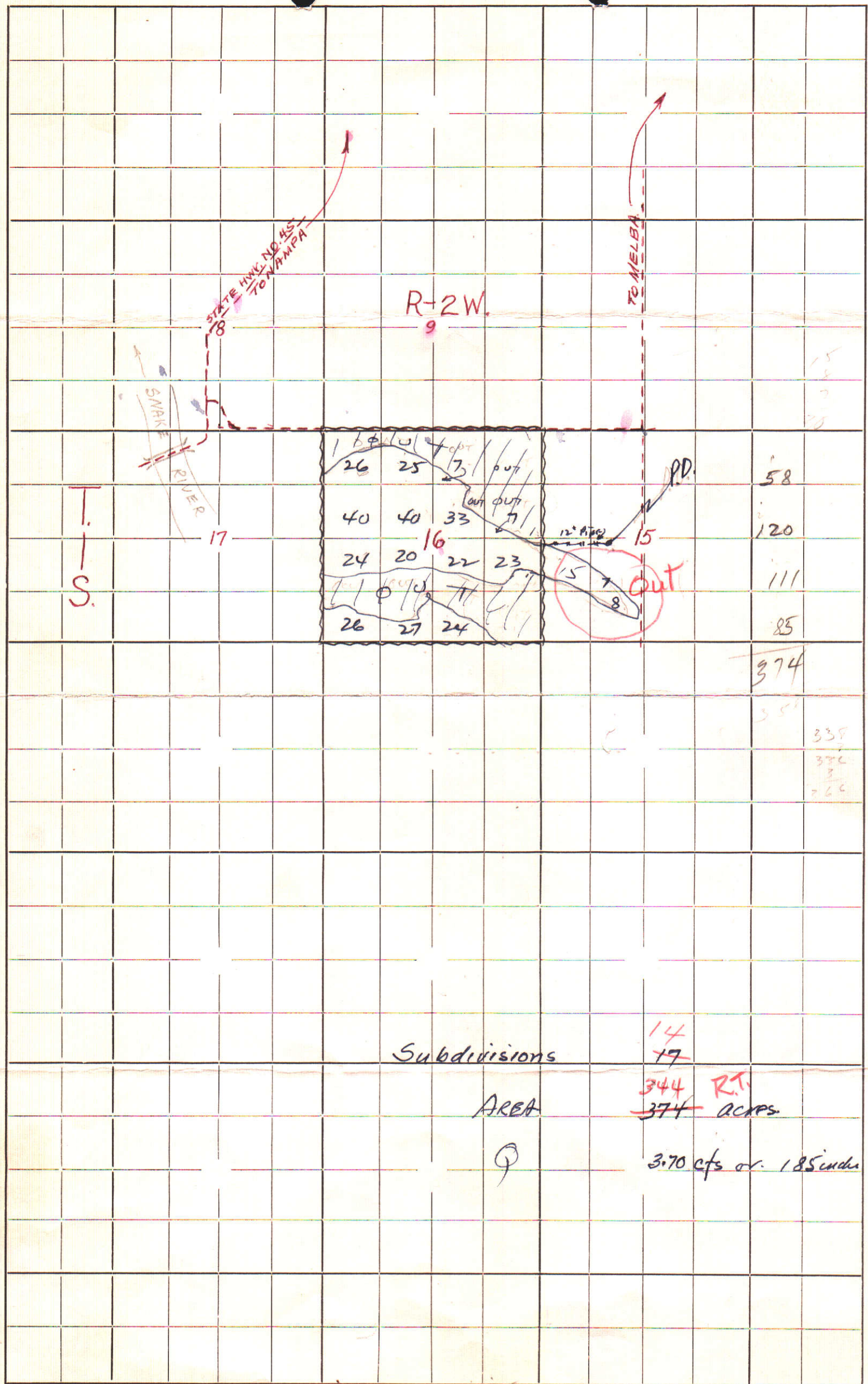




Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

85  
20

26657

RECEIVED  
MAR 19 1962

Department of Reclamation  
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

Hazel Davis  
of Caldwell, Canyon County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the principal clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive week prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

December 2, 9, 16 and 23, 1961

Hazel Davis

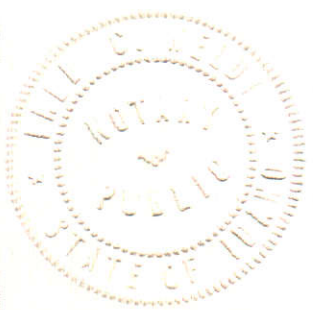
Subscribed and sworn to before me this 23rd

day of December, 19 61

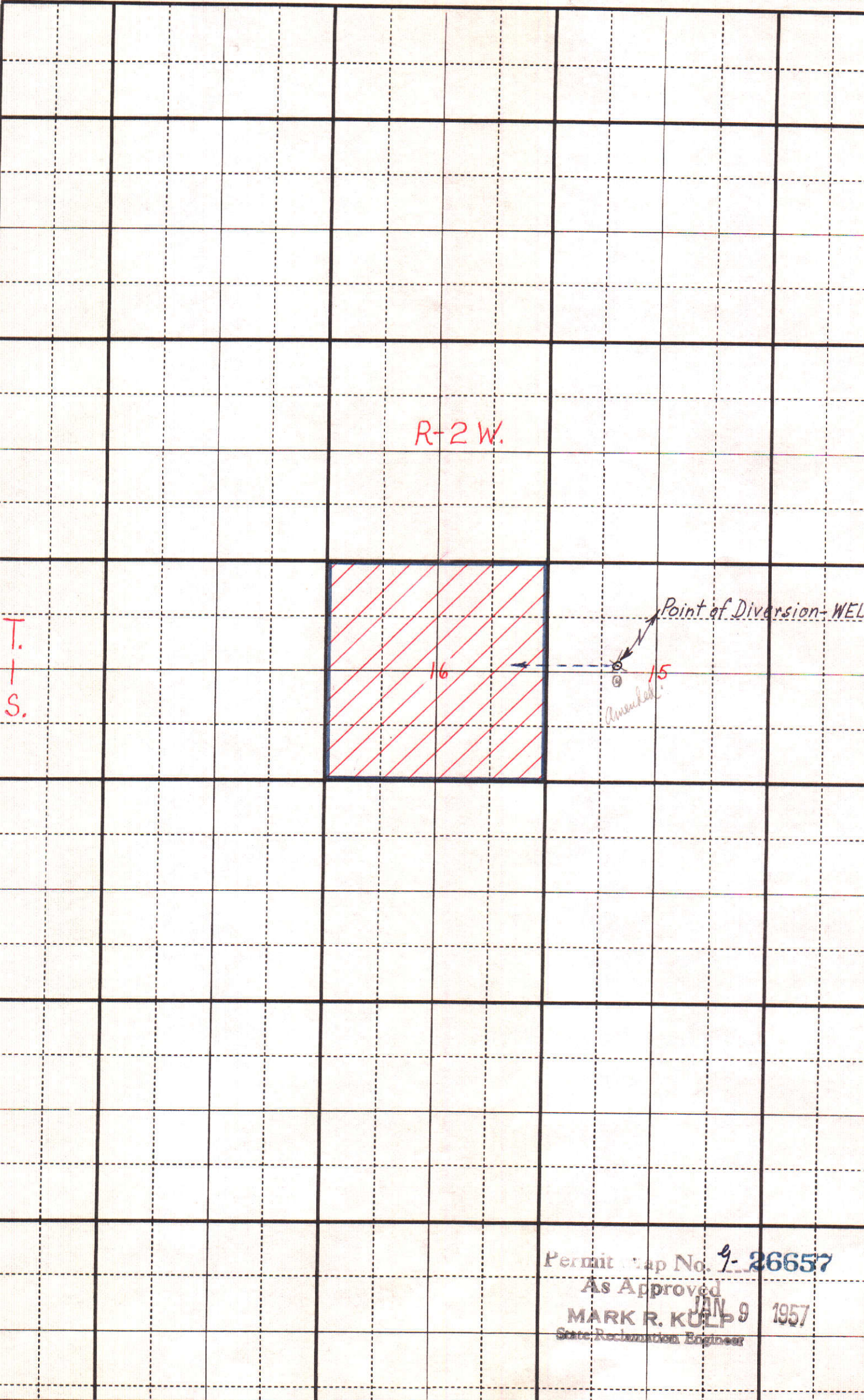
Fred C. Heldt  
Notary Public, Residing at Caldwell, Idaho.

