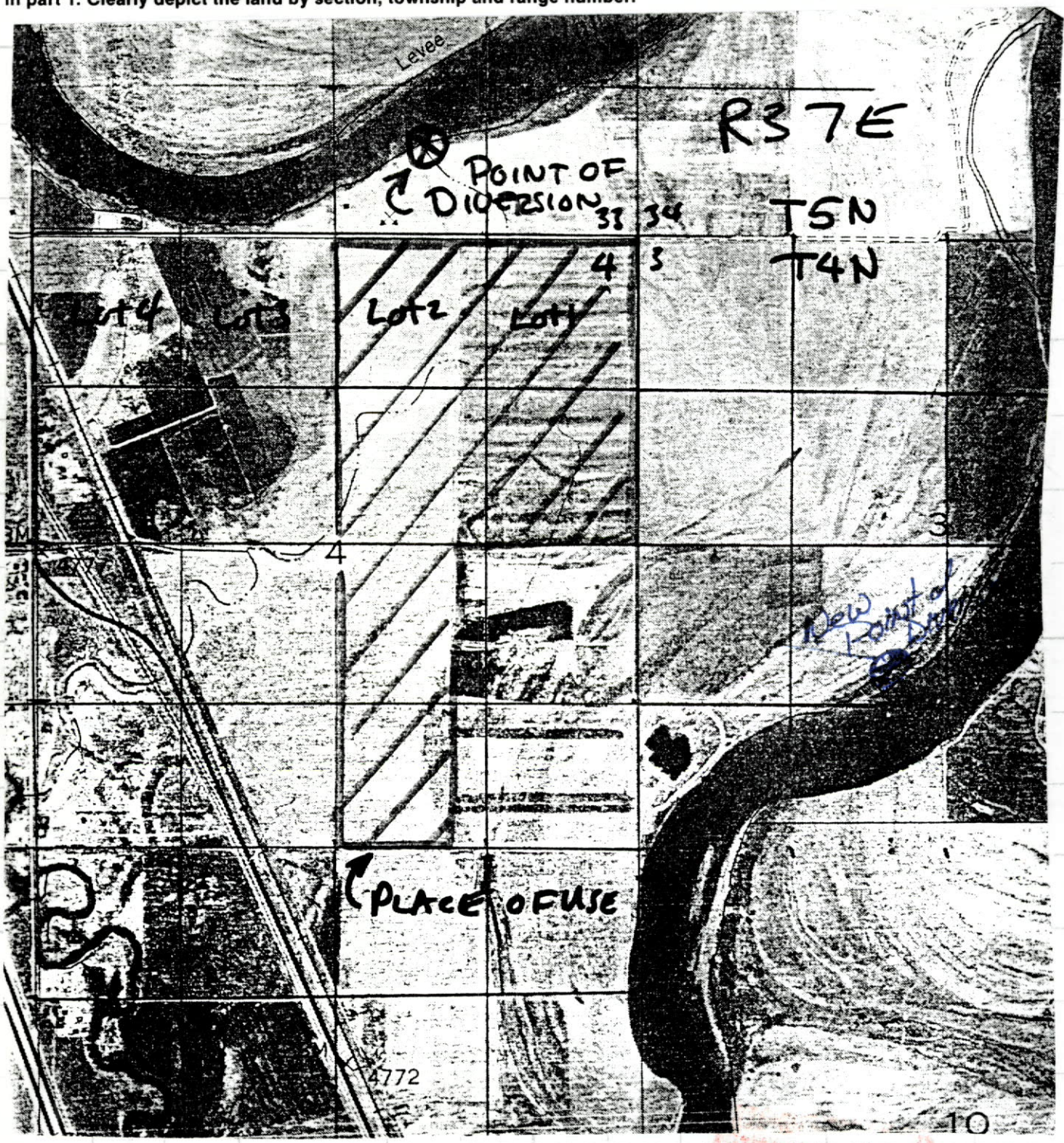


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



NOV 08 1991

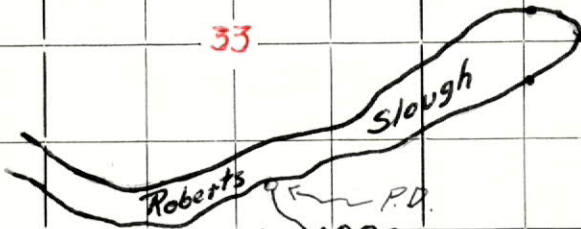
R-37E.

T.
5
N.

33

34

See Permit 21104



T.
4
N.

3

Subdivisions = Six

Area = 220 acres.

Q = 476 inches.
100 "

full amt of filing

NOV 08 1991

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss.

I, R. I. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Four consecutive issues thereof; first publication having been made on the

22nd day of *July*, 19*54*
and last publication on the

12th day of *August*, 19*54*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

R. I. Jones

Subscribed in my presence and sworn to before me this *12th*

day of *August*, 19*54*
(SEAL)

Hape B Jones

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires *Jan 30, 1958*

Publication Fee: \$_____

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 16th day of August, 1954, at Roberts, County of Jefferson, State of Idaho, before Arthur Jensen, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Roberts Slough in accordance with the terms and conditions of Permit No. 21092 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Rollo Dutson, Roberts, Idaho.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is 2 cubic feet.

The place where said water is used East Half of Section 4, Township 4 North, Range 37 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

The right to take water from such works is based upon Permit No. 21092.

The source of supply from which such water is diverted is Roberts Slough.

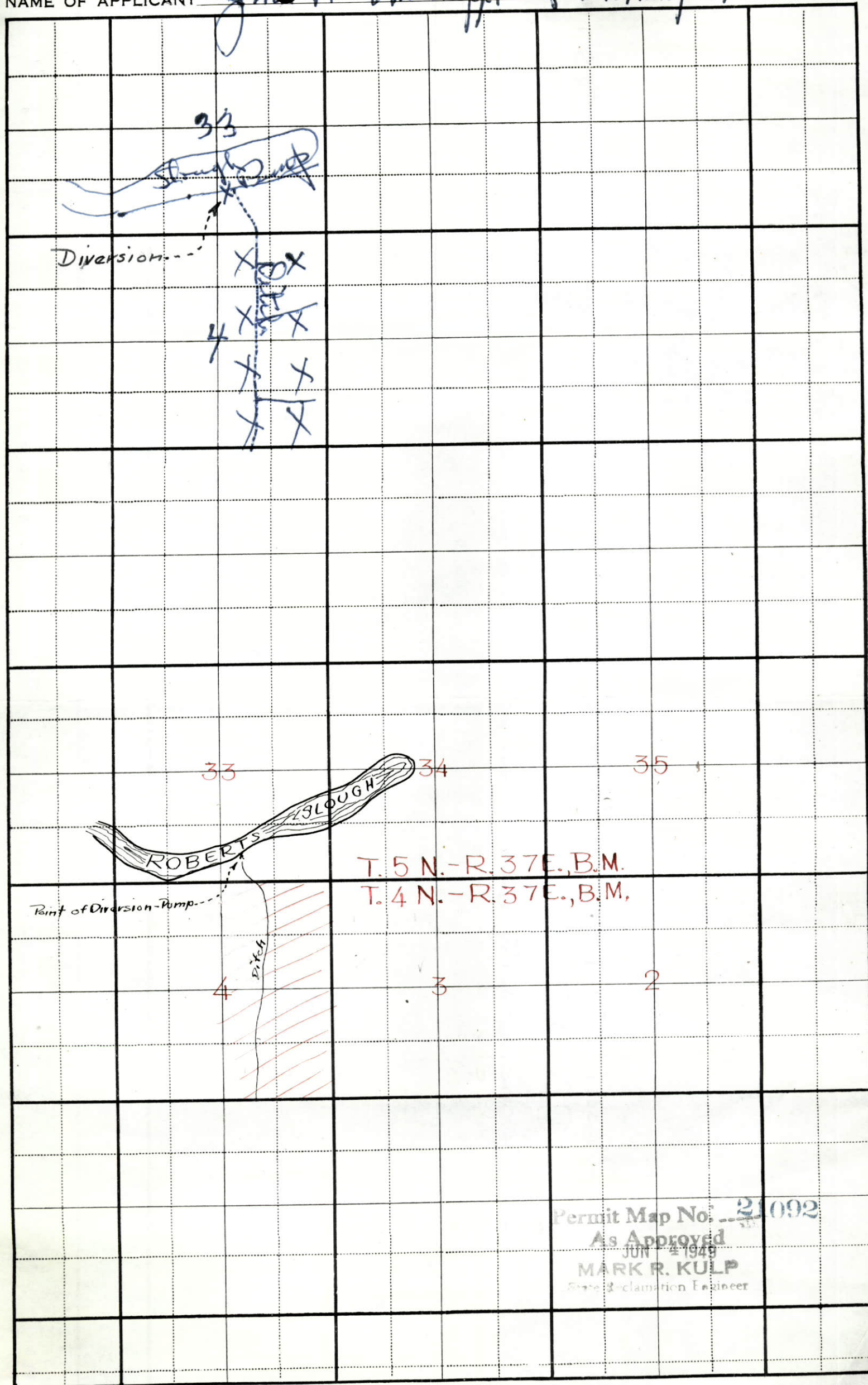
The date of priority which said user is prepared to establish is May 24, 1949.

