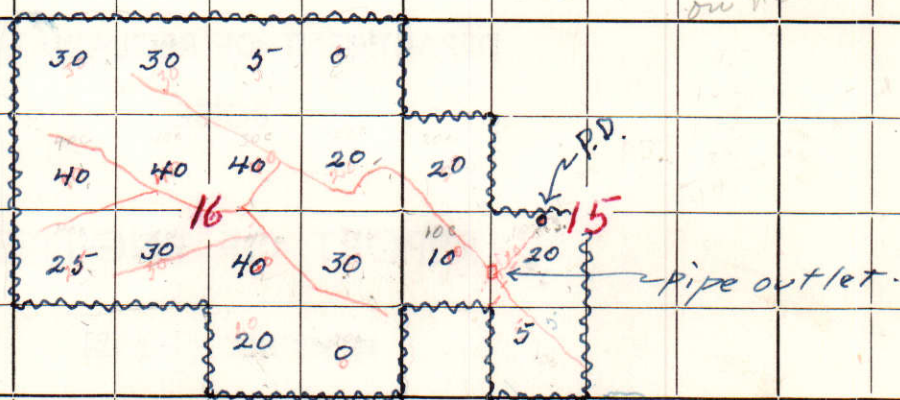


R 2 W.B.M.

300 acres drill in S. 16	Statement by Rex Jensen
	" "
80 in S 15'	" "
	on Feb 11-59.



A hand-drawn map on a grid background. A blue outline represents a lake, with the word "Lake" written inside it. To the upper left of the lake, there is a small blue-shaded area labeled "Butte".

Subdivisions = 16

Area = ~~385~~⁴⁰⁵ acres.

$Q = 5$ cfs (anch claimed)

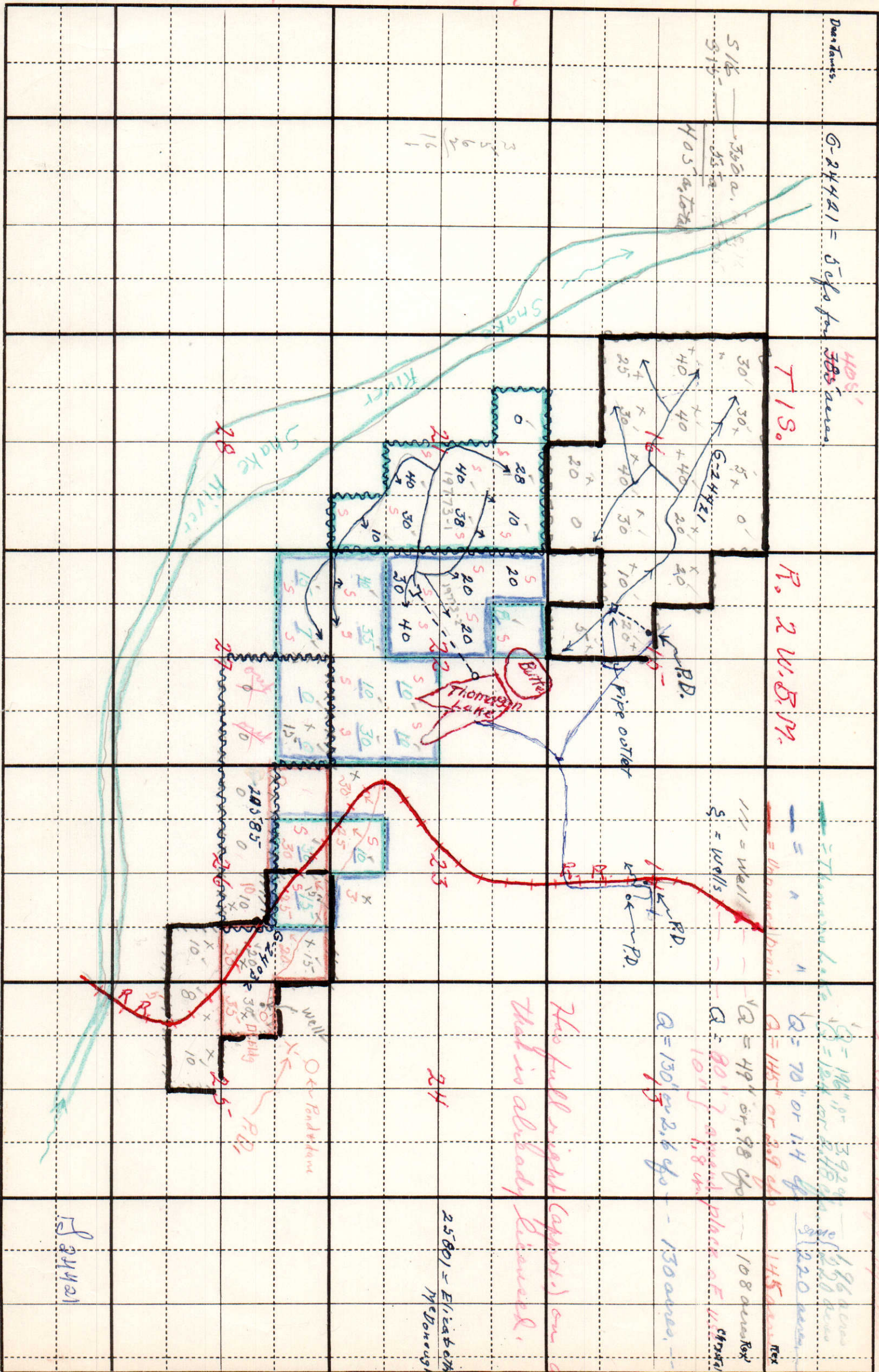
No fees for B.U.