My Commission Expires October 31, 1965

NOTICE OF PROOF OF  
COMPLETION OF WORKS  
and  
APPLICATION OF WATER  
TO BENEFICIAL USE  
Notice is hereby given that at 10 a.m., on the 15th day of March, 1962, at Boise, County of Ada, State of Idaho, before Harley H. McDowell, Notary Public, at 329 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26657, heretofore issued by the Department of Reclamation of the State of Idaho.  
1. The name and postoffice address of the person or corporation holding said permit is Crystal R. and Edward T. Evans, 2074 W. Macon, Decatur, Ill., by Rex S. Jensen, Route 1, Melba, Idaho.  
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 12.8 cubic feet per second.  
3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.  
4. The point of diversion of said water is SE1/4NW1/4, Section 15, T1S-R2W., B.M., Idaho.  
5. The place where said water is used is All, Sec. 16, T1S-R2W., B.M., Idaho.  
6. The date of priority which said user is prepared to establish is 12-27-56.  
GEO. N. CARTER 26657  
State Reclamation Engineer  
Dec. 2-9-16-23, 1961



26657



Permit Map No. 9-26657  
As Approved  
JAN 9 1957  
MARK R. KULP  
State Reclamation Engineer

OF APPLICANT

*Augusta R. Evans* *Edmund* *Evans*  
Form No. 0

15 27

✓ ✓ ✓ ✓  
✓ ✓ ✓ ✓  
16  
✓ ✓ ✓ ✓  
✓ ✓ ✓ ✓

Wall  
15"

Permit Map No. <sup>9</sup>26657  
As Approved  
MARK R. KULP  
State Reclamation Engineer  
JAN 9 1957

# State of Idaho

## License and Certificate of Water Right

Water License No. G-26657Amount 3.70 c.f.s.

Water District No. \_\_\_\_\_

Priority December 27, 1956

THIS IS TO CERTIFY that CRYSTAL R. EVANS, and EDWARD T. EVANS  
 of Melba, Idaho, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated December 27, 1956; that Permit No. G-26657  
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
3.70 second feet, was issued thereunder on June 27, 19 62, showing that said works  
 were completed on the 15th day of March, 19 62; and that on the 15th  
 day of March, 19 62, CRYSTAL R. EVANS, and EDWARD T. EVANS  
 of Melba, State of Idaho, made proof to the satisfaction of the  
 State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow , for the purpose of irrigation & domestic  
 use , under Use Permit No. G-26657 of the Department of Reclamation  
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
12 of Licenses at page 7314, on the 27 day of June, 19 62;  
 The right hereby confirmed dates from December 27, 19 56;

The Point of Diversion is located  
 in the NE 1/4 SW 1/4, Sec. 15, Twp. 1 S, R. 2 W, B. M. Canyon County  
 That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
 not exceed 3.70 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|----------------------------------------|----------------------------------|---------------------------------|
| 1 S  | 2 W   | 16   | NW 1/4 NE 1/4                          | 40                               | 7                               |
|      |       |      | SW 1/4 NE 1/4                          | 40                               | 33                              |
|      |       |      | SE 1/4 NE 1/4                          | 40                               | 7                               |
|      |       |      | NE 1/4 NW 1/4                          | 40                               | 25                              |
|      |       |      | NW 1/4 NW 1/4                          | 40                               | 26                              |
|      |       |      | SW 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |      | SE 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |      | NE 1/4 SW 1/4                          | 40                               | 20                              |
|      |       |      | NW 1/4 SW 1/4                          | 40                               | 24                              |
|      |       |      | SW 1/4 SW 1/4                          | 40                               | 26                              |
|      |       |      | SE 1/4 SW 1/4                          | 40                               | 27                              |
|      |       |      | NE 1/4 SE 1/4                          | 40                               | 23                              |
|      |       |      | NW 1/4 SE 1/4                          | 40                               | 22                              |
|      |       |      | SW 1/4 SE 1/4                          | 40                               | 24                              |
|      |       |      | Total number of acres to be irrigated: |                                  |                                 |

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

27th day of June, 19 62.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

63 3099

63-3011

# APPLICATION FOR PERMIT

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

Application No. G- 34583  
Permit No. G- 26657  
District No.

Rex S. Jensen  
Route #1  
Melba, Idaho

1. Name of Applicant: CRYSTAL R. EVANS, and EDWARD T. EVANS  
Postoffice address: Melba County: Canyon State: Idaho
2. Quantity of water claimed: 12.8 c. f. s.  
(a) Rate of withdrawal in cubic feet per second. 12.8 or Idaho  
Miners' inches 640 or gallons per minute.  
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow, well
4. Location of point of diversion or well is in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 15  
Twp. 1 S., Rge. 2 W., B.M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:  
(a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.  
(b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump, and ditches, and pipe-line
8. Estimated cost of works: \$10,000.00
9. (a) Is reservoir to be used?  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five years.
11. If applicant is a corporation, give:  
I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:  
II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None  
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.  
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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

CRYSTAL R. EVANS and EDWARD T. EVANS      Applicant.

By    /s/   Rex S. Jensen      Agent.

Date of first receipt at Department of Reclamation: 11:30 A.M. December 27, 1956

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G-26657

Recorded in Book 94 Page 26657 Approved January 9, 1957

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

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

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

One-fifth of the work above specified to be completed on or before July 9, 1959

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 9, 1962.

Witness my hand this 9th day of January, 1957

MARK R. KULP  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of January, 1957.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG

By ROBERT E. SMYLIE

Governor

Secretary of State.

12.

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 1 S. | 2 W.  | 16   | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 640    |

Application for Amendment  
POINT OF DIVERSION  
Permit No. G-26657

Comes now Chrystal R. & Edward T. Evans by Rex S. Jensen and represent to the State Reclamation Engineer of the State of Idaho: That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. G-26657. That the point of diversion is described in said Permit as being located: SE 1/4 NW 1/4, Sec. 15, T1S-R2W., B.M.

That they now request that the point of diversion be changed to a point located: NE 1/4 SW 1/4, Sec. 15, T1S-R2W., B.M.

That the reason for desiring to make such change is as follows: More feasible well site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 15th day of March, 1962.

/s/ Rex S. Jensen

Date of Receipt at Department of Reclamation: March 19, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Carl E. Tappan, Assistant State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and fore-going application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-26657. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: March 20, 1962

/s/ Carl E. Tappan,  
Assistant State Reclamation Engineer

Permit No. G-26657  
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CRYSTAL R. EVANS, and EDWARD T. EVANS of Melba, County of Canyon, and State of Idaho, the holders of Permit No. G-26657, issued upon Application No. G-34583 bearing date of priority of December 27, 1956, authorizing the diversion of 12.8 second feet of waters of a well County of Canyon, State of Idaho, for Irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.70 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15, T. 1 S., R. 2 W., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 344 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16, T. 1 S., R. 2 W., B.M.

Witness my hand this 27th day of June, A. D. 1962.