21092 MARK R. KULP,
State Reclamation Engineer.

Publish: Rigby Star,
July 22, 29, August 5, 12, 1954.

21092

NAME OF APPLICANT *Jno. P. Woodruff, Imp. N. Range 37E* FORM NO. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

21092

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3855APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Brazo Valley farms c/o Burleigh Tomchak Phone 228-6871
Post Office address Roberts Idaho 83444

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Unable to divert water at the present location

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------------------|-----------------------|-------------------|-------------------------------------|
| <u>01-2077</u> | | | | |
| <u>35-02147</u> | <u>May 24, 1949</u> | <u>2.00</u> | <u>Irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| <u>35-02149</u> | <u>June 10, 1949</u> | <u>1.54</u> | <u>Irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| <u>01-2078</u> | | | | |
2. Total amount of water being transferred 3.54 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Sage River tributary to Columbia River
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>NE</u>	<u>SW</u>	<u>3</u>	<u>4N</u>	<u>37E</u>	<u>Jefferson</u>	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>04N</u>	<u>37E</u>	<u>4</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>										<u>30</u>	<u>30</u>		<u>220</u>

NOV 08 1991

Total acres 220

PART 1

6. General Information:

- a. Description of diversion system pump to mainline and sprinkler system
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A
- d. Remarks:
The point of diversion is being changed because of increased pumping from the slough makes it impossible to fill these rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-02077 & 01-02078
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

RECORDED

NOV 08 1991

Witness my hand this

27th

day of

September

1991

J. Glen Saylor
Chief, Water Allocation Bureau

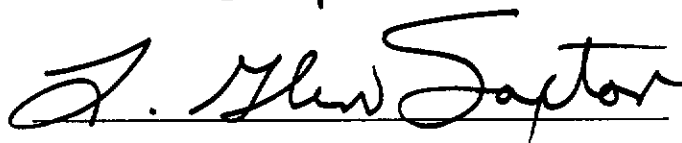
ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 01-02077 & 01-02078

Transfer No. 38554

1. Pursuant to this transfer, water right identification numbers 35-02147 and 35-02149 are hereby changed to 01-02077 and 01-02078.
2. Use of water under this water right is subject to control by the watermaster of State Water District No. 01, Snake River and tributaries.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 27th day of September, 1991.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
 (Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 35-02149 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Roberts Slough tributary to _____4. Date or priority June 10 1949

5. Water is used for the following purpose:

amount 1.54 for Irrigation purposes from 1 April to 1 November
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.54 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	33	38E	3N	Jefferson	
					5N	37E		

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	37E	4		40	40											30	30		140

Total acres 1409. Describe any other water rights used for the same purpose as described above 35-02149

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-02147 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Roberts Slough tributary to _____

4. Date or priority May 24 1949

5. Water is used for the following purpose:

amount 2.0 for Irrigation purposes from 1 April to 1 November
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NE</u>	<u>SW</u>	<u>SE</u>	<u>33</u>	<u>37E</u>	<u>5N</u>	<u>Jefferson</u>	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>41N</u>	<u>37E</u>	<u>4</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>										<u>30</u>	<u>30</u>		<u>220</u>

Total acres 220

9. Describe any other water rights used for the same purpose as described above 35-02149

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

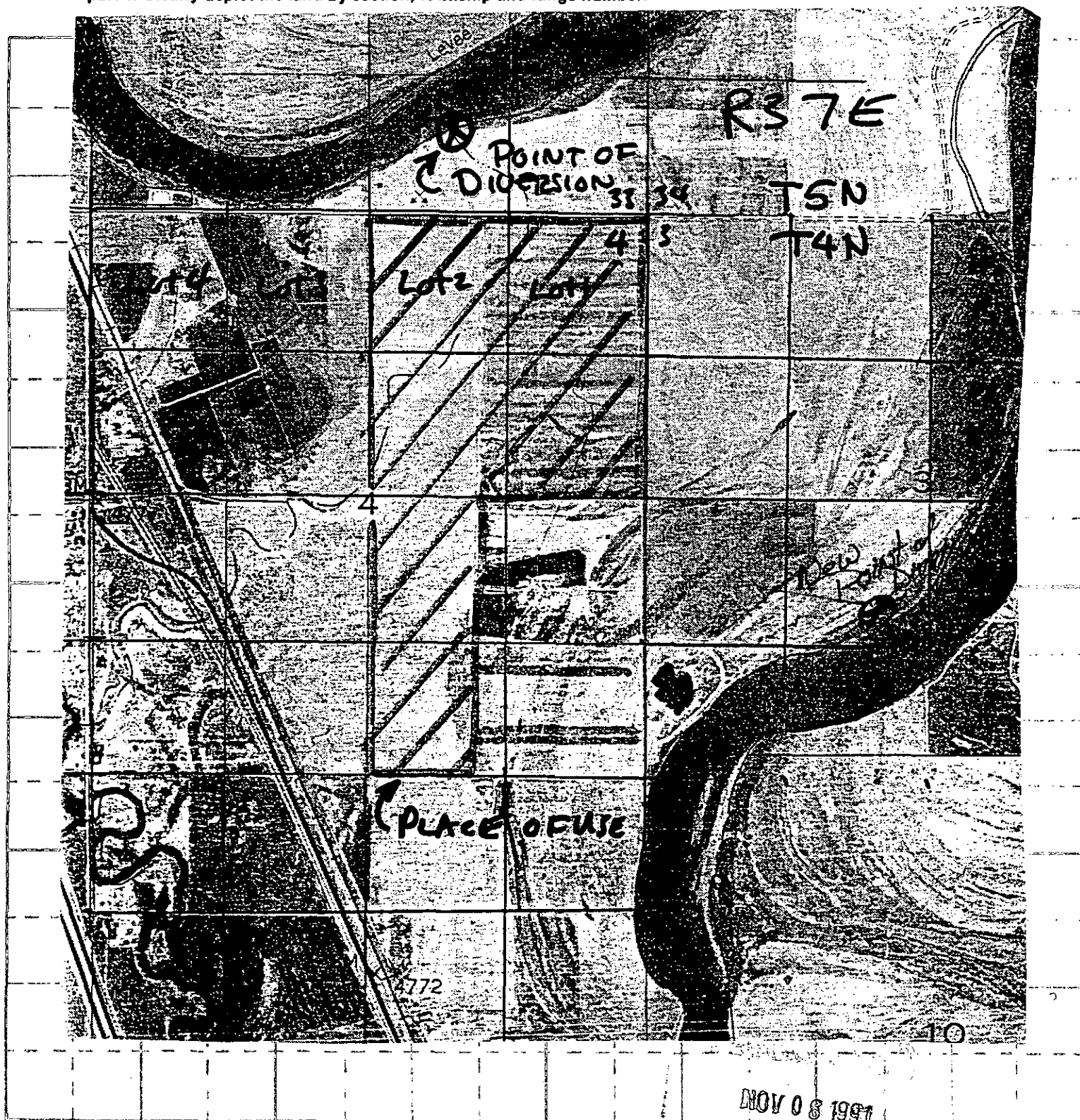
NOV 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



NOV 08 1997

PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

Burling Don L. B.
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of April, 19 91.

Betty J. Thompson
(Notary Public)

BETTY J. THOMPSON, NOTARY PUBLIC

My commission expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Dennis D. / 90 Date 4-25-91 Protest filed by _____

Prelim. check by _____ Fee 50.00 / ED 16006 E

Receipted by JD Date _____

Published in Jefferson Star Copies of protest forwarded by _____

Pub. dates 7-18-25-91 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____ 9-9-91

NOV 08 1991

CONSOLIDATED TAX NOTICE AND RECEIPT
JEFFERSON COUNTY TAX COLLECTOR 1990
MARGARET E. TREASURE, COURTHOUSE
RIGBY, IDAHO 83442 REAL PROPERTY

MARKET VALUE 76936 TAX CODE AREA 75-00 PARCEL NUMBER RP04N37E040000A BILL NUMBER 3134

E1/2; SW1/4 EAST
OF RAILROAD;
L 76936 SEC 4 TWP 4 NORTH RGE 37 EBM

382.200 CONNOR TOY CORP
TOT ACRES % TOMCHAK, BURLEIGH & MABLE
652 N 2880 E
ROBERTS, IDAHO 83442
DELINQUENT CERT.

YOUR CANCELLED CHECK IS YOUR RECEIPT
PLEASE READ BACK OF NOTICE

STATE	004359	335.36	TAX	1,204.46	FULL PAYMENT
COUNTY	008969	690.04	PEN.		
SCHOOL DIST 251					
ROAD/BRIDGE	000315	24.24	SUB TOT.		
ROBERTS CEMT #6	000634	48.78	TOT.		
ROBERTS FIRE DS	000008	.62	1ST INSTALLMENT		
FLOOD # 1	000200	15.40	TAX	602.23	
COUNTY AMB			PEN.		
ROB-K. BUTTE WA			SUB TOT.		
SPEC. HIGHWAY			TOT.		
ROB MOSQ ABATE	001170	90.02	2ND INSTALLMENT		
			TAX	602.23	
			PEN.		
			SUB TOT.		
			TOT.		
TOTAL	015655	1,204.46			

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1990 RP04N37E040000A
CONNOR TOY CORP
% TOMCHAK, BURLEIGH & MABLE 3134

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
			602.23		75-00
				PEN.	
				SUB TOT.	
				INT.	
				TOT.	