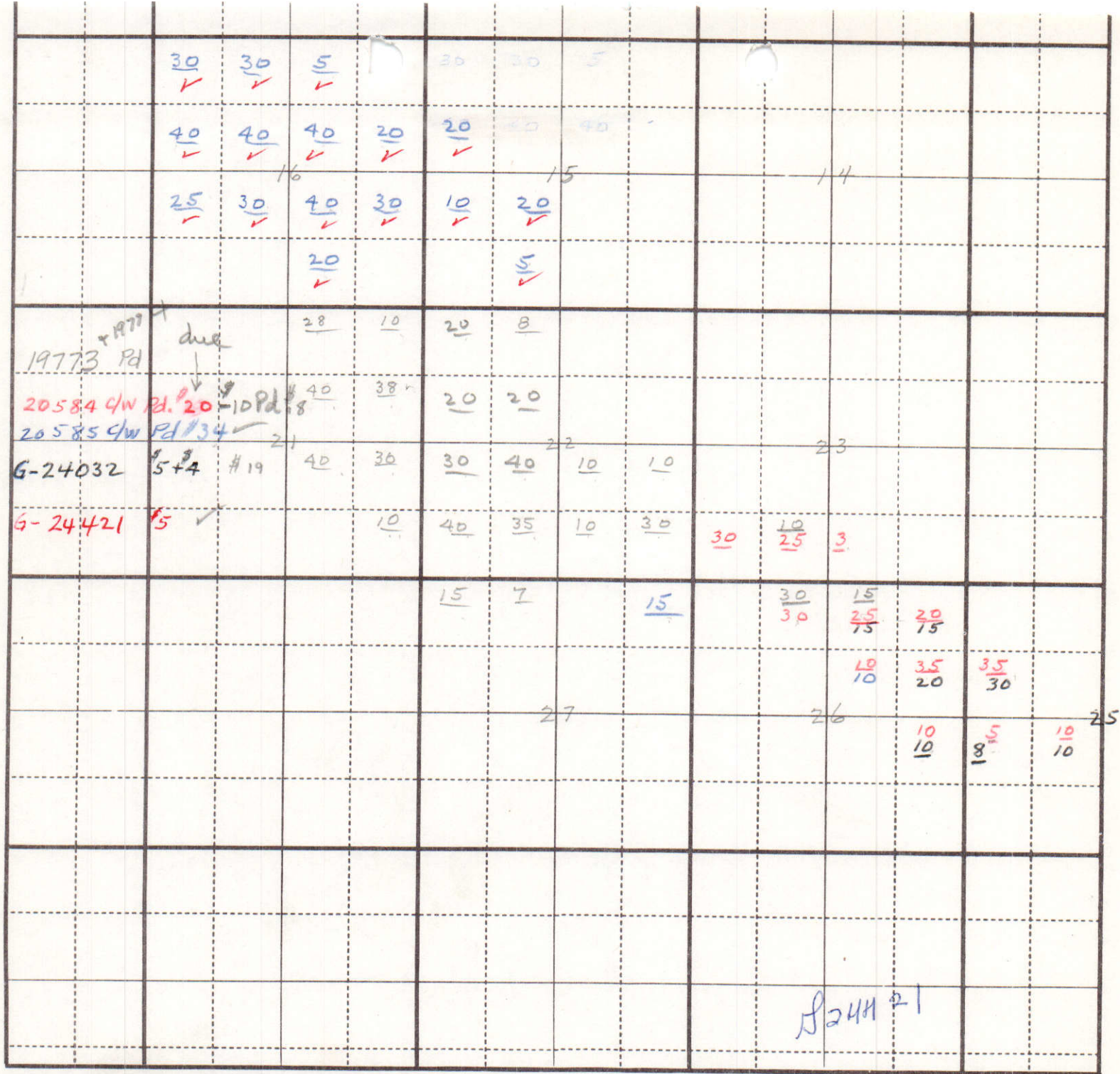
$$\frac{75' \times 110' \times 70' \times 55'}{61' \times 62\frac{1}{4}'} = x = 5'$$