/s/ RALPH W. THOMAS  
Deputy State Reclamation Engineer

Proof of Completion of Works Made: March 15, 1962

LICENSE ISSUED FOR 3.70 SEC. FL.  
page 73/4

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5356  
WATER RIGHT NO(S). 63-02712/63-02955/63-03099/63-07814

This is to certify that: TOM KASPER  
3349 HILL RD  
MELBA ID 83641

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u>          | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|--------------------------------|----------------------|-----------------------|----------------------|
| Right No. 63-02712 :           |                      |                       |                      |
| Priority: 06/07/1950           |                      |                       |                      |
| IRRIGATION                     | 03/15 to 11/15       | 1.62 CFS              | 790.5 AF             |
| STOCKWATER                     | 01/01 to 12/31       | 0.18 CFS              | 87.8 AF              |
| COMMERCIAL                     | 01/01 to 12/31       | 0.18 CFS              | 87.8 AF              |
| SUBTOTAL:                      |                      | 1.80 CFS              | 878.3 AF             |
| Right No. 63-02955 :           |                      |                       |                      |
| Priority: 08/27/1953           |                      |                       |                      |
| IRRIGATION                     | 03/15 to 11/15       | 4.44 CFS              | 1597.5 AF            |
| STOCKWATER                     | 01/01 to 12/31       | 0.56 CFS              | 134.0 AF             |
| COMMERCIAL                     | 01/01 to 12/31       | 0.56 CFS              | 134.0 AF             |
| SUBTOTAL:                      |                      | 5.00 CFS              | 1731.5 AF            |
| Right No. 63-03099 :           |                      |                       |                      |
| Priority: 12/27/1956           |                      |                       |                      |
| IRRIGATION                     | 03/15 to 11/15       | 3.70 CFS              | 1548.0 AF            |
| Right No. 63-07814 :           |                      |                       |                      |
| Priority: 06/19/1973           |                      |                       |                      |
| STOCKWATER                     | 01/01 to 12/31       | 0.32 CFS              | 42.9 AF              |
| COMMERCIAL                     | 01/01 to 12/31       | 0.32 CFS              | 42.9 AF              |
| SUBTOTAL:                      |                      | 0.32 CFS              | 42.9 AF              |
| IRRIGATION TOTAL:              |                      | 9.76 CFS              | 2029.5 AF            |
| STOCKWATER & COMMERCIAL TOTAL: |                      | 1.06 CFS              | 134.0 AF             |
| TRANSFER TOTAL:                |                      | 10.82 CFS             | 2163.5 AF            |

PROFILMED

TRANSFER NO. 5356  
WATER RIGHT NO(S) . 63-02712/63-02955/63-03099/63-07814

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01S, Range 02W  
SENW , Sec. 15, Township 01S, Range 02W  
CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 01S                              | 02W        | 15         | NWSW 5       |              |              | 5            |
|                                  |            | 16         | NWNE 12      | SWNE 40      | SENE 27      |              |
|                                  |            |            | NENW 30      | NWNW 30      | SWNW 40      |              |
|                                  |            |            | SENW 40      | NESW 30      | NWSW 25      |              |
|                                  |            |            | SWSW 26      | SESW 27      | NESE 30      |              |
|                                  |            |            | NWSE 40      | SWSE 24      |              | 421          |
|                                  |            | 26         | SWNW 10      |              |              | 10           |
|                                  |            | 27         | NENE 15      |              |              | 15           |
| Total number of acres irrigated: |            |            |              |              |              | 451          |

PLACE OF USE: STOCKWATER

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> |      |      |      |
|------------|------------|------------|------|------|------|
| 01S        | 02W        | 22         | NENW | SENW | NWSE |
|            |            | 27         | NENE |      |      |

PLACE OF USE: COMMERCIAL

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> |      |      |      |
|------------|------------|------------|------|------|------|
| 01S        | 02W        | 15         | NWSW |      |      |
|            |            | 16         | NWNE | SWNE | SENE |
|            |            |            | NENW | NWNW | SWNW |
|            |            |            | SENW | NESW | NWSW |
|            |            |            | SWSW | SESW | NESE |
|            |            |            | NWSE | SWSE |      |
|            |            | 26         | SWNW |      |      |
|            |            | 27         | NENE |      |      |

CONDITIONS OF APPROVAL AND REMARKS

Rights 63-02712, 63-02955, 63-03099 and 63-07814 are subject to the conditions of the Final Order in the matter of Application for Transfer 5356.

Dated this 15<sup>th</sup> day ofJuly, 1999

*J. Glen Saylor*

Chief, Water Allocation Bureau

MICROFILMED

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR )  
TRANSFER NO. 5356 (WATER RIGHT NOS. )  
63-02712, 63-02955, 63-03099, & 63-07814) )  
IN THE NAME OF TOM KASPER )  
\_\_\_\_\_)

**PRELIMINARY ORDER**

Tom Kasper filed application for transfer no. 5356 with the Idaho Department of Water Resources (IDWR). The application was protested by Ken Omundson, Kyle Winnicki, and Curt &/or Jerry Hensley. A hearing was conducted on April 27, 1998. Kyle Winnicki withdrew his protest prior to the hearing. Tom Kasper appeared at the hearing and was represented by Bruce M. Smith. Ken Omundson appeared and was represented by Chas. F. McDevitt. Curt & Jerry Hensley appeared representing themselves.

After reviewing data referred to in Tom Kasper's presentation of evidence, the hearing officer notified the parties he would consider data from AGRIMET stations located at Parma, Grand View, and Nampa. The hearing officer also notified the parties he would consider consumptive use data developed by Allen and Brockway. The hearing officer granted the parties until June 25, 1999, to submit additional information and granted until July 7, 1999, to request a hearing to augment the record. Bruce Smith, Tom Kasper's attorney, and Sherl Chapman, a consultant hired by Tom Kasper, submitted additional information. A hearing to augment the record was not requested.

IDWR finds, concludes, and orders as follows:

**FINDINGS OF FACT**

1. Tom Kasper (Kasper) filed application for transfer no. 5356 with IDWR, seeking to change the point of diversion, place of use, nature of use, and period of use for water right license nos. 63-02712, 63-02955, 63-03099, and 63-07814. Summaries of the water rights are attached to this decision as Attachment A.

2. The application for transfer proposes to retire 50 acres from irrigation to compensate for delivery of water to a dairy owned by Kasper. The land proposed to be retired from irrigation is located in the SWNW<sup>1</sup> (20 acres); NESW (20 acres); NWSW (5 acres); and SESW (5 acres); all

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<sup>1</sup> Absence of the quadrant fraction implies the fraction "1/4."

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written on the invoice, water levels were only measured twice, once at the end of each 24 hour period. Water levels in other wells were not measured during the pump test.

8. Chapman used the pumping rate and drawdown to estimate the characteristics of the aquifer. Chapman stated, however, that the test was not conducted as a standard pump test.

9. Ed Squires, Omundson's expert witness, testified that the data gathering by Caron Pump Company did not follow standard methods for conducting a pump test. He stated that the water producing zone, known as the "Mellin Formation," is highly variable, and that the zone is probably discontinuous. He testified that long term testing would be required to determine the characteristics of the aquifer. This testimony was not disputed in the record.

10. The testimony established that the test did not adhere to standard pump test procedures to determine characteristics of the aquifer, or to show that the effect of the well's drawdown had been fully established. Nonetheless, the test was sufficient to estimate the short term pumping capacity of the well.

11. Water from well number one has been the sole source of water to irrigate 55 acres located in Section 15, T01S, R02W, including the 50 acres proposed to be dried up by this application for transfer.

12. The cumulative acres listed for irrigation by the four water rights is 501 acres. All of the lands except the 55 acres located in Section 15, T01S, R02W, have been irrigated with surface water diverted from the Snake River.

13. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 was only delivered to lands in Sections 16, 26, & 27, T01S, R02W when surface water was not available. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 supplements surface water for all lands other than those in Section 15, T01S, R02W.

14. Omundson owns a domestic well located approximately 130 to 140 feet west of well number one. Omundson drilled his domestic well in 1995. The priority date of his domestic water right is later than the priority date of the licenses sought to be transferred by Kasper.

15. If this application for transfer is approved, Kasper will install two 50 horsepower pumps in well no. one. The combined design capacity for the two pumps will be 900 gallons per minute (2.00 cfs).

16. Chapman computed the water needs for a dairy of 2,000 milking stock and 1,000 dry stock. His computations are printed on a worksheet attached to the application for transfer. He did not include the 200 beef cattle in his computation. Using numbers consistent with IDWR guidelines, Chapman determined the dairy would consume 162 acre feet annually.

17. The additional information submitted after the hearing by Kasper's attorney and Chapman stated that the 200 beef cattle referred to in the application were not included in the computation because water is provided for the beef cattle from other water rights, and the beef cattle were included in the application for transfer "to provide for flexibility" for Kasper's "operation." Nonetheless, some water for the beef cattle would have to be retired from the irrigation portion of the right for the beef cattle to be included in the transfer.

18. The computation sheet attached to the application (Attachment B) states that the 50 acres were alfalfa ground, and that 3.25 acre feet/acre is the consumptive use that should be applied to determine the number of acres to be retired.