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

MARGARET E. TREASURE
JEFFERSON COUNTY TREASURER
COURTHOUSE
RIGBY, IDAHO 83442

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1991
DATE PAID CHECK #
PAID BY CASH

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1990 RP04N37E040000A
CONNOR TOY CORP
% TOMCHAK, BURLEIGH & MABLE 3134

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
			1,204.46		75-00
				PEN.	
				SUB TOT.	
				INT.	
				TOT.	

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

MARGARET E. TREASURE
JEFFERSON COUNTY TREASURER
COURTHOUSE
RIGBY, IDAHO 83442

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1990
DATE PAID CHECK #
PAID BY CASH

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, LaReena Lydon

of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Notice Proposed Change

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 2400
consecutive issues, the first publication
having been made on July 14, 1991
and the last publication having been made
on July 24, 1991.

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 uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

LaReena Lydon
in the year of 1991, before me, a Notary
Public, personally appeared

known or identified to me to be the person
whose name subscribed to 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.

Merrill C. Freeman
Notary Public of Idaho

Residing at Idaho Falls

My commission expires: 7-10-93

RECEIVED

JUL 26 1991

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. S 35-02147 & 35-02149
Notice is hereby given that Brazo
Valley Farms, Roberts, ID, has applied
to the Department of Water Resources
to change point of diversion of the
waters of the Roberts Slough to the
Snake River tributary to the Columbia
River. The rights sought to be changed
are evidenced by licenses and recorded
as follows:

LICENSE NO. 35-02147
AMOUNT: 2.0 cfs
SOURCE: Roberts Slough
PRIORITY: 5-24-1949
POINT(S) OF DIVERSION:
NESWSE, Sec 33, T 37E, R 5N,
Jefferson County

The water is used from April 1 to
November 1 to irrigate 220 acres within
the NE, W1/2SE, Sec 4, T 4N, R 37E,
B.M.

LICENSE NO. 35-02149
AMOUNT: 1.54 cfs
SOURCE: Roberts Slough
PRIORITY: 6-10-1949
POINT(S) OF DIVERSION: NESWSE,
Sec 33, T 5N, R 37E, Jefferson County

The water is used from April 1 to
November 1 to irrigate 140 acres within
the W1/2NE, W1/2SE, Sec 4, T 4N, R
37E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted from the
Snake River within the NESW, Sec 3, T
4N, R 37E, and used to irrigate 220
acres within the NE, W1/2SE, Sec 4, T
4N, R 37E, B.M.

Any protests against the proposed
change must be filed with the Idaho
Department of Water Resources, 150
Shoup Ave., Idaho Falls, ID 83402, on
or before August 1, 1991.

RECORDED

NOV 08 1991

State of Idaho

License and Certificate of Water Right

Water License No. 21092

Amount Two second feet

Water District No.

Priority May 24, 1949

THIS IS TO CERTIFY that JOHN P. WOODRUFF of Roberts, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 24, 1949; that Permit No. 21092 was issued under said application; that Certificate of Completion of works, with a carrying capacity of Two second feet, was issued thereunder on December 9, 1953, showing that said works were completed on the 2nd day of October, 1953; and that on the 16th day of August, 1954,

ROLLO DUTSON, Assignee

of Roberts, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Roberts Slough, for the purpose of irrigation, under Use Permit No. 21092 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 9 of Licenses at page 5403, on the 2nd day of November, 1954; The right hereby confirmed dates from May 24, 1949;

The Point of Diversion is located in the SW 1/4 SE 1/4, Sec. 33, Tp. 5 N., R. 37 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 Two (2) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	37 E.	4	NE 1/4 NE 1/4	40	40
			NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NE 1/4 SE 1/4	40	30
			SW 1/4 SE 1/4	40	30
			SE 1/4 SE 1/4	40	40
			Number of Acres Actually Irrigated		220

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 12th day of November, 1954.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

N^o 2109
35-21

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28745
PERMIT No. 21092
DISTRICT No.

1. Name of Applicant: JOHN P. WOODRUFF

Postoffice address: Roberts

County: Jefferson

State: Idaho

I. If applicant is a corporation, give:

(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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Two (2)

cubic feet per second.

3. Source of water supply: Roberts Slough

which is a tributary of no known stream

4. Location of point of diversion: See Remarks

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 33 , T. 5 N. , R. 37 E., B.M., County of Jefferson

5. Water is to be used for Irrigation purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point

feet

distant from the corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$500.00

8. Kind of works: Pump and ditches

9. Height of dam feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width 4

feet; height 4

feet.

11. Ditch: Width at bottom 3

feet; width at water line 4

feet; depth of water 1

feet;

dimensions of flume: None

Diameter of pipe None

inches; length of conduit Approx. 1/2

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is Three (3) years.

13. The time required for the complete application of the water to the proposed use is - -

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

- BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

By _____ Agent.

Corrected application received:

The number of this permit is 21092
Recorded in Book 75 Page 21092 Approved June 4, 1949
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 August 4, 1949 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before December 4, 1950
The whole of said work to be completed on or before June 4, 1952
Beneficial use of water appropriated in accordance herewith, to be made on or before June 4, 1952

MARK R. KULP
State Reclamation Engineer.

STATE OF IDAHO

By C. A. ROBINS
Governor.

This application is intended to replace a part of the unclaimed portion of Permit No. 18979.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
4 N.	37 E.	4	40	40	40	40										40	40	40	40	320

NOTATION: See transfer of interest in Permit No. 21092 recorded in Permit No. 21104.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of Permit No. 21092 Under the Provisions of Section 42-311 Idaho Code	)))	ORDER REINSTATING PERMIT
--	-------------	--------------------------

WHEREAS, Permit No. 21092 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 4, 1952; and,

WHEREAS, On the 16th day of March, 1953, notice to show cause why said permit should not be canceled, under the provision of Section 42-311 Idaho Code, was duly served on the holder of said permit; and,

WHEREAS, On the 4th day of April, 1953, the holder filed notice of appearance to offer proof to show that the works of di-

under said permit were fully completed within the time required; and,

WHEREAS, On the 2nd day of October, 1953, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21092, and that the holder has acted in good faith;

IT IS THEREFORE, Hereby Ordered that said Permit No. 21092 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department at Boise, Idaho, this 9th of December, 1953.

MARK R. KULP

MARK R. KULP
State Reclamation Engineer

Permit No. 21092

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ROLLO DUTSON of Roberts, County of Jefferson, and State of Idaho, the holder of Permit No. 21092, issued upon Application No. 28745 bearing date of priority of May 24, 1949, authorizing the diversion of Two (2) second feet of the waters of Roberts Slough, County of Jefferson, 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 Two (2) second feet of the waters of Roberts Slough; that the point of diversion of said waters is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 5 North, Range 37 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East Half of Section 4, Township 4 North, Range 37 East, B.M.

Witness my hand this 9th day of December, A.D. 1953.

MARK R. KULP
State Reclamation EngineerProof of Completion of Works made October 2, 1953.
Certificate of Completion of Works issued December 9, 1953.

LICENSE ISSUED FOR 2 SECT.

Page 5403

October 2, 1991

RE: Transfer of Water Right Nos. 35-02147 and 35-02149
Renumbered to: 01-02077 and 01-02078

Brazo Valley Farms
c/o Burleigh Tomchak
Roberts ID 83444

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 3855). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECORDED

NOV 08 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: September 9, 1991

RE: TRANSFER NO. 3855/LICENSE NO.S 35-2147 & 35-2149

=====

This transfer proposes a change in point of diversion only. By changing the point of diversion, the source of water is changed from Robert's Slough to the main stem of the Snake River. Skip Jones of Eastern explained that changes from Roberts Slough to the Snake is desirable since there are water quality and diversion problems on the slough. Also, the change allows for more direct District 01 control and accounting.

Due to the change in sources and conditions recommended by Ron Carlson, I recommend changing the water right numbers of the licenses from basin 35 to basin 01. Approval of the transfer is recommended with conditions below.