$$= 8.3 \text{ cfs}$$

103
x:

317
617





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

Affidavit of Publication

STATE OF IDAHO, }
County of Canyon } ss.

RECEIVED
SEP 4 1958
Department of Reclamation

EVONNE FLANERY

, being first duly sworn, deposes and says;

That she is the principal clerk of CALDWELL PUBLISHING CO., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune; a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE
Notice is hereby given that 10
a.m., on the 23rd day of August,
1958, at Boise, County of Ada, State
of Idaho, before Harley M. Mc-
Dowell, Notary Public, at 618 Idaho
Bldg., Boise, Idaho, proof will be
submitted of the completion of
works for the diversion of 5.6
cubic feet per second of under-
ground 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-24421, heretofore issued by the
Department of Reclamation of the
State of Idaho.
1. The name and postoffice ad-
dress of the person or corporation
holding said permit are Dean J.
James, 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 5.6 cubic feet per
second.
3. The use to which said water
has been applied is irrigation pur-
poses, and the amount applied to
beneficial use is 5.6 cubic feet per
second.
4. The point of diversion of said
water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15,
T 1 S - R 2 W., B.M.
5. The place where said water
is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15; NE $\frac{1}{4}$,
NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 16,
T-1-S-R 2 W., B.M.
6. The date of priority which
said user is prepared to estab-
lish is 8-27-53.
GEO. N. CARTER
State Reclamation Engineer
July 26, Aug. 2-9-16, 1958

Saturday issue of The
News-Tribune for four consecutive weeks
beginning with the issue of July 26,
19 58 and ending with the issue of August

16, 19 58.