19. At the hearing, Chapman testified that the historical cropping pattern was 50% alfalfa and 50% grain. Chapman testified that 1996 evapotranspiration data from an AGRIMET station at Nampa were used to calculate an historical consumptive use of 3.25 acre feet/acre for the 50 acres proposed to be dried up.

20. In additional information submitted following the hearing, Chapman stated that he used the peak alfalfa consumption for 1996 rather than the mean value for 1996. Chapman also stated he included evaporation and delivery losses in determining consumptive use.

21. Peak alfalfa evapotranspiration reflects full consumption for mature alfalfa and does not take into account reductions attributable to cutting and harvest during the growing season. The mean values from the AGRIMET station more closely represent the historical consumptive use.

22. Chapman also discussed irrigation efficiencies in the additional information submitted. When water is applied inefficiently, water is lost to percolation and evaporation. Percolation losses are not part of consumptive use. Evaporation losses are a component of the AGRIMET evapotranspiration and should not be added in.

23. The mean evapotranspiration does not account for precipitation. If the computation was further refined, precipitation would be subtracted from evapotranspiration to determine consumptive irrigation requirement. In computing consumptive use for this transfer, the assumption will be made that all water consumed is diverted from ground water.

24. The mean alfalfa and spring grain evapotranspiration values were averaged (50% alfalfa, 50% spring grain) for each year of the period of record. The average evapotranspiration during the period of record (1996-1998) for the Nampa station is 2.68 acre feet/acre annually. Dividing the annual consumptive use of 162 acre feet by 2.68 acre feet/acre results in 60 acres, which is the number of acres that would need to be retired for the computed annual consumptive use.

25. The applicant only proposes to retire 50 acres from irrigation. IDWR should not expand the number of acres sought to be retired or try to guess which acres the applicant might want to retire. Assuming only 50 acres will be retired, recognition of 2.68 acre feet/acre for each of the 50 acres results in 134 acre feet annually that can be diverted for the dairy.

26. The maximum annual diversion volume allowed by IDWR for irrigation of Kasper's property is 4.5 acre feet per acre.

27. Fifty of the 55 acres will no longer be irrigated, and the water transferred to the dairy will be fully consumed. This is the 134 acre feet referred to above. Kasper should be able to divert additional volume of water from well no. one for the remaining five acres at a rate of 4.50 acre feet per acre annually. This additional volume of water is 22.5 acre feet annually. After rounding up to the next whole number, the total annual volume diverted from well no. one should be limited to 157 acre feet annually.

### CONCLUSIONS OF LAW

1. Idaho Code § 42-222 provides, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code; . . . .

2. The applicant bears the burden of proof regarding all of the criteria contained in Idaho Code § 42-222.

3. Injury to Omundson can be prevented by limiting the flow rate and annual volume to the traditional quantities diverted/consumed from well no. one. The testimony shows that the 55 acres in Section 15, T01S, R02W were irrigated solely by well no. one.

4. There is sufficient water for the purposes sought if diversion is limited to historic quantities.

5. The application is not filed for purposes of speculation and delay. The dairy is already constructed, and the delivery pipeline is also constructed.

6. The applicant has sufficient financial resources to complete the project.

7. In determining whether an application is in the local public interest, IDWR must consider the effect the project will have on the local economy, recreation, fish & wildlife resources, compliance with environmental laws and standards, compliance with zoning ordinances, and any other factors IDWR finds are appropriate to consider.

8. The application is in the local public interest because of approval by Canyon County, contributions to employment in the area, and economic benefits derived from other businesses in the area.

9. The use of water proposed is within IDWR guidelines for dairy use of water. The application is consistent with principals of conservation of the water of the state of Idaho.

### ORDER

IT IS HEREBY ORDERED that application for transfer no. 5356 is APPROVED. Water right nos. 63-02712, 63-02955, 63-03099, and 63-07814 are subject to the following conditions:

1. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works, including, if determined necessary by the Department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.

2. The right holder shall annually report diversions of water under this right to the Department.

3. The issuance of this right does not grant any right-of-way or easement across the land of another.

4. Diversion from the well located in the SENW, Section 15, T01S, R02W, is limited to 2.00 cfs (900 gallons per minute) and 157 acre feet annually.

5. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres located in the NWSW of Section 15, T01S, R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.

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

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 acre-feet per acre at the field headgate for irrigation of the lands above.

8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

APPROVED

7/1/14

10. 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.

11. Rights 63-02712, 63-02955, and 63-07814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and or a combined total annual volume for both stockwater and commercial use of 134.0 acre-feet. Because the annual volume for commercial and stockwater use was reduced from the quantities sought by the application for transfer, the permit holder must determine the division of the 134 acre feet into the stockwater and commercial components.

12. Commercial use of the water is for a dairy located in the SWNW, S26 and NENE, S27, T01S, R02W.

13. The water used for commercial purposes under this approval may be applied to and irrigate land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.

14. Right 63-02712 is limited to the irrigation of 380.0 acres in the place of use described above in a single irrigation season.

15. Right 63-02955 is limited to the irrigation of 355.0 acres in the place of use described above in a single irrigation season.

16. Right 63-03099 is limited to the irrigation of 344.0 acres in the place of use described above in a single irrigation season.

17. Rights 63-02712, 63-02955, and 63-03099 when combined for irrigation purposes shall not exceed a total diversion rate of 9.76 cfs, a total annual maximum diversion volume of 2029.5 acre-feet at the field headgate, and the irrigation of 451.0 acres.

18. Rights 63-02712, 63-02955 and 63-03099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

DATED this 15<sup>th</sup> day of July, 1999.

  
GARY SPACKMAN  
Hearing Officer

## ATTACHMENT A

WR5809NP  
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/24/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------------------|----------------------------|-------------------|---------------------|
| C                | REX S. JENSEN  | 06/07/1950       | IRRIGATION<br>DOMESTIC | 00/00 00/00<br>00/00 00/00 | 1.800 CFS         |                     |
| TOTAL DIVERSION: |                |                  |                        |                            | 1.800 CFS         |                     |

Water Source: GROUNDWATER      Tributary to:      Stage: LICENSE

Point(s) of Diversion: T01S R02W S14      NWSE      CANYON County

Place of use Legal Description for: IRRIGATION

| T           | R   | S  | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | SUM |    |       |    |    |
|-------------|-----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|----|-------|----|----|
|             |     |    | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |     |    |       |    |    |
| Lt          | Ac  | Lt | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac  | Lt | Ac    | Lt | Ac |
| 01S         | 02W | 15 | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :   | :  | :     | :  | :  |
| 01S         | 02W | 16 | :    | :    | 05   | 40   | 20   | :    | 30   | 30   | 40   | 40   | :    | 30   | 25   | :    | 30   | 40   | 20  | :  | :     | :  | :  |
| 01S         | 02W | 26 | :    | :    | :    | 10   | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :   | :  | :     | :  | :  |
| 01S         | 02W | 27 | :    | 15   | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :   | :  | :     | :  | :  |
| TOTAL ACRES |     |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |     |    | 430.0 |    |    |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 06/07/1950 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    | 08/28/1979 |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

WR5809NP  
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/25/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JOHN A. VAN WYCK | 06/19/1973       | IRRIGATION | 03/15 11/15           | 0.320 CFS         | 72.00 AFA           |
| TOTAL DIVERSION: |                  |                  |            |                       | 0.320 CFS         | 72.00 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15 SWNW

CANYON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |      |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM  |
| 01S | 02W | 15 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 16.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 16.0 |

Pou County: CANYON

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 06/19/1973 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

WR5809NP  
No. 63-02955

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/24/99  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | REX S. JENSEN  | 08/27/1953       | IRRIGATION | 00/00 00/00           | 5.000 CFS         |                     |
| TOTAL DIVERSION: |                |                  |            |                       | 5.000 CFS         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S15

NESW

CANYON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |             |    |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|----|-------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac          | :  | SUM   |       |
| 01S | 02W | 15 | : |    |    |    |    |    |    |    |    | 20 |    | 20 | 10 |    |    | 05 |             | :  | 55.0  |       |
| 01S | 02W | 16 | : |    |    | 05 | 40 | 20 |    | 30 | 30 | 40 | 40 |    | 30 | 25 |    |    | 30          | 40 | 20    | 350.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES |    | 405.0 |       |