- 1) Pursuant to this transfer, water right identification numbers 35-02147 and 35-02149 are hereby changed to 01-2077 and 01-2078
- 2) <<R04>> Use of water under these water rights are subject to control by the watermaster of State Water District No. 01., Snake River and tributaries.
- 3) <<R02>> A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 4) <<R19>> A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- 5) <<T07>> The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 6) <<T08>> Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 7) <<T09>> Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

NOV 08 1991

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 35-2147
35-2149

WATER DISTRICT 01

WATERMASTER R.D. Carlson

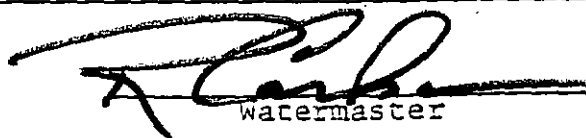
DATE: Aug 2, 1991

COMMENTS: The applicants source
of water is storage he owns or
rents. The proposed change
should present no problem if
the applicant makes acceptable
provisions for proper/adequate data collect

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:


watermaster

RECEIVED
NOV 08 1991

4-30-91
7-5-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 35-02147/35-02149 Applicant Brazo Farms c/o Burleigh Tomchak
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NA
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WDO1 - send copy

FINAL PROCESSING REVIEW BY: _____

RECEIVED
SEP 06 1991

1. Watermaster recommendation requested on _____ Received on _____ Department of Water Resources
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Watermaster Control. Lockable
Control & totalizing measuring device,

4. By RDC Date 9/3/91

Copy sent

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO.'S 35-02147 & 35-02149

Notice is hereby given that Brazo Valley Farms, Roberts, ID, has applied to the Department of Water Resources to change point of diversion of the waters of the Roberts Slough to the Snake River tributary to the Columbia River. The rights sought to be changed are evidenced by licenses and recorded as follows:

LICENSE NO. 35-02147 AMOUNT: 2.0 cfs

SOURCE: Roberts Slough

PRIORITY: 5-24-1949

POINT(S) OF DIVERSION: NESWSE, Sec 33, T 37E, R 5N, Jefferson County

The water is used from April 1 to November 1 to irrigate 220 acres within the NE, W1/2SE, Sec 4, T 4N, R 37E, B.M.

LICENSE NO. 35-02149 AMOUNT: 1.54 cfs

SOURCE: Roberts Slough

PRIORITY: 6-10-1949

POINT(S) OF DIVERSION: NESWSE, Sec 33, T 5N, R 37E, Jefferson County

The water is used from April 1 to November 1 to irrigate 140 acres within the W1/2NE, W1/2SE, Sec 4, T 4N, R 37E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the Snake River within the NESW, Sec 3, T 4N, R 37E, and used to irrigate 220 acres within the NE, W1/2SE, Sec 4, T 4N, R 37E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before August 5, 1991.

R. Keith Higginson
Director

Published in the Jefferson Star on July 18 & 25, 1991.

RECEIVED

NOV 08 1991

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO.'S 35-02147 & 35-02149

Notice is hereby given that Brazo Valley Farms, Roberts, ID, has applied to the Department of Water Resources to change point of diversion of the waters of the Roberts Slough to the Snake River tributary to the Columbia River. The rights sought to be changed are evidenced by licenses and recorded as follows:

LICENSE NO. 35-02147 AMOUNT: 2.0 cfs

SOURCE: Roberts Slough

PRIORITY: 5-24-1949

POINT(S) OF DIVERSION: NESWSE, Sec 33, T 37E, R 5N, Jefferson County

The water is used from April 1 to November 1 to irrigate 220 acres within the NE, W1/2SE, Sec 4, T 4N, R 37E, B.M.

LICENSE NO. 35-02149 AMOUNT: 1.54 cfs

SOURCE: Roberts Slough

PRIORITY: 6-10-1949

POINT(S) OF DIVERSION: NESWSE, Sec 33, T 5N, R 37E, Jefferson County

The water is used from April 1 to November 1 to irrigate 140 acres within the W1/2NE, W1/2SE, Sec 4, T 4N, R 37E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the Snake River within the NESW, Sec 3, T 4N, R 37E, and used to irrigate 220 acres within the NE, W1/2SE, Sec 4, T 4N, R 37E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before August 5, 1991.

R. Keith Higginson
Director

Published in the Jefferson Star on July 18 & 25, 1991.

RECORDED

NOV 08 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

12-Jul-1991

BURLEIGH TOMCHAK

ROBERTS ID 83444

RE: Application No. 35-01247 & 35-02149

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Jefferson Star on July 18 & 25, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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. When a permit is issued, you will be sent a copy. 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,

Harold Jones es
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

NOV 08 1991

November 13, 1954

RE: Permit No. 21092

Mr. Rollo Dutson
Roberts
Idaho

Dear Mr. Dutson:

We enclose License and Certificate of Water Right issued under Permit No. 21092 confirming your right to the use of 2 second feet of water from Roberts Slough with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 5 North, Range 37 East B.M. with priority of May 24, 1949, for irrigation of 220 acres in the NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4, Township 4 North, Range 37 East B.M.

We also enclose departmental receipt No. 27037 for the \$12.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21092

October 27, 1954

RE: Permit No. 21092

Mr. Rollo Dutson
Roberts
Idaho

Dear Mr. Dutson:

The report of our field engineer on examination for beneficial use on Permit No. 21092 shows that you have irrigated 220 acres in the NE¹/₄ and W¹/₄ Section 4, Township 4 North, Range 37 East B.M. out of Roberts Slough under this Permit.

A license can therefore be issued for 2 second foot of water as applied for for use on this land upon receipt of the statutory fee of \$12.00 which is at the rate of \$2.00 for each forty acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21092

REPORT ON PROOF OF Beneficial Use

ROLLO DUTSON, Roberts, Idaho

*2.0 cfs
mark*

app. 20 cfs

*220 acres
6-40's*

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NOV 04 1991
NOV 08 1991

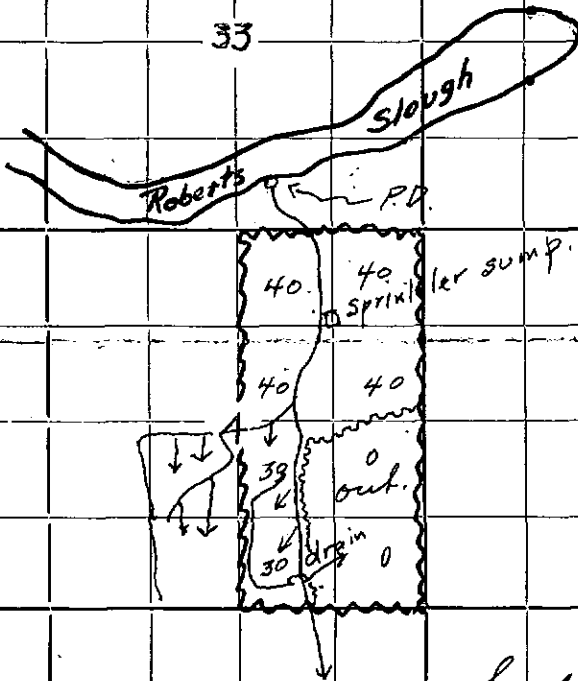
R-37E.

T.
5
N.

33

34

See Permit 21104



3

Subdivisions = Six

Area = 220 acres.

Q = 476 inches.
100 "

NOV 8 1991
full amt of filing

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21092This proof is for Beneficial use In Water District No. _____1. Name of applicant Rollo Dutson, Roberts, Idaho2. Source of water supply: Roberts Slough3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33T. 5 N. R. 37 E. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: Pomona Turbine Pump # 1585 16" bowl 1 stage 16" x 6' columns delivery thru 16" x ^{30'} steel pipe to large concrete head box in ditch 4' in bottom 20 hp G.E. horizontal motor 220V. 50a. 1760 rpm # X H 6957626 mounted vertical. [D] switch, Clark controls mtd in small shed on piling over sump in edge of slough.

5. Water is used for: Irrigation6. 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):

East Half Section 4, Twp. 4 North, Range 37 East, B. M.

The NE $\frac{1}{4}$ of S 4 is irrigated by a sprinkler system. 1/4 mi. 5" main, portable A.I. Two 1/4 mi. laterals # 4" all 6.4 nozzles 1/8 x 3/16" now buying a third lateral. Uses a 30 hp G.E. Motor with a centrifugal Pacific Pump size 5' x 4" all mtd over a sump in center of NE $\frac{1}{4}$. Protected by a wooden house.

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

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

Remarks: _____

Delivery is thru old Blairy Farms Canal60 acres in south irrigated by gravity

NOV 08 1991

This examination was made on the 12 day of Oct, 19 54(Signed) E. N. Humphrey Examiner.