Subscribed and sworn to before me this

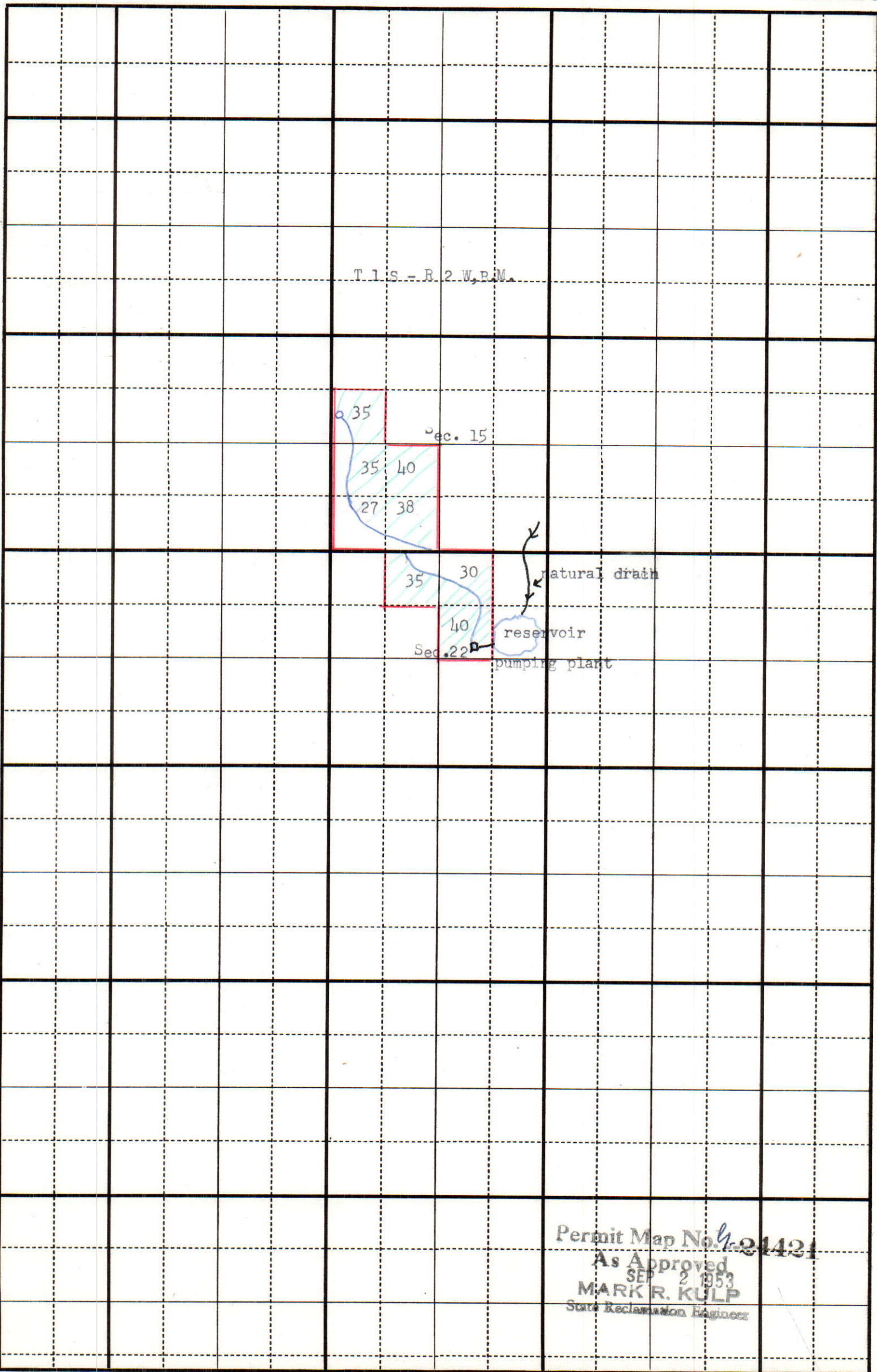
day of August, 1958

Robert Bule
Notary Public for Idaho
Residing at Caldwell, Idaho

824421

NAME OF APPLICANT an J. James

Form No. 0



Permit Map No. 4-24421
As Approved
SEP 2 1953
MARK R. KULP
State Reclamation Engineer

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

824421

State of Idaho
License and Certificate of Water Right

Water License No. G-24421 Amount 5.0 c.f.s.
Water District No. Priority Aug. 27, 1953

THIS IS TO CERTIFY that DEAN J. JAMES - Assignee - REX S. JENSEN
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 27, 1953; that Permit No. G-24421
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.0 second feet, was issued thereunder on September 11, 1959, showing that said works
were completed on the 23 day of August, 1958; and that on the 23
day of August, 1958,