Pou County: CANYON

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 08/27/1953 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    | 08/28/1979 |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

WR5809NP  
No. 63-03099

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/24/99  
PAGE: 3

| OWNER<br>CODE    | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | CRYSTAL R. EVANS | 12/27/1956       | IRRIGATION | 00/00 00/00           | 3.700 CFS         |                     |
| C                | EDWARD T. EVANS  |                  | DOMESTIC   | 00/00 00/00           |                   |                     |
| TOTAL DIVERSION: |                  |                  |            |                       | 3.700 CFS         |                     |

Water Source: GROUNDWATER      Tributary to:      Stage: LICENSE  
Point(s) of Diversion: T01S R02W S15      NESW      CANYON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |             |       |   |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|---|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :  | SUM         |       |   |       |
| 01S | 02W | 16 | : |    |    | 07 | 33 | 07 | :  | 25 | 26 | 40 | 40 | :  | 20 | 24 | 26 | 27 | :  | 23 | 22          | 24    | : | 344.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 344.0 |   |       |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

|        |                        |                    |            |
|--------|------------------------|--------------------|------------|
| Dates: | App. Received:         | Priority Date:     | 12/27/1956 |
|        | Proof Due Date:        | Proof Made Date:   |            |
|        | Exam Made Date:        | Exam Sent to S.O.: |            |
|        | Licensed Date:         |                    | 08/28/1979 |
| Misc:  | Water District Number: | Field Exam Fee:    |            |

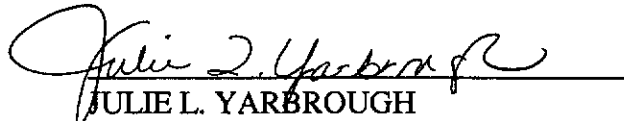
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16<sup>th</sup> day of July, 1999, I mailed a true and correct copy of the foregoing document to the persons listed below:

Bruce M. Smith  
Moore & McFadden, Chartered  
999 Main Street, Suite 910  
Boise, ID 83702

Curt &/or Jerry Hensley  
8971 Ferry Rd  
Melba, ID 83641

Charles McDevitt  
McDevitt & Miller  
537 W. Bannock, Suite 215  
P.O. Box 2564  
Boise, ID 83701

  
JULIE L. YARBROUGH  
Administrative Asst., Water Allocations

MEMORANDUM

TO: FILE 63-03099  
FROM: PAM SKAGGS  
RE: TRANSFER # 5356  
DATE: 9.29.99

-----  
Original Transfer Application, Form and correspondence  
regarding the above referenced Transfer is located within  
file # 63-02712.

MICROFILMED  
OCT 15 1999



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 16, 1999

**RE:** In the matter of Application for Transfer No. 5356 of Water Right Nos. 63-02712, 63-02955, 63-03099 & 63-07814 in the name of Tom Kasper

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

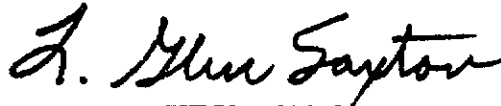
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON, Chief  
Water Allocation Bureau

Enclosure

c: IDWR - Region

MEMORANDUM

TO: FILE 63-03099

FROM: PAM SKAGGS

RE: TRANSFER # 5356

DATE: 1-15-99

-----  
Original Transfer Application, Form and correspondence  
regarding the above referenced Transfer is located within  
file # 63-02712

MICROFILMED

OCT 15 1999

May 7, 1962

Re: Permit No. G-26657  
Chrystal R. & Edward T. Evans

Rex Jansen  
Melba, Idaho

Dear Mr. Jansen:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26657 shows the well is (~~are~~) capable of conveying 185 miner's inches, or 3.70 c.f.s. of water for the irrigation of 374 acres.

Upon receipt of the statutory fees, totaling \$ 39.00 , we will issue the Certificate of Completion of Works ( fee \$5.00 ) and the License and Certificate of Water Right ( fee \$ 34.00 , based at the rate of \$2.00 for each 40-acre subdivision ) confirming the right, with priority of December 27, 1956 to the use of 3.70 second feet of subterranean water with the point of diversion in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15 for irrigation of 374 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16, T. 1 S., R. 2 W., B.M.

Since your permit does not include the N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15 it will be necessary to amend the land list on the permit, if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included, the statutory fees will total \$33.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:mr  
Enc. amendment form

26057

June 27, 1962

RE: Permit No. G-26657  
Crystal R. and Edward T. Evans

Rex Jensen  
Melba, Idaho

Dear Mr. Jensen:

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

Also enclosed is departmental receipt No. G-7083 in the amount  
of \$33.00 for the fees.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:mr

Enc. license  
certificate  
receipt

26657

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. G-26657

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

1. Name of applicant Chrystal R. Evans and Edward T. Evans

2. Source of water supply: well

3. Location of point of diversion: Is in the NE 1/4 SW 1/4 of Section 15

T. 1 S. R. 2 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 75 HP GE Motor

Model # SK 6524 XC5A - No. VMI 1010022 - Peerless Pump #170303, 8" Gate Valve at pump. 8" ditch to a 12" buried pipe. 50' elevation into open ditches.

5. Water is used for: irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

All Section 16, T. 1 S., R. 2 W., B. M.

Amend land list to include NW 1/4 SW, NE 1/4 SW & SE 1/4 SW Sec. 15, T. 1 S., R. 2 W.

No amend

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

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

Remarks: Mr. Rex Jensen a la ag.

Measured over 2' Cippolletti weir - .67' = 3.70 cfs.

This examination was made on the 2nd day of May, 19 62

(Signed) \_\_\_\_\_

Lyndon E. Rasmussen  
Examiner.

26657

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  
MAY 4 1962

Department of Reclamation

Rex Jensen for  
Chrystal R. & Edward T.  
Evans, Malba, Idaho

Permit No. G-26657

Completion of Works  
Examination for Beneficial Use

County Cargon

Sec. 15 T. 1 S. R. 2 W.

Quantity: 12.8 a.f.s.

Source: Well

P.D.: NE. 1/4, Sec. 15, T. 1 S. - R. 2 W.

Use: Irrigation & Domestic

Filed: Dec. 27, 1956

Dtg: Jan. 9, 1962

Extension:

Completion of Works:

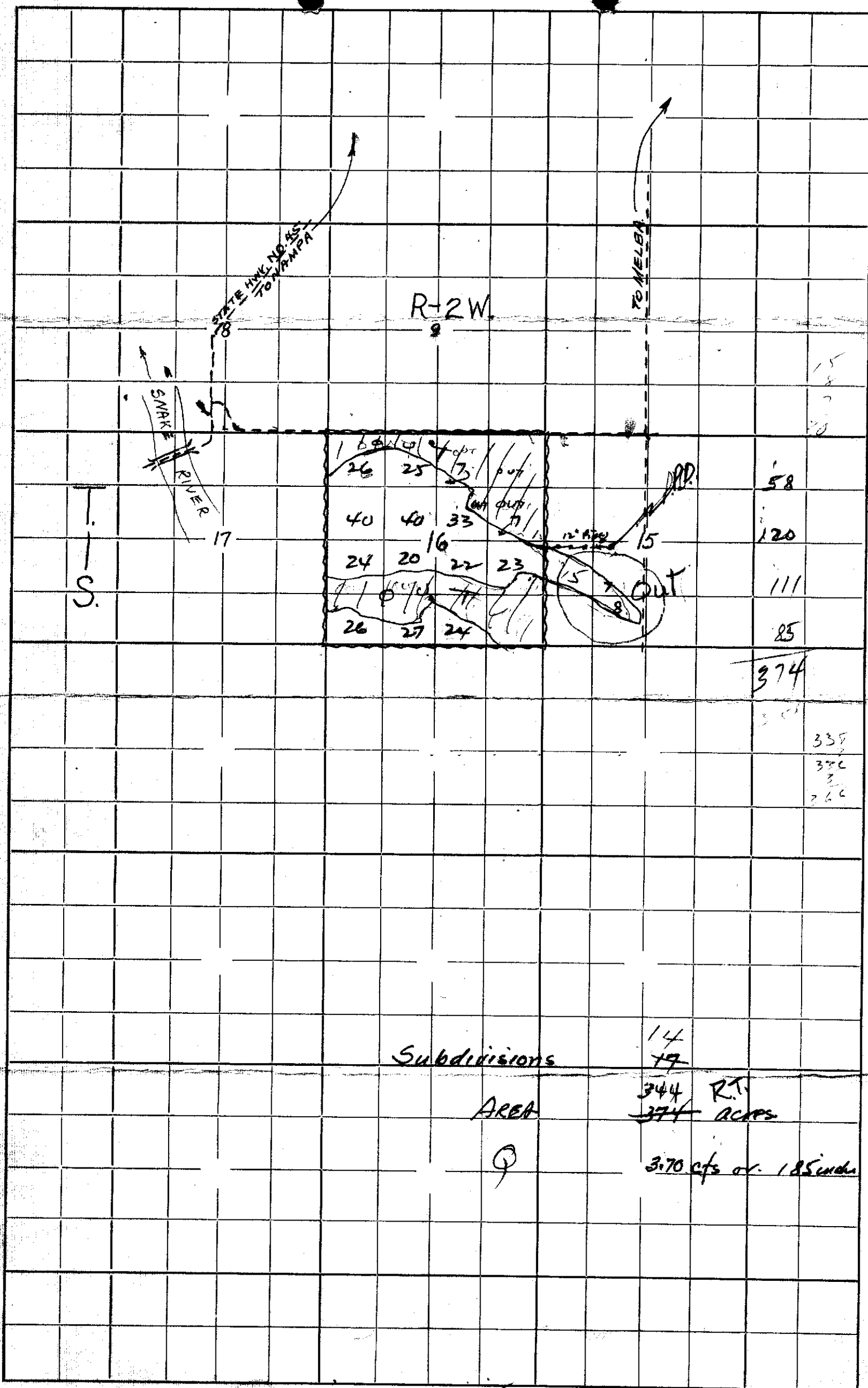
Other Rights: none

800' X 14"

10 Rev 63 Acc Rr 4.375  
Scale 8-0

Demand 1.45 X 40

26657



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

26657

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26657

Rex Jensen for  
Chrystal R. & Edward T. Evans  
Melba, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

26657

March 20, 1962

RE: Permits No. G-26657  
Chrystal R. & Edward T. Evans  
26757  
Grandview Realty, Inc.

Harley M. McDowell  
Idaho Land & Appraisal Service  
Box 2161  
Boise, Idaho

Dear Mr. McDowell:

Enclosed are amendment to the point of diversion on Permit No. G-26657, and assignment of Permit No. 26757 to Grandview Realty, Inc.

Also enclosed are departmental receipts No. G-6867 in the amount of \$1.00, and No. 30987 in the amount of \$0.50 for the recording fees.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

ELR:mr

Enc. assignment  
amendment  
receipts 2

26657

March 20, 1962

Re: Permit No. G-26657  
Chrystal R. & Edward T. Evans

Rex Jensen  
Melba, Idaho

Dear Mr. Jensen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the News Tribune, all submitted in proof of completion of works and beneficial use on Permit No.

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:

26657

Application for Amendment

POINT OF DIVERSION

Permit No. G-26657

RECEIVED

MAR 19 1962

Department of Reclamation

Comes now Chrystal R. & Edward T. Evans by Rex S. Jensen and represent            to the State Reclamation Engineer of the State of Idaho:

That they ~~is~~ (are) the owners and holder s of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26657.

That the point            of diversion is described in said Permit as being located:

SE 1/4 NW 1/4, Sec. 15, T1S-R2W., B.M., Id.

That            they            now requests that the point            of diversion be changed to a point            located: NE 1/4 SW 1/4, Sec. 15, T1S-R2W., B.M., Id.

That the reason for desiring to make such change is as follows:

More feasible well site.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 15th day of March, 1962.

Rex S. Jensen

Date of Receipt at Department of Reclamation: March 19, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

Carl E. Tappan, Assistant

I, ~~XXXXXXXXXXXX~~, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26657. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 94 of  
Permits, at Page 26657  
March 20, 1962

Carl E. Tappan  
Asst. State Reclamation Engineer

26657

December 21, 1961

Know all men by these presents: that we Edward T. Evans and Chrystal Jensen Evans have made constituted and appointed, and by these presents do make, constitute and appoint, Rex S. Jensen true and lawful attorney for us and in our names, place and stead to execute and perform as fully and effectively as we might do any and all transactions concerning our land and property in the state of Idaho.

\_\_\_\_\_  
Edward T. Evans

\_\_\_\_\_  
Chrystal Jensen Evans

STATE OF ILLINOIS )ss  
MACON COUNTY )

Subscribed and sworn to before me this  
21st day of December, 1961  
.....

.....  
Decatur, Illinois

26657

MAR 19 1967

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Department of Reclamation

Permit No. G-26657

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

Deposition of Holder

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

Ans. Crystal R. & Edward T. Evans by Rex S. Jensen (Power of attorney attached); residence, DeCatur, Ill.; occupation (Mr.) Grain & fertilizer business, (Mrs.) housewife; postoffice address, 2074 W. Macon, Decatur, Ill.

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. Individuals.

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

Ans. Permit G-26657; date of permit, 1/9/57; date of priority, 12/27/56.

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

Ans. Source of water is a well drilled in NE1SW1, Sec. 15, T1S-R2W., B.M., Ida.

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. Works consist of well 170' deep, cased 70', 20" hole, depth to water, 15' equipped with 75 hp motor which discharges 260". The capacity of the well is 300" but pump and works are capable of 260". This was measured by pump company using orifice method. There is also 3 1/2 miles of ditch ~~XXXXXXXXXXXX~~ and 800' of steel 24" pipe with concrete outfall box. 1 mile of main ditch has 300" capacity and 2 1/2 mi. of distribution ditch capable of 200".

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. Water is used for the irrigation of the following: T1S-R2W., Sec. 16, NW1NW1, 20 ac.; NE1NW1, 20 ac.; SE1NW1, 40 ac.; SW1NW1, 40 ac.; SW1NE1, 40 ac.; NE1SE1, 10 ac.; NW1SE1, 40 ac.; SW1SE1, 20 ac.; NE1SW1, 40 ac.; NW1SW1, 40 ac.; SE1SW1, 20 ac. This is all cultivated land and all the improvements are a direct result of said use.

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

Ans. Hugh Winchester, Caldwell, Idaho.

26657

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

Ans. None

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

Ans. More water could be used and this is the minimum amount required.

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. Original holder.

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

Ans. Water from this permit has been used since development was started in 1956 and has been continuous.

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.

Chrystal R. & Edward T. Evans

By  
(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise County of Ada State of Idaho, on this 15 day of March, A. D. 1962.

Harley C. E. Jamell  
Notary Public for the State of Idaho

My commission expires 10/11/63

26657

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. G-26657

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

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

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

Ans. R. Elizabeth McDonough; age, 42; residence, Milwaukie, Oregon; occupation, housewife & nurse; postoffice address, 4718 SE Thiessen Rd., Milwaukie 22, Oregon.

Ques. 2. Are you acquainted with Crystal R. & Edward T. Evans, the holder of Permit No. G-26657? How long have you known him and where does he reside?

Ans. I have known Mrs. Evans all my life and Mr. Evans for 20 years. They reside in DeCatur, Ill.

Ques. 3. Have you read or heard read said Permit No. G-26657, 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. Water comes from a well in NE 1/4 Sec. 15, T1S-R2W. Works consist of the well which is 170' deep, 20" hole and equipped with 75 hp pump & motor. There is a 24" steel pipe 800' long and 3 1/2 miles of ditch to convey the water to the place of use.

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. 260" and I have seen this much so conveyed.

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

Ans. 260". This is an estimate from having been around farming operations for a long time.

26657

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

Ans. The water is used for irrigation as follows: T1S-R2W, Sec. 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 20 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 ac; NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 ac; NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 20 ac; NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 20 ac. This is all cultivated land. All improvements have been made as a direct result of said use.

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

Ans. None.

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

Ans. The soil is a silt loam and all this water is necessary for profitable cultivation.

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

Ans. No.

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

Ans. I have seen this land and water yearly since development was started.

(Signed) R. Elizabeth McDonough

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 Boise,  
County of Ada, State of Idaho, on this 15 day of March,  
A. D. 1962

Harley C. C. Donnell  
Notary Public.