21092

Rollo Dutson

Roberts, Idaho

Permit No. 21092

Examination for Beneficial Use

County Jefferson

33-5N-37E

E = 2.0 cts.

S = Roberts Slough

N.E. 1/4 Sec. 33, T.5N. - R.37E.

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
OCT 22 1954

Department of Reclamation

NOV 08 1954

1/4 mi. 5" portable R. main.
2-1/4 mi. laterals
4x4 7/16"

30 hp. G.A. hor. 200V.
3550 rpm. 73.6A.

W46956572

(Pump: 100' dia 5" x 4")

4' x 6' x 6' 1/2' wood frame
over, deep 7' deep.

G.E. Controls

with 3 lines 38"

Use Irrigation

Priority - Mar. 10, 1952
Done - June 2, 1952
(Reinstated)

o/v 2 12-9-53

October 5, 1954

RE: Permits Nos. 21664, 21104, 21092, 21090

Mr. Rollo Dutson
Roberts
Idaho

Dear Mr. Dutson:

An inspection is required by law in connection with any Permit for the use of water being brought to license in Idaho.

I intend to make inspection on the above numbered Permits on Wednesday, October 13. Please be prepared to accompany me on this inspection or have someone who is familiar with the works do so.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

21092

August 26, 1954

RE: Permits Nos. 21090, 21092,
21004 and 24664

Mr. Rolfe Dutton
Roberts
Idaho

Dear Mr. Dutton:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Higby Star all in proof of Beneficial Use on the above numbered permits.

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

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

We return your receipted bill for cost of publication which you will doubtless wish to keep in your own files.

Very truly yours,

HARRY R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

21092

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss.

I, R. I. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Four consecutive issues thereof; first publication having been made on the

22nd day of *July*, 19*54*

and last publication on the

12th day of *August*, 19*54*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

R. I. Jones

Subscribed in my presence and sworn to before me this *12th*

day of *August*, 19*54*

(SEAL)

Hape B Jones

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires *Jan 30, 1958*

Publication Fee: \$-----

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 16th day of August, 1954, at Roberts, County of Jefferson, State of Idaho, before Arthur Jensen, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Roberts Slough in accordance with the terms and conditions of Permit No. 21092 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Rollo Dutson, Roberts, Idaho.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is 2 cubic feet.

The place where said water is used East Half of Section 4, Township 4 North, Range 37 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is.

The right to take water from such works is based upon Permit No. 21092.

The source of supply from which such water is diverted is Roberts Slough.

The date of priority which said user is prepared to establish is May 24, 1949.

21092 MARK R. KULP,
State Reclamation Engineer.

Publish: Rigby Star.
July 22, 29, August 5, 12, 1954.



21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 26 1954
Department of Reclamation

Permit No. 21092

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Rollo Outson Roberts, Idaho, Farmer

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. 21092 May 24, 1949

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

Ans. Roberts Slough. Is in the SW 1/4 SE 1/4 Section 33
Township 5 North Range 37 East B. M.

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. Parma Pump, 14 inch Discharge with Electric 20 H.P.
Motor Head gate Canal etc.
Capacity of Pump - app. 8 Second Feet.

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. For Irrigation, and meadow and Cultivated.
~~Section 4 Township 4 North~~
Range 37 (East Half of Section 4)

21092

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. Two (2) Second Feet.

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. Present Pump Motor etc installed in June 1952

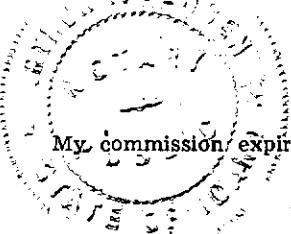
Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign) Rollo Dutton

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 Roberts County of Jefferson

State of Idaho, on this 16th day of August, A. D. 1954



My commission expires

Oct 23, 1956

Robert P. Jensen

21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21092

Proof of Application of Water to Beneficial Use

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 Edilmayer 57 Robert, Idaho, Farmer.

Ques. 2. Are you acquainted with Rollo Dutton, the holder of Permit No. 21092? How long have you known him and where does he reside?

Ans. 20 years
Robert, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21092, 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 conveying water from point of diversion to place of use.

Ans. Roberts Slough, Diversion Point is in the SW 1/4 SE 1/4
Section 33 Township 5 North, Range 37 East B. M.

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

Ans. Two (2)

Ques. 6. 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. For Irrigation and Natural Meadow.
East Half of Section 4 Township 4 North Range
37 East B. M.

21092

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. For Irrigation, Clay Soil Fairly Level
two (2) Second Feet.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. 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. 1949 to 1954 Almond Irrigation
2 ~~feet~~ feet
second.

(Signed) John Edelmayor

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 Roberts

County of Jefferson, State of Idaho, on this 16th day of Aug

A. D. 1954



John P. Jensen
Notary Public.

My commission expires Oct 23, 1954

21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21092

Proof of Application of Water to Beneficial Use

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. T. J. Surman, 46 Farmer Roberts, Idaho

Ques. 2. Are you acquainted with Rollo Dutton, the holder of Permit No. 21092? How long have you known him and where does he reside?

Ans. Yes - 20 years Roberts Idaho

Ques. 3. Have you read or heard read said Permit No. 21092, 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 conveying water from point of diversion to place of use.

Ans. Roberts Slough, Diversion Point is in the SW. 1/4 S.E. 1/4 Section 33 Township 5 North, Range 37 East B. M.

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

Ans. Two (2)

Ques. 6. 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. For Irrigation And Natural Meadow.

East Half of Section 4 Township 4 North Range 37 East B. M.

21092

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. Clay Soil Fairly Level,
Two ~~2~~ ~~feet~~ Second Feet,

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. 7/10

Ques. 10. 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. 1949-to 1954 Flood Irrigation
2 ~~2~~ ~~feet~~ Second Feet,

(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 Roberts

County of Jefferson, State of Idaho, on this 14th day of Aug,

A. D. 1954



My commission expires Oct 23, 1954

Arthur D. Jensen
Notary Public.

RE: Permit No. 21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: July 12, 1954

Rigby Star

Rigby
Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 16, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Rollo Dutson of Roberts 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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21092

July 12, 1954

RE: Permits Nos. 21092, 21104

Mr. Rollo Dutson
Roberts
Idaho

Dear Mr. Dutson:

We are sending to the Rigby Star notices for beneficial use on Permit No. 21092 and 21104 with instructions to publish once a week for four weeks prior to August 16, 1954 and to send you the affidavits of publication together with statement of costs.

At the time set you should appear before Mr. Arthur Jensen, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permits and the work done thereunder for the purpose of executing the enclosed depositions, (one set for each Permit).

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21092

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

(P. O.)

July 2 - 1954
Roberts, 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

The Rigby Star

of

Rigby, Idaho

published in

the county in which the works are situated.

Rolls Dutton

(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.

21092

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10.00 A. M. on the 16th day of August, 1954
at Roberts, County of Jefferson, State of Idaho, before
Arthur Jensen, Notary Public, proof will be submitted of the
application to beneficial use of 2 cubic feet per second of the waters of Roberts Slough
in accordance with the terms and conditions of Permit No. 21092
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Wallo Outson, Roberts, Idaho

The use to which said water has been applied is.....

irrigation

The amount applied to beneficial use is.....

2 cubic feet

The place where said water is used ~~(if for irrigation, give full and accurate description of the~~

land irrigated) East Half of Section 4, Township 4 North,
Range 37 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is.....

The right to take water from such works is based upon Permit No. 21092

The source of supply from which such water is diverted is.....

Roberts Slough

The date of priority which said user is prepared to establish is.....

May 24, 1949

MARK R. KULP

State Reclamation Engineer.

21092

December 10, 1953

RE: Permits Nos. 21092 and 21104

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

We acknowledge receipt of your letter of December 8, 1953, enclosing check for \$10.00 in payment for Certificates of Completion of Works on the above numbered permits in the name of Rollo Dutson.

We enclose Certificate of Completion of Works issued under Permit No. 21092 for the diversion of 2 second feet of water from Roberts Slough, with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 5 North, Range 37 East, B.M., for the irrigation of the E $\frac{1}{2}$ Section 4, Township 4 North, Range 37 East, B.M.

We also enclose Certificate of Completion of Works issued under Permit No. 21104 for the diversion of 5 second feet of water from Roberts Slough, with the same point of diversion, for irrigation and stock water uses on the SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 4, Township 4 North, Range 37 East, B.M.