DEAN J. JAMES - Assignee - REX S. JENSEN
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
, under Use Permit No. G-24421 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
11 of Licenses at page 6755, on the 11 day of September, 1959;
The right hereby confirmed dates from August 27, 1953;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 15, Tp. 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 5.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	2 W.	15	SW 1/4 NW 1/4	35	20
			NE 1/4 SW 1/4	40	20
			NW 1/4 SW 1/4	35	10
			SE 1/4 SW 1/4	38	5
		16	NW 1/4 NE 1/4	30	5
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
			NE 1/4 NW 1/4	35	30
			NW 1/4 NW 1/4	40	30
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	25
			NE 1/4 SE 1/4	40	30
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	20

Total number of acres to be irrigated: 405
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
11 day of September, 1959.
GEO. N. CARTER
State Reclamation Engineer.
(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 20584 Amount 3.79 c.f.s.
Water District No. Priority July 29, 1948

THIS IS TO CERTIFY that REX S. JENSEN
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 29, 1948; that Permit No. 20584
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.79 second feet, was issued thereunder on August 18, 1949, showing that said works
were completed on the 17 day of August, 1949; and that on the 12
day of June, 1953,

REX S. JENSEN
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 un-named
drain, a tributary of Snake River, for the purpose of irrigation
, under Use Permit No. 20584 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
11 of Licenses at page 6756, on the 11 day of September, 1959;
The right hereby confirmed dates from July 29, 1948;

The Point of Diversion is located
in the NE 1/4 NW 1/4, Sec. 25, Tp. 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 3.79 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S. 2	2 W.	23	SW 1/4 SE 1/4	40	3
			SE 1/4 SW 1/4	40	25
			SW 1/4 SW 1/4	40	30
		25	SW 1/4 NW 1/4	40	35
			NE 1/4 SW 1/4	40	10
			NW 1/4 SW 1/4	40	5
		26	NE 1/4 NE 1/4	40	20
			NW 1/4 NE 1/4	40	25
			SW 1/4 NE 1/4	40	10
			SE 1/4 NE 1/4	40	35
			NE 1/4 NW 1/4	40	30
			NE 1/4 SE 1/4	40	10
		Total number of acres to be irrigated:			238

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
11 day of September, 1959.

GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

63-2955

Application No. G- 32219
 Permit No. G- 24421
 District No.

Assigned to Ed. J. Jensen
Melba-Idaho

1. Name of Applicant: DEAN J. JAMES
 Postoffice address: Melba County: Canyon State: Idaho
2. Quantity of water claimed: 280 Idaho Miner's inches
 (a) Rate of withdrawal in cubic feet per second. 5.6 or Idaho
 Miners' inches or gallons per minute.
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean well to be drilled and cased
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ 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
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: Drilled well, cased and equipped with turbine type pump and motor.
8. Estimated cost of works: \$ 7,000
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 (b) (cubic feet per second, inches or gallons per minute) is for new lands.

This well is applied for to irrigate land included in my allowed desert entry. As noted on the attached plat, the well will be in the Northwesterly extremity of the land, will irrigate to the south and waste into a natural drainage way and be caught in a control reservoir then pumped out again onto the south 120 acres.

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

DEAN J. JAMES Applicant.

By Harley M. McDowell Agent.

Date of first receipt at Department of Reclamation: 3:30 p.m., August 27, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-24421

Recorded in Book 87 Page 24421 Approved September 2, 1953

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 November 2, 1953 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 March 2, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before September 2, 1958.

Witness my hand this 2nd day of September, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of September, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

By Paula L. Fleenor
Acting Secretary of State

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.	15 22																	175 105

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-24421

Comes now Dean J. James and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24421. That the point of diversion is described in said permit as being located SW¹/₄ Section 15, Township 1 South, Range 2 West, B.M. That he now requests that the point of diversion be changed to a point located NE¹/₄ Section 15, Township 1 South, Range 2 West, B.M. That his reasons for desiring to make such change are as follows: This is a 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 Melba, Idaho, this 20 day of July, 1958

/s/ Dean J. James
Dean J. James

Date of receipt at Department of Reclamation
July 23, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, 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-24421. 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.