My commission expires 10/11/63

20657

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. G-26657

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

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. Harry A. Newcomb; age, 83; residence, Melba, Idaho; occupation, retired;  
postoffice address, Melba, Idaho.

Ques. 2. Are you acquainted with Chrystal R. & Edward T. Evans, the holder of Permit No. G-26657? How long have you known him and where does he reside?

Ans. I have known them 13 years. They reside in Decatur, Ill.

Ques. 3. Have you read or heard read said Permit No. G-26657, 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. Source of water supply is a well drilled in NE 1/4 Sec. 15, T1S-R2W. Works consist of the well which is a 20" hole drilled to 170' and equipped with 75 hp pump & motor, 800' of steel pipe and 3 1/2 miles of ditch.

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. 260". I have seen this much being so conveyed.

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

Ans. 260". This is an estimate. I did not see the pump company measure the well but it is my estimate it pumps this much water.

26657

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

Ans. The purpose of the water is irrigation. The following subdivisions are irrigated: T1S-R2W., Section 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 20 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 20 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 20 acres. This is cultivated land. All the improvements were made as a direct result of said use.

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

Ans. None.

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

Ans. This is a silt loam soil and this is the minimum amount of water necessary.

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

Ans. No.

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

Ans. I live with the Rex Jensen and have seen this land and the water development frequently.

(Signed) Harry A. Newcomb

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 Boise, County of Ada, State of Idaho, on this 15 day of March, A. D. 1962.

Harley L. C. Howell

Notary Public.

My commission expires 10/11/63

26657

MAR 19 1961

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

Hazel Davis  
of Caldwell, Canyon County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the principal clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive week prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

December 2, 9, 16 and 23, 1961

Subscribed and sworn to before me this

day of , 19

Fred C. Heltf  
Notary Public, Residing at Caldwell, Idaho.

My Commission Expires October 31, 1965

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

Notice is hereby given that at 10 a.m., on the 15th day of March, 1961, at Boise, County of Ada, State of Idaho, before Harley H. McDowell, Notary Public, at 329 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26637, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Crystal R. and Edward T. Evans, 2074 W. Macon, Decatur, Ill., by Rex S. Jensen, Route 12, Melba, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 12.8 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.

4. The point of diversion of said water is SE1/4NW1/4, Section 15, T1S-R2W, B.M., Idaho.

5. The place where said water is used is All, Sec. 15, T1S-R2W, B.M., Idaho.

6. The date of priority which said user is prepared to establish is 12-27-56.

GEO. N. CARTER 26637  
State Reclamation Engineer  
Dec. 2-9-16-23, 1961

1200  
6-28-61

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26657  
Crystal R. & Edward T. Evans

Date: Nov. 29, 1961

News Tribune,  
Caldwell, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **March 15, 1962** the date set for proof;

the expense of the publication is to be paid by the ~~applicant~~

**Idaho Land and Appraisal Service** of **Box 2161, Boise, Idaho.**

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

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

Very truly yours,



GEO. N. CARTER  
State Reclamation Engineer

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

Encl.

26657

MAR 19 1962

December 21, 1961

Department of Reclamation

Know all men by these presents: that we Edward T. Evans and Chrystal Jensen Evans have made constituted and appointed, and by these presents do make, constitute and appoint, Rex S. Jensen true and lawful attorney for us and in our names, place and stead to execute and perform as fully and effectively as we might do any and all transactions concerning our land and property in the state of Idaho.

Edward T. Evans  
Edward T. Evans

Chrystal Jensen Evans  
Chrystal Jensen Evans

STATE OF ILLINOIS ) ss  
MACON COUNTY

Subscribed and sworn to before me this

21st day of December, 1961

By J. J. Heading

Notary Public, Illinois

20357

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 20, 1961

(P. O.) Melba, 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

News Tribune of Caldwell, Idaho published in

the county in which the works are situated.

Crystal R. & Edward T. Evans

By

Rex S. Jensen

(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.

26657

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

Notice is hereby given that at 10 A. M., on the 15th day of March,  
19 68, at Boise, County of Ada, State of Idaho,  
before Harley M. McDowell, Notary Public, at (address) 329 Idaho Bldg.,  
Boise, Idaho, proof will be submitted of the completion of works for  
the diversion of 11 cubic feet per second of underground water from a well, and of  
the application to beneficial use of said water, in accordance with the terms and  
conditions of Permit No. G-26657, heretofore issued by the Department of Reclamation  
of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit  
is Crystal E. & Edward T. Evans, 2074 W. Macon, Decatur, Ill. by Rex S. Jansen,  
Melba, Idaho.

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

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

4. The point of diversion of said water is SE 1/4, Section 15, T1S-R2W, B.M., Idaho.

5. The place where said water is used is All, Sec. 16, T1S-R2W, B.M., Idaho.

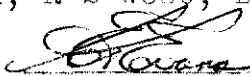
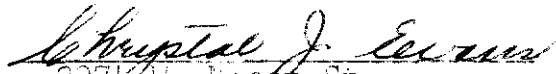
6. The date of priority which said user is prepared to establish is 12/27/56

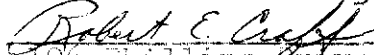
State Reclamation Engineer

26 63 7

Know all men by these presents: that Edward T. Evans and Chrystal J. Evans have made, constituted and appointed, and by these presents do make, constitute and appoint, Rex S. Jensen true and lawful attorney for us and in our names, place and stead to act for us in any matter pertaining to the following parcel of land in the State of Idaho:

Section 16, T 1 South, R 2 West, Boise Meridian.

  
\_\_\_\_\_  
  
207 1/2 W. Macon St.  
Decatur, Illinois

Witness:   
\_\_\_\_\_  
106 Phillips Drive  
Decatur, Illinois

26057

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

November 29, 1961

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Re: <sup>0-26657</sup> ~~Crytals~~ Crystaline, & Edward T. Evans

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

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application <sup>0-26657</sup> ~~Crystaline & Edward T. Evans~~ under Permit No. \_\_\_\_\_, in the name of \_\_\_\_\_, to be made before you, as Notary on the 15th ~~19th~~ <sup>March, 1962</sup> ~~Idaho Bridge, Boise~~ \_\_\_\_\_, 1959, at \_\_\_\_\_ o'clock \_\_\_\_\_, at \_\_\_\_\_, Idaho.

News Tribune, Caldwell, Idaho

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

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

<sup>0-26657</sup>  
(Mrs.) Edna P. Rutledge  
Chief Clerk

Encl.

EPR:PK  
cc: Applicant

COUNTY OF AD )

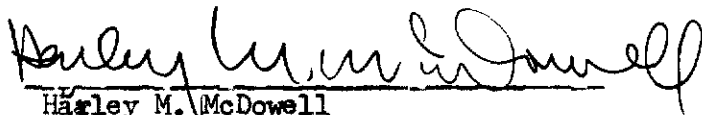
ss

STATE OF IDAHO )

I, THE UNDERSIGNED, a duly appointed Notary Public for the State of Idaho, do hereby certify that I am familiar with the signatures of Edward T. Evans and Chrystal J. Evans, and to my best knowledge and belief, these are the signatures affixed to the attached instrument granting power of attorney to Rex S. Jensen.

I, FURTHER CERTIFY, that I know Rex S. Jensen is the father of Chrystal J. Evans and that he has, over a long period of time, conducted her business in Idaho regarding these matters, and I do believe him to be the truly designated agent for the aforesaid Chrystal J. and Edward T. Evans.

Dated this 24th day of November, 1961.



Harley M. McDowell

Notary Public for the State of Idaho  
Residing at Boise, Idaho

My Commission expires 1/11/63

266 57

November 21, 1961

RE: Permit No. G-26657, Notice of Proof  
Crystal R. & Edward T. Evans

Harley M. McDowell  
Idaho Land & Appraisal Service  
Box 2161  
Boise, Idaho

Dear Mr. McDowell:

Returned herewith the subject Notice of Proof with a recommendation for the following action:

In the writer's opinion, the attached document constituting and appointing Rex S. Jensen, "true and lawful attorney for us and in our names" to act for the holders is sufficient for our purposes if a notarized statement is added to the text stating that you are familiar with the holders; that the Power of Attorney is for the purpose of completing proofs on above mentioned permit, and that E. T. Evans and Chrystal J. Evans are the same people as Crystal R. & Edward T. Evans, the applicants and holders of Permit No. G-26657.