We also enclose departmental receipt No. 26377 for the \$10.00 fees in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 21092 Under the
Provisions of Section ~~5594, Idaho~~
~~Compiled Statutes~~ 42-311 Idaho Code

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 21092 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 4, 1952; and,

WHEREAS, On the 16th day of March, 1953, ~~1952~~ notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~, 42-311 Idaho Code, ~~Compiled Statutes of Idaho~~, was duly served on the holder of said permit; and,

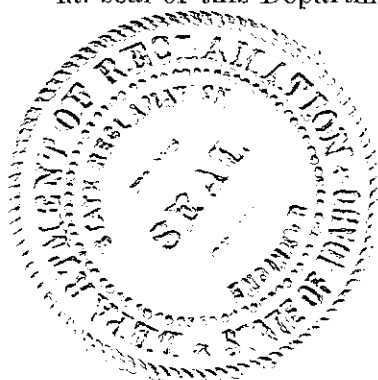
WHEREAS, On the 4th day of April, 1953, ~~1952~~ the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 2nd day of October, 1953, ~~1952~~ depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ Engineer State Reclamation/ of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21092, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21092 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 9th day of December, 1953, ~~1952~~.



Mark R. Kuehl
~~Commissioner of Reclamation~~
State Reclamation Engineer
By _____
Assistant

21092

ST. CLAIR & ST. CLAIR
LAWYERS
HASBROUCK BUILDING
IDAHO FALLS, IDAHO

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

December 8, 1953

RECEIVED
DEC 9 1953
Department of Reclamation

Mark R. Kulp
Department of Reclamation
Boise, Idaho

Re: Rollo Dutson

Attention: Jeanne L. Anderson, Chief Engineer

Dear Sirs:

We are enclosing our check in the amount of \$10.00 and would appreciate your forwarding to us Certificate of Completion of Works for Permit No. 21092 and Permit No. 21104.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR


Gilbert C. St. Clair

GCS:wjr

Enc.

21092

✓
December 1, 1953

RE: Permits Nos. 21092 and 21104

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

On October 6, 1953, we advised you that the above numbered permits in the name of Rollo Dutson would be reinstated and Certificate of Completion of Works issued upon receipt of the statutory fee of \$5.00 each.

To date we have received no reply to this letter and we are therefore bringing the matter to your attention as doubtless Mr. Dutson will wish to have Certificates of Completion of Works issued on these two permits.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21092

October 6, 1953

RE: Permits Nos. 21092 & 21104

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

We acknowledge receipt of your letter of October 1st enclosing depositions of Rollo Dutson and two witnesses in proof of Completion of works on the above numbered permits.

These proofs are acceptable and the permits will be reinstated and certificates of Completion of Works issued upon receipt of the statutory fees of \$5.00 each.

We note what you say in regard to the dates of these permits. Our records show that the priority date on Permit No. 21092 is May 24, 1949 and on Permit No. 21104 June 10, 1949 and the priority on Permit No. 21089 in the name of Mr. L. J. Surerus is May 24, 1949.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re

21092

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21092

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Elbert C. St. Clair, Lumber Dealer, Roberts, Idaho

ST. CLAIR & ST. CLAIR
LAWYERS

HASBROUCK BUILDING

IDAHO FALLS, IDAHO

October 1, 1953

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

RECEIVED
OCT 2 1953
Department of Reclamation

Mark R. Kulp
Department of Reclamation
Boise, Idaho

Attention: Jeanne L. Anderson, Chief Clerk.

Dear Sirs:

We are again forwarding Permit No. 21092, Deposition of Holder, in duplicate, with two supporting witnesses, and Permit No. 21104, Deposition of Holder, together with Deposition of two supporting witnesses.

Note that L. J. Surerus has used the description as the East Half of Section 4 to Permit No. 21104. Actually it does not include the East Half of the Northwest Quarter.

The works were completed prior to June 4th, 1952. Note that Deposition of witnesses do not state that the works were so completed, but that the Deposition of the Holder does so state.

We have corrected the diversion point, which actually was the same point but described from a different quarter.

We hope it will not be necessary to send the Depositions of Witnesses back to Roberts.

L. J. Surerus also has permits on file and which apparently were completed about the same time, and he believes it makes a difference to have one of the permits granted prior to the other, and therefore, Mr. Dutson is agreeable that you wait and grant his permits at the same time you grant those of Mr. Surerus. We are also returning maps showing the point of diversion.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair
Gilbert C. St. Clair

Permit No. 21092**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. S. J. Sagers - Farmer -
Roberts, IdahoQues. 2. Are you acquainted with Wallo Outson, the holder of Permit No. 21092 authorizing the diversion of ~~25~~ 2 second feet of the waters of Roberts Slough, at Roberts for Irrigation purposes? How long have you known him, and where does he reside?Ans. 19 Years - at Roberts, IdahoQues. 3. Have you read or heard read said Permit No. 21092, and are you familiar with its terms and conditions?Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. E 1/2 of Sec 4 Twp 4 R. 37 Clayton
Needs 1 in to acre

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Pomona 16" Turbine Pumps - 20 H. P. Motor
and ditches.
130 H. P. Motor with Rain Maker system(Sign here.) [Signature]

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, at my office in Roberts County of Jefferson, State of Idaho, on this 24th day of Sept, A. D. 1953.

Arthur P. Jensen
21092

September 16, 1953

RE: Permits Nos. 21092 and 21104

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

We acknowledge receipt of your letter of September 10, 1953, enclosing duplicate deposition of Rollo Dutson in proof of completion of works on Permit No. 21092.

If you will refer to office letter addressed you April 28, 1953, you will note that in order to reinstate this permit it will be necessary to furnish depositions of Mr. Dutson and two witnesses stating definitely that the works were completed prior to the due date which was June 4, 1952, on Permit No. 21092.

We return Mr. Dutson's deposition in order that it may be so completed and returned with corroborating depositions of two witnesses on the forms enclosed.

In regard to Permit No. 21104, our records show that this permit is for 5 second feet of water from Roberts Slough for use on the $W\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ Section 4, and the $E\frac{1}{2}$ $NW\frac{1}{4}$ Section 3, Township 4 North, Range 34 East, B.M., whereas Permit No. 21092 is for only 2 second feet of water for use on the $E\frac{1}{2}$ of Section 4.

We also note that Question 3 of Mr. Dutson's deposition gives a different point of diversion than that described in the permit. The permit gives the point of diversion in the $SW\frac{1}{4}$ $SE\frac{1}{4}$ Section 33, Township 5 North, Range 37 East, B.M., instead of the $NW\frac{1}{4}$ $NE\frac{1}{4}$ Section 4, Township 4 North, Range 37 East, B.M. If there has been a change in the point of diversion, the permit should be amended by submitting the form enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21092

ST. CLAIR & ST. CLAIR
LAWYERS
HASBROUCK BUILDING
IDAHO FALLS, IDAHO

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

September 10, 1953

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permits Nos. 21092 and 21104

Attention: Jeanne L. Anderson, Chief Clerk

Dear Sirs:

Enclosed please find Proof of Completion of Works, Deposition of Owner, Permit No. 21092.

We realize that Mr. Dutson also had filed under Permit No. 21104, but in checking the descriptions, find that the East Half of the Northwest Quarter of Section Three is the only property differing from the property described in No. 21092 and that this different property is owned by another party, so if we are correct in this assumption, Mr. Dutson should only proceed with his Permit No. 21092.

If everything is in order, would you kindly issue the permit.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair
Gilbert C. St. Clair

GCS:wjr

Enc.

RECEIVED
SEP 11 1953
Department of Reclamation

5-015-

21104
W²NE-S⁴ 4
E²NE 3 - 4-37

21092

PERMIT NO. 21092

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Rollo Dutson, Roberts, Idaho, Farmer, Roberts, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 21092 two Second feet, Roberts slough, 1100 Feet from the SW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 5 North, Range 37 and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation purposes, 320 acres, E $\frac{1}{2}$ Section 4, Township 4, Range 37, N.B.M. North,

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, June 9th, 1952

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes Prior to June 4th, 1952

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The works at the Roberts Slough include 120 HP induction motor, 3-5 DVA Transformers and one 16 inch pull motor pump. There is also included in this project for sprinkling purposes 130 HP Pacific Pump and sprinkling equipment for 160 acres. \$9,500.00

(Sign here.)

Rollo Dutson

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 Idaho Falls,

County of Bonneville, State of Idaho, on this 9th day of September A. D. 1953.

Robert O. O'Leary
Notary Public.

My Commission expires 11-26-53

21092

PERMIT NO. 21092

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Rollo Dutson, Roberts, Idaho, Farmer, Roberts, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 21092 two Second feet, Roberts slough, 1100 Feet from the SW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 5 North, Range 37 and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation purposes, 320 acres, E $\frac{1}{2}$, Section 4, Township 4, Range 37, E.B.M. North,

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, June 9th, 1952

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes Prior to June 4th, 1952

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The works at the Roberts Slough include 120 HP induction motor, 3-5 DVA Transformers and one 16 inch pull motor pump. There is also included in this project for sprinkling purposes 130 HP Pacific Pump and sprinkling equipment for 160 acres. \$9,500.00

(Sign here.)

Rollo Dutson

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 Idaho Falls,

County of Bonneville, State of Idaho, on this 9th day of September A. D. 1952.

Sylvester O. Ober

Notary Public.