/s/ Geo. N. Carter
State Reclamation Engineer

Approved and recorded:
July 23, 1958

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
Of the State of Idaho, No. G-24421

Comes now Dean J. James, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24421, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 16, Township 1 South, Range 2 West, B. M., making a total of 720 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Melba, Idaho, this 20 day of July, 1958

/s/ Dean J. James

Date of Receipt at Office of Department of Reclamation
July 23, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, 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-24421. 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.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded:
July 23, 1958

A S S I G N M E N T ✓

For value received, I hereby assign my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-24421 to REX S. JENSEN, of Melba, Idaho (all rights to be assigned)

s/ DEAN J. JAMES, Permit Holder

s/ MARION LOUISE JAMES, Wife of Permit Holder

STATE OF IDAHO)
) ss
County of Canyon)

On this 27th day of February, 1959, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared Marion Louise James and Dean J. James known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year in this certificate first above written.

s/ Clyde R. Keithley
Notary Public, Residing at Nampa

Recorded: March 10, 1959

Permit No. G-24421
CERTIFICATE OF COMPLETION OF WORKS ✓

TO ALL WHOM IT MAY CONCERN:

This is to certify that DEAN J. JAMES - Assignee - REX S. JENSEN, of Melba, County of Canyon, and State of Idaho, the holder of Permit No. G-24421, issued upon Application No. G-32219 bearing date of priority of August 27, 1953, authorizing the diversion of 5.6 second feet of the waters of a well, County of Canyon, 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 5.0 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:

405 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T. 1 S., R. 2 W., B. M.

Witness my hand this 11 day of September, 1959, A. D.

s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: August 23, 1958

LICENSE ISSUED FOR 5.0 SEC. FT.
Page 6755

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

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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	
			SENE 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	SENE	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
			SENE	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 15th day of

July

19

99

J. Glen Saylor
Chief, Water Allocation Bureau

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OCT 15 1999

**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 SWNW¹ (20 acres); NESW (20 acres); NWSW (5 acres); and SESW (5 acres); all

¹ Absence of the quadrant fraction implies the fraction "1/4."

MICROFILMED
OCT 15 1999

located in Section 15, T01S, R02W, B.M.² Only water right nos. 63-02712, 63-02955, and 63-07814 describe these lands as a place of use. The application for transfer proposes a change from irrigation to stockwater and commercial water uses for the dairy from these three water rights. The transfer does not propose a change in the irrigation use of water right no. 63-03099.

3. In 1996, Kasper built a dairy in the NENE of Section 27, T01S, R02W. The dairy was approved by Canyon County without objection. The nearest subdivision is over three miles away. Kasper employs ten people and buys local feed and other products. Kasper testified his dairy is approved as a Grade A dairy.

4. At the present time, Kasper milks approximately 600 cows. Kasper intends to increase the number of dairy cows to 2,000 milking stock, 1,000 replacement stock, and 200 beef cattle.

5. The existing 600 cow dairy is presently served by wells on the Kasper property near the dairy. Several domestic and stockwater claims, now in the name of Kasper, were filed claiming a beneficial use of water from wells located near the Kasper dairy. Kasper has been unable to increase his dairy herd because the existing wells will not produce sufficient quantity or quality of water. As a result, Kasper seeks to divert water from a well located in the SENW of Section 15, T01S, R02W. The proposed point of diversion is located 1½ to 2 miles north of the dairy facility. This well is referred to in the testimony and the application for transfer as well no. one. Well no. one is located on property owned by Ken Omundson (Omundson). Kasper has built and constructed a pipeline from his dairy to the property boundary with Omundson. Kasper has not connected the pipeline to the well.

6. The application for transfer proposes that all four water rights describe two points of diversion, well no. one and another well located in the SWNW, Section 15, T01S, R02W (well no. two). Sherl Chapman (Chapman), an expert witness hired by the applicant, testified that license no. 63-02955 authorized diversion from well no. one, and license nos. 63-03099 & 63-07814 authorized diversion from well no. two. The licenses do not describe the points of diversion in the same locations as the locations of well nos. one and two described by the application for transfer, however. License no. 63-02712 described a different well than well nos. one and two.