This action would not delay publication.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

H. Petri  
Water Rights Clerk

HP:mr

Enc. 4

26657

7/1

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 26657  
Crystal R. & Edward T. Evans

Date: Nov. 1, 1961

Rex Jensen  
Melba, Idaho

Dear Mr. Jensen:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 26657 are due not later than **January 9, 1962**

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

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

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

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

Very truly yours,

*Geo. N. Carter*

GEO. N. CARTER  
State Reclamation Engineer

Enclosures      Form 36 - 11

cc: Crystal R. & Edward T. Evans  
Melba, Idaho

26657

January 17, 1957

Re: Permit No. G-26657  
Crystal R. Evans and Edward T. Evans

Mr. Rex S. Jensen  
Route 1  
Melba, Idaho

Dear Mr. Jensen:

We enclose Permit No. G-26657 in the names of Crystal R. and Edward T. Evans in which we direct their attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental Receipt No. G-2377 for \$8.00 was issued covering filing fee in connection with the above captioned permit, which is also enclosed.

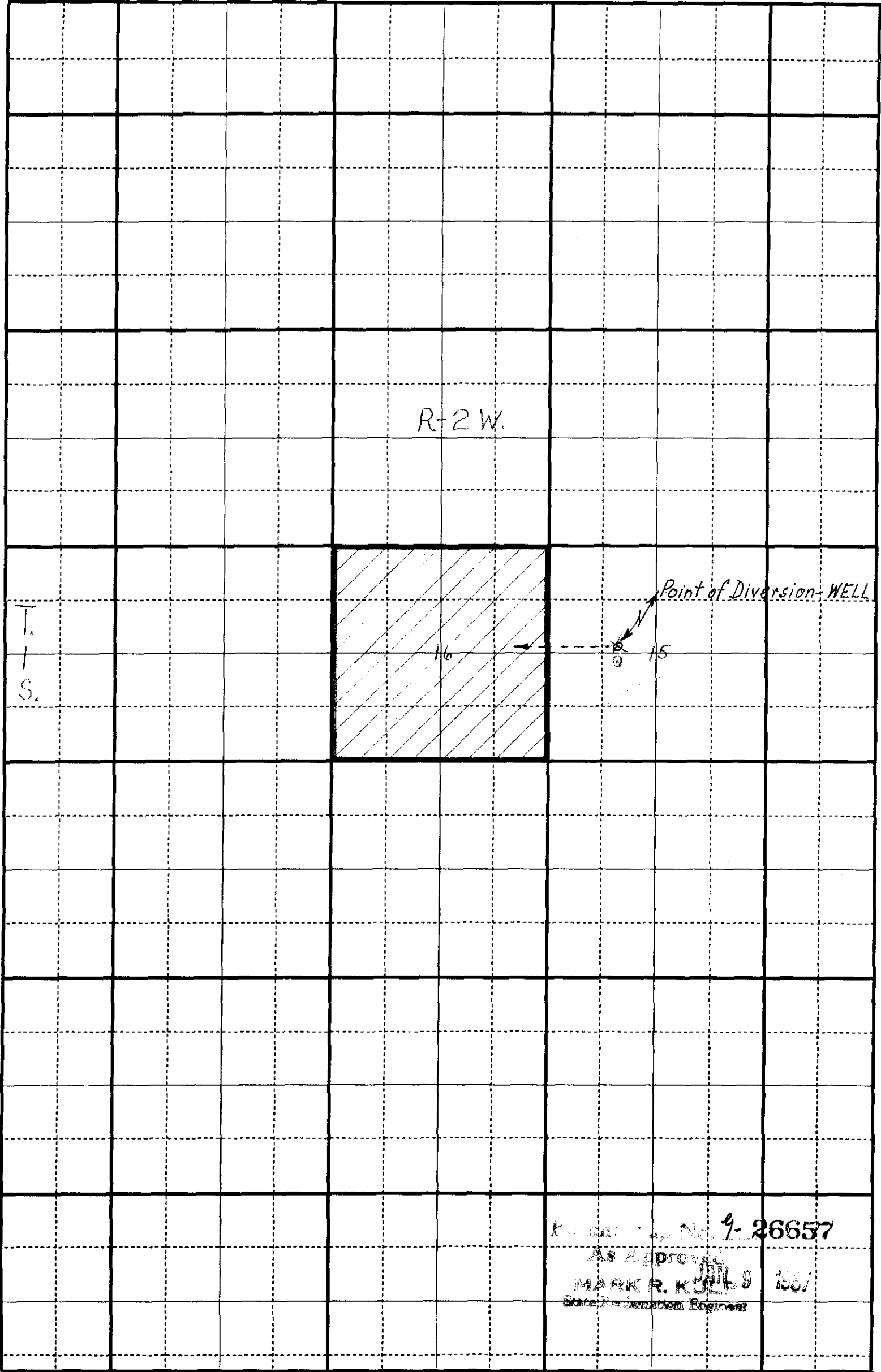
Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

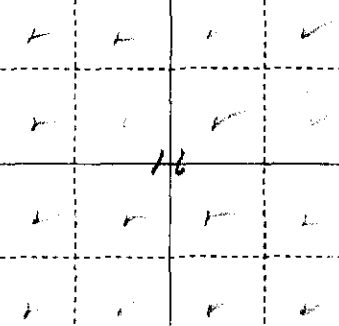
Chief Clerk

ER:ab  
Enclosures  
cc: Harley M. McDowell

26657



**Form No. 0**



26637

18992-4822 - 8.51 ✓ - SW 35-8N-33 E  
 E 3. 7N. "  
 19483-4823 - 4.00 ✓ - NW 35-NW 36-33  
 18669-4824 12.8 ✓ - NENE<sup>2</sup> 34+36-8N-SW 2  
 7N-  
 19916-4825 - 5.22 ✓ - E 35-8N  
 16197-4460 9.6 - N<sup>2</sup> 2-7N-SE 26-8N  
 17417-4145 - 4.5 ✓ - N<sup>2</sup> 25-25  
 NE 35-8N  
 21252-6599 - 16.0  
 21263-6600 9.6  
 24124-6815 13.1  
 20549-6598 - 19.2  
~~17417-4145~~

25509 — - 22.54  
 25932 — - 17.78  
 26650 — - 24.16  
 1676.1 CFS  
 8350.5 "  
 5480 acres,

# NOTICE OF PROOF OF COMPLETION OF WORK

## APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 5th day of January, 1962, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, Notary Public, at Fouts Building, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 4.52 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26652, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is J. T. Robinson, Burley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.52 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 4.52 cubic feet per second.

4. The point of diversion of said water is a well located in the Northwest Quarter of the Northeast Quarter of Section 9, Township 13 South, Range 22, E.R.M., Cassia County, Idaho.

5. The place where said water is used is SE $\frac{1}{4}$  Section 4; N $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 9; W $\frac{1}{2}$ SW $\frac{1}{4}$  Section 3; NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 10; E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, SE $\frac{1}{4}$  Section 3; NE $\frac{1}{4}$ NW $\frac{1}{4}$  N $\frac{1}{2}$ NE $\frac{1}{4}$  Section 10, all in Township 13 South, Range 22 East Boise Meridian.

6. The date of priority which said user is prepared to establish is Dec. 10, 1956.

GEO. N. CARTER

State Reclamation Engineer

Published in Herald Bulletin

Dec 8 15, 22, 29, 1961. 9 / 2

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

Notice is hereby given that at 10 a.m., on the 15th day of March, 1962, at Boise, County of Ada, State of Idaho, before Harley H. McDowell, Notary Public, at 329 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26657, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Crystal R. and Edward T. Evans, 2074 W. Macon, Decatur, Ill., by Rex S. Jensen, Route 1, Melba, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 12.8 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 15, T1S-R2W., B.M., Idaho.

5. The place where said water is used is All, Sec. 16, T1S-R2W., B.M., Idaho.

6. The date of priority which said user is prepared to establish is 12-27-56.

GEO. N. CARTER

State Reclamation Engineer

T - 2-9-16-23 1961

26657