My Commission expires 11-26-53

21092

✓
July 23, 1953

RE: Permits Nos. 21092 and 21104

Messrs. St. Clair & St. Clair
Hesbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

We have your letter of July 21, 1953, in regard to the above numbered permits assigned to Rollo Dutson from John Woodruff, and note that Mr. Dutson is prepared to make proof of completion of works.

We can therefore hold the matter for a reasonable length of time awaiting your further advice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

W:fg

21092

ST. CLAIR & ST. CLAIR
LAWYERS
HASBROUCK BUILDING
IDAHO FALLS, IDAHO

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

July 21, 1953

RECEIVED
JUL 22 1953
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Attention: Jeanne L. Anderson, Chief Clerk.

Dear Miss Anderson:

We have your letter of July 17th in reference to Permits No. 21092 and 21104, formerly John Woodruff and now Rollo Dutson.

We note that you state a discrepancy in the descriptions of the Deed to Mr. Dutson and the Permits. In checking this, apparently Permit No. 21092, which covers the East Half of Section 4, is all of the property that Mr. Dutson would be allowed to take proof on on the basis of these applications. From your letter it would appear that the Southeast Quarter and the West Half of the Northeast Quarter of Section 4 is also a basis for Permit No. 21104 and would be overlapping.

Mr. Dutson is attempting at this time to straighten out these Permit descriptions, but definitely wishes to proceed with his proofs. Everything has been completed and we are at present making up the final proofs. As you have the applications there showing the point of diversion, it may be that we will have to leave that question blank and authorize you to fill it in when forwarded to you.

We would appreciate your holding this open for us. Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair
Gilbert C. St. Clair

GCS:mw

21092

✓
July 17, 1953

RE: Permits Nos. 21092 and 21104

St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

It was our understanding when you submitted evidence of change of ownership of the above numbered permits from John P. Woodruff to Rollo Dutson, that Mr. Dutson was prepared to make proof that the works were completed on or before June 4, 1952, since these permits were held for cancellation for failure to make such proof.

This matter cannot be held open indefinitely, and unless satisfactory proofs are made within a reasonable time, final order of cancellation will have to be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21092

21092

ST. CLAIR & ST. CLAIR
LAWYERS

HASBROUCK BUILDING

IDAHO FALLS, IDAHO

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

April 30, 1953

Mark R. Kulp, State Reclamation Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Sirs:

Enclosed please find our check in the amount of \$2.50 for the recording of the John P. Woodruff Decree and Lulu Woodruff Deed to Rollo Dutson, re permit 21092 and 21104.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair
Gilbert C. St. Clair

RECEIVED
MAY 1 1953
Department of Reclamation

GCS:wjr
Enc.

R 25876

by St. Clair
21092

April 28, 1953

RE: Permits Nos. 21092 and 21104

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATTENTION: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

We return herewith copy of the Decree of Distribution of the estate of John P. Woodruff, also Quit Claim Deed from Lulu M. Woodruff to Rollo Dutson, both of which have been recorded in this Department.

However, it was not necessary to record the Decree of ^{Distribution} Deposition in full, so the recording fees will only amount to \$2.50. We, therefore, return your check for \$4.20, for which please substitute one for \$2.50.

The land description given in these two instruments is not exactly the same as in the permits, and possibly the present owner may wish to make some amendments to the permits before final proofs are made.

For your information, the land described in Permit No. 21104: E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 3, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 4, Township 4 North, Range 37 East, B.M.

The land described in Permit No. 21092 is the E $\frac{1}{2}$, Section 4, Township 4, Range 37 East, B.M.

Permit No. 18078, also in the name of John P. Woodruff, for 4 second feet of water from Roberts Slough, describes the following land to which the water is to be appurtenant: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; Lots 4 and 5, Section 34, Township 5 North, Range 37 East, B.M., and the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 3, Township 4 North, Range 37 East, B.M.

21092

Completion of works proof was made on this permit May 23, 1949, but proof of Beneficial use, which was due May 22, 1950, has not been made.

Proof of completion of works on Permits Nos. 21092 and 21104 can now be made by having Mr. Dutton and two witnesses execute the enclosed forms of depositions for each permit, describing the works and stating definitely that they were completed within the limit given in the permits. That is June 4, 1952 on Permit No. 21092, and June 22, 1952 on Permit No. 21104.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cp
Enc.

21092

ST. CLAIR & ST. CLAIR
LAWYERS

HASBROUCK BUILDING
IDAHO FALLS, IDAHO

April 25, 1953

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

RECEIVED
APR 27 1953
Department of Reclamation

Mark R. Kulp, State Reclamation Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Sirs:

Enclosed please find copy of Decree of Final Distribution in the Estate of John P. Woodruff, and Quit Claim Deed between Lulu M. Woodruff, widow of John P. Woodruff, and Rollo Dutson, a married man, which we failed to include in our letter of April 22, 1953, through inadvertence.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair 21092
Gilbert C. St. Clair

GCS:wjr
Enc.

April 24, 1953

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

Your letter of April 22, 1953, enclosing check for \$4.20 for recording Decree of Final Distribution in the estate of John P. Woodruff reached us yesterday, but the certified copy of the decree was not enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

210

21092

ST. CLAIR & ST. CLAIR
LAWYERS

HASBROUCK BUILDING

IDAHO FALLS, IDAHO

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

April 22, 1953

Mark R. Kulp, State Reclamation Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

Re: Rollo Dutson, Roberts, Idaho - John
P. Woodruff Permit No. 21902, 21104

Dear Sirs:

Enclosed please find certified copy of the Decree of Final Distribution in the estate of John P. Woodruff, decreeing all of the property, including the property on which this water right is claimed, to Lulu M. Woodruff, widow of John P. Woodruff, deceased, to Rollo Dutson. We note that on completion of your recording, you will return both the Deed and Decree to us. We note that the Quit Claim Deed is the one recorded here and also this is our Decree of Distribution which has been recorded.

*no
enclosure*

We are enclosing our check for \$4.20 which should be \$.20 per folio.

Will you kindly notify us as to when we can have Mr. Dutson make his final proof and of the other steps we have to take in procuring this water right.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair
Gilbert C. St. Clair

GCS:wjr

Enc.

RECEIVED
APR 23 1953
Department of Reclamation

21092

21092 April 16, 1953

RE: Permits Nos. 21902 and 21104

Messrs. St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Mr. Gilbert C. St. Clair

Dear Mr. St. Clair:

Reference is made to your letter of April 15, 1953, in regard to the above numbered permits in the name of John P. Woodruff but which you state are now owned by Rollo Dutson.

In order to have the chain of title complete, it will be necessary to record the Decree of Distribution of John P. Woodruff's estate transferring these permits to Mrs. Woodruff and a copy of the deed from Mrs. Woodruff to Mr. Dutson.

After these instruments are recorded in this office, they will be returned to you and Mr. Dutson can then proceed to make his proof of completion of works. There is a small fee for recording these instruments. It is at the rate of 25 cents per folio.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21092

ST. CLAIR & ST. CLAIR
LAWYERS

HASBROUCK BUILDING
IDAHO FALLS, IDAHO

April 15, 1953

CLENCY ST. CLAIR
ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR

RECEIVED
APR 16 1953
Department of Reclamation

Mark R. Kulp, State Reclamation Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Sirs:

Mr. Rollo Dutson of Roberts, Idaho, has handed us forms for completion of works in reference to permit No. 21902 and 21104, taken out originally by Mr. John P. Woodruff.

We note that your letter to him asks that the Assignments also enclosed from Mrs. Woodruff to Mr. Dutson be obtained and copy of the Decree of Distribution in the estate of Mr. Woodruff.

Please be advised that we can furnish you the Decree of Distribution of the estate of John P. Woodruff as we probated that estate.

However, since that time, Mrs. Woodruff, ^{resident} who was a/ of Iowa, died, but prior to her death, the particular property in question was sold to Mr. Dutson and we handled the sale.

Being unable to obtain the Assignment, we are of the opinion that the claims filed by Mr. Woodruff would inure to the benefit of the purchaser, Mr. Dutson. Would it be possible for us to proceed on this basis? We do not see that obtaining a Decree of Distribution in the estate of Mr. Woodruff would be of any value for the property was deeded prior to her death. You may, however, require a death certificate.

Mr. Dutson states that he had completed his works a month prior to June 4th, 1952, but the Utah Power & Light Company did not turn on the power until June 9th, 1952 and he does not wish to state everything completed by June 4th, 1952 if that will make a difference.

Would you please advise us as to these matters.

Thanking you, we are

Yours very truly,

ST. CLAIR & ST. CLAIR

Gilbert C. St. Clair
Gilbert C. St. Clair

GCS:wjr

21092

April 8, 1953

RE: Permits Nos. 21092 and 21104

Mr. Rollo Dutson
Box 295
Roberts, Idaho

Dear Mr. Dutson:

We have your letter of March 31, 1953, in reply to registered notices that the above numbered permits in the name of John P. Woodruff were being held for cancellation.