7. A 75 horsepower pump and motor diverted water from well no. one at the time Kasper acquired the property in 1992. The pumping capacity of the 75 horsepower pump was tested in December 1998 by Caron Pump Company. Applicant's Exhibit no. 1, an invoice from Caron Pump Company, contains information gathered during the test. The well was pumped for the first 24 hours at a rate of 400 gpm (0.89 cfs), and the pumping water level in the well did not change from the initial static water level. The pumping rate was increased to 1200 gpm (2.67 cfs) for an additional 24 hours, and the water level in the well declined four feet. Based on the information

² The abbreviation "B.M." stands for "Boise Meridian" and should be implied in subsequent public land survey descriptions.

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OCT 15 1999

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.

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 15th day of July, 1999.


GARY SPACKMAN
Hearing Officer

WR5809NP
No. 63-02712

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT**

DATE: 05/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS
C	REX S. JENSEN

PRIORITY
DATE

06/07/1950

WATER USE

IRRIGATION

USE PERIOD
FROM TO

00/00 00/00

DIVERSION
RATE

1.800 CFS

DIVERSION
VOLUME

TOTAL DIVERSION: 1.800 CFS

Water Source: GROUNDWATER

Tributary to

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S14

MUSE

CANYON County

Place of use Legal Description for: IRRIGATION UNIT

五

III

MS

T	R	S	NENE Lt Ac	NNNE Lt Ac	SHINE Lt Ac	SENE Lt Ac	MENW Lt Ac	NNNW Lt Ac	SWNW Lt Ac	SENV Lt Ac	NESSW Lt Ac	NUSW Lt Ac	SWSW Lt Ac	SESX Lt Ac	NESE Lt Ac	NUSE Lt Ac	SUSE Lt Ac	SESE Lt Ac	SUM
01S	02M	15	:	:	:	:	:	:	20	:	:	:	:	05	:	:	:	:	: 55.0
01S	02M	16	:	:	05	40	20	:	:	:	20	10	:	:	:	30	40	20	: 350.0
01S	02M	26	:	:	10	:	:	:	:	:	30	25	:	:	:	:	:	:	: 10.0
01S	02M	27	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	: 15.0
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

Exam Made Date

Proof Made Date:
Exam Sent to S.O.:

Licensed Date: 08/28/1979

Misc: Water District Number:

Field Exam Fee:

MICROFILMED
OCT 15 1999

DATE: 05/25/99
PAGE: 1

DIVERSION
VOLUME

72.00 AFA

72.00 AFA

Stage: LICENSE

CANYON County

SE

16-0

06/19/1973

Proof Mode Date:
Exam Sent to S.O.:

Field Exam Fee:

MICROFILMED
OCT 15 1989

DATE: 05/24/99
PAGE: 2

TOTAL DIVERSION: 5.000 CFS

ME

Pou County: CANYON

Field Exam fee:

MICROFILMED
OCT 15 1999

DATE: 05/24/99
PAGE: 3

TOTAL DIVERSION: 3.700 CFS

Stage: LICENSE

CANYON County

SE

[illegible]

POU County: CANYON

Priority Date:
Proof Made Date:

Exam Sent to S.O.:

Field Exam Fee:

MICROFILMED
OCT 15 1999

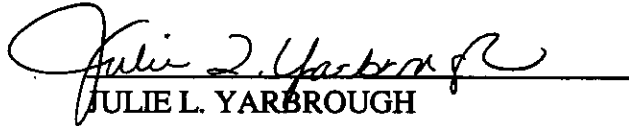
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th 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 63-02955

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

Sept. 15, 1939

Re: Permit No. G-24032
~~G-24421~~
20584

Mr. Alex S. Jensen
Helba, Idaho

Dear Mr. Jensen:

We enclose Certificates of Completion of Works and Licenses and Certificates of Water Right on Permits No. G-24032 and G-24421, also License and Certificate of Water Right on Permit No. 20584.

We also enclose departmental receipts No. G-4032 and No. 29726 in the amount of \$66.50 covering fees on four permits.

The license was not issued on Permit No. 20585, as we must have the affidavit showing Chrystal R. Evans is the same person as Crystal J. Jensen. We have contacted the office of the Idaho Land and Map Service in connection with this and upon receipt of the affidavit the license will then be issued.

Very truly yours,

W. E. CARPENTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EP:rew

Enc. certificates (2)
licenses (3)
Receipts (2)

cc: Harley M. McDowell
Boise, Idaho

63-2955
24421

RT

March 13, 1959

Re: Permit No. G-24032-G-24421
20584 and 20585

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

Dear Mr. McDowell:

We have our engineer's report on the following Permits:

Permit No. G-24032 We have our engineer's report of Completion of Works and Beneficial Use under the terms of Permit No. G-24032 showing the well is capable of conveying 49 miner's inches (.98 cfs) of water for irrigation of 108 acres.

Upon receipt of the statutory fees in the amount of \$19.00 we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (\$14.00 - based at the rate of \$2.00 for each 40-acre subdivision) confirming the right with priority of April 24, 1953 to the use of .98 second feet of subterranean water, with the point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, Twp. 1 S., Rge. 2 W. for irrigation of 108 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, Twp. 1 S., Rge. 2 W.

Permit No. G-24421 We have our engineer's report of Completion of Works and Beneficial Use under the terms of Permit No. G-24421 showing the well is capable of 250 miner's inches (5.0 CFS) of water for irrigation of 405 acres.

Upon receipt of the statutory fees in the total amount of \$5.00 we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee paid) confirming the right with priority of August 27, 1953 to the use of 5 second feet of subterranean water, with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, for the irrigation of 405 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 16, Twp. 1 S., Rge. 2 W.

Permit No. 20584 We have our engineer's report on this permit for Beneficial Use showing the work capable of conveying 189 $\frac{1}{2}$ miner's inches (3.79 CFS) of water for irrigation of 238 acres as amended.

624421

Harley M. McDowell

-2-

March 13, 1959

Upon receipt of the statutory fees in the amount of \$8.00 (\$10.00 odd, receipt enclosed) we will issue the License and Certificate of Water Right - based on \$2.00 for each 40-acre subdivision (3 of which have been paid under Permit No. 24032) confirming the right with priority of July 29, 1948 to the use of 3.79 second feet of water with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, for irrigation of 230 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, NE $\frac{1}{4}$ N $\frac{1}{4}$, NE $\frac{1}{4}$ Section 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Township 1 South, Range 2 West, R. M.

Permit No. 20585 - We have our engineer's report on this permit for Beneficial Use under the terms of Permit 20585 showing the group of wells being capable of conveying 90 miner's inches (1.8 c.f.s.) to 430 acres, as amended.

Upon receipt of the statutory fees in the total amount of \$34.00 based at \$2.00 for each 40-acre subdivision (part of which has been paid) we will issue the License and Certificate of Water Right confirming the right with priority of June 7, 1950, to the use of 1.8 second feet of flow from artesian wells with two points of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, for 430 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, N $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 1 South, Range 2 West, R. M.

We must have a 50¢ assignment fee for the recording of an assignment of G-24421 from Dean J. James, Permit Holder, to Rex S. Jensen.

We enclose Amendments to the land list on Permit No. 20584 and Permit No. 20585, and assignment duly recorded to Rex S. Jensen of Permit No. G-24421.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

824421

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

Permit No. G-24421 ✓

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

1. Name of applicant Dean J. James ✓
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15
T. 1 S., R. 2 W.B.M. County of Canyon ✓
4. Describe works as they exist, giving dimensions and capacities of same: Well = 20" x 170'
and 80' Peerless Turbine with 8" column
75 hp. G.E. Motor. 50' lift above pump outlet.
then 800' x 12" pipe line. Contour ditches.
To fields by gravity
5. Water is used for: Irrigation ✓
6. State whether or not water has been turned into works of diversion: yes.
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, Township 1
South, Range 2 West, B. M., making a total of 720 acres.

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

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

Remarks: _____

Rep. given along. James is a law-in-law

Q = by calculation

Can lift 5' to approx. 100' h.

This examination was made on the 11 day of Feb., 1959

(Signed)

E. M. Humphrey