If the works have been completed, we can accept depositions of yourself and two witnesses to that effect made on the forms enclosed, being sure you state definitely under Question 6 that the works were completed prior to the due dates of June 4, 1952 on Permit No. 21092 and June 22, 1952, on Permit No. 21104.

These should be accompanied by an assignment of these permits from Mrs. Woodruff to you, and a copy of the decree of distribution or other instruments showing that Mrs. Woodruff became the owner of same upon the death of her husband.

It will not be necessary for you to make a special trip to Boise, as we think this matter can be taken care of by correspondence, although we shall be glad to see you personally if you do decide to make the trip.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21092

RECEIVED
APR 4 1953
Department of Reclamation

Box 295

Roberts, Idaho.

March 31-1953.

State of Idaho.

Dept of Reclamation.

Boise Idaho.

Attention Mark R. Kulp.

Dear Sir:

I just received Permit no - 21092 -

And Permit no - 21104. which you are Pending Cancellation, they are in John P. Woodruff's name.

I purchased this property with the water rights from Mrs. ^{Sublet} Woodruff in September 1951. (John P. Woodruff is deceased).

Please do not cancel these permits -

I am ready for completion of works on all of them.

I had 3 Pumps - running all last summer 1952 - and have spent thousands of dollars improving this land.

I will be in Boise in about 10 days -

and try and bring what information I will need to get this straightened out first hand.

Mrs. S. J. Sururus is on the same slough so we will try & have her come to Boise to get this cleared up -

Very Truly,
Rollo Dutton.

21092

Post Office Department
OFFICIAL BUSINESS

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

STATE OF IDAHO
DEPARTMENT OF REGISTRATION
BOISE, IDAHO



Return to _____

(NAME OF SENDER)

Street and Number,
or Post Office Box, }

REGISTERED ARTICLE

No. 87375

INSURED PARCEL

BOISE,

IDAHO.

No. _____
16-12421-1

16-12421-1

21092

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

1 John P Woodruff
(Signature or name of addressee)

2 By Ralph E Woodruff
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 3-19-, 1953

Robert Ida

21092

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

March 16

1953

Re: Permit No. 21092

To: Mr. John P. Woodruff
Roberts, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21092
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of works June 4, 1952

you are hereby notified in compliance with Sec. 42311 Idaho Code annotated that said Permit No. 21092
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21092 claims the use of Two cubic feet per second of the
waters of Roberts Slough with point of diversion located
in the SW 1/4 SE 1/4 Section 33, Twp. 5 N., Range 37 E., E.M., and
was approved June 1, 1949

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
16th day of March 1953

Mark R. Kulev
State Reclamation Engineer.

By Assistant.

21092

DEPARTMENT OF RECLAMATION

Mr. John P. Woodruff

BOISE

April 4, 1952

Roberts, Idaho

Dear Sir:

Under the terms of your permit No. 21092 you are required to complete your diversion works and make proof of beneficial use on or before June 4, 1952.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is June 4, 1952, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

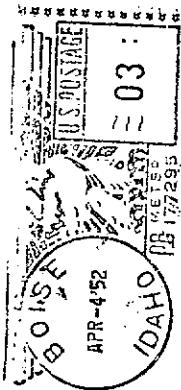
MARK R. KULP

State Reclamation Engineer

21092

AFTER 5 DAYS, RETURN TO
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

STRIKE BACK AT CANCER
GIVE
AMERICAN CANCER SOCIETY



RETURN TO WRITER
PERSON FOR NON-DELIVERABLE

For help
address
vice

Mr. John P. Woodruff
Rebents
Idaho

Rebents

21092

21092

June 21, 1949

Re: Permits Nos. 21090 and 21092

Mr. L. J. Surerus
Roberts, Idaho

Dear Mr. Surerus:

We are returning herewith, Permit No. 21090 in the name of Rollo Watson and 21092 in the name of John P. Woodruff, in which the land description has been amended in accordance with your letter of June 14, 1949.

Very truly yours,

MARK R. GULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

Note: See letter from Mr. Surerus in file 19879.

21092

June 9, 1949

Re: Permits Nos. 21089, 21090, 21091,
21092, and 21093.

Mr. L. J. Garofano
Roberts, Idaho

Dear Mr. Garofano:

We enclose herewith the following permits,
together with Departmental Receipts for the statutory
filing fees:

No. 21089 -- L. J. Garofano.

No. 21092 -- Noble Jackson.

No. 21091 -- John Helms.

No. 21093 -- John V. Goodcraft.

No. 21090 -- Charles Arthur Nelson.

We are not sure whether all these were to be
sent to you or to the different individuals, but as we
understand you are looking after the matter, we are send-
ing them all to you to handle as you think best.

Very truly yours,

WILLIAM A. GALT
State Reclamation Engineer
BY

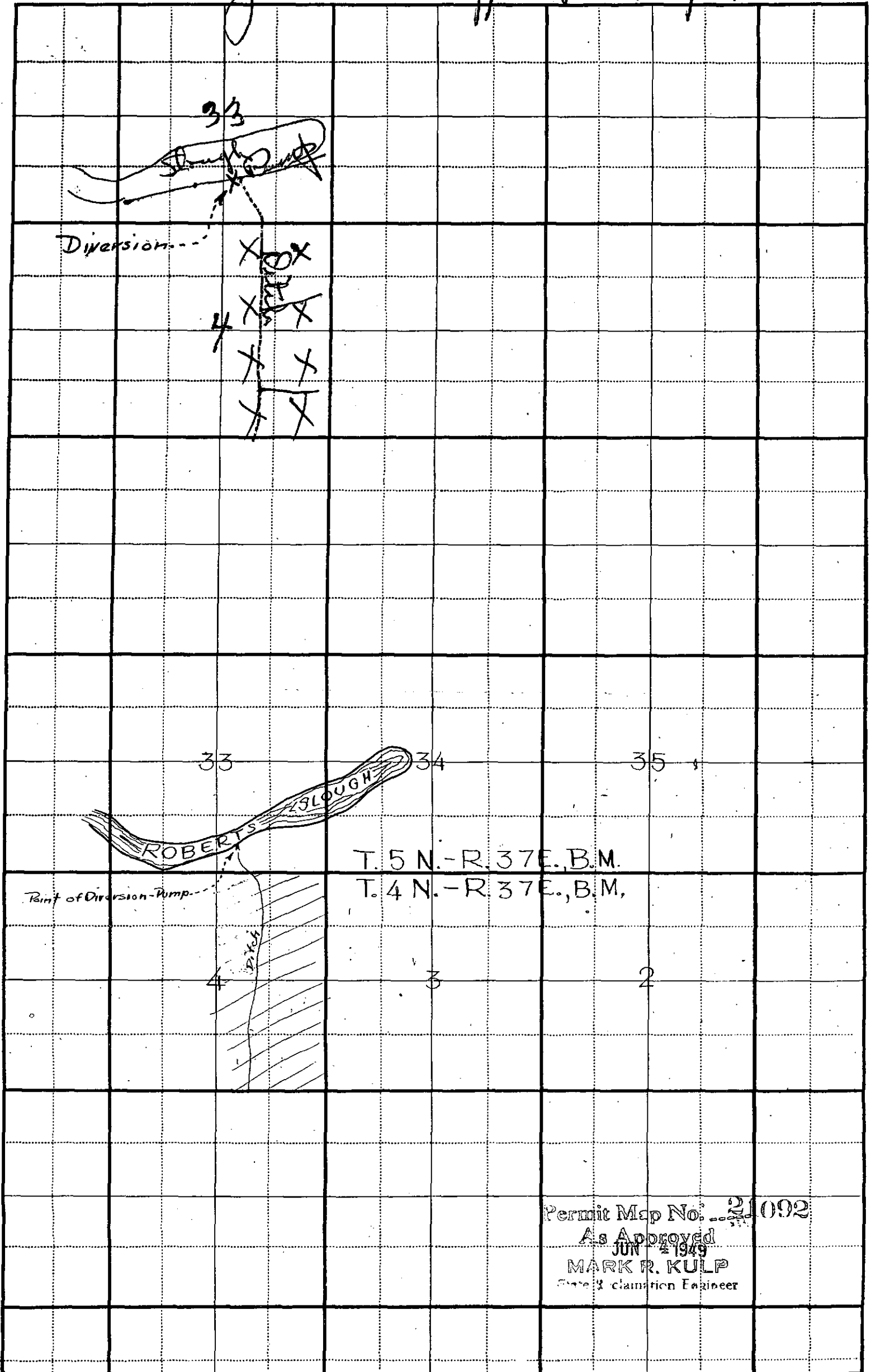
Chief Clerk

A:DH
Enc.

21092

NAME OF APPLICANT

John P. Woodruff, Inc. N. Panga 37E FORM No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

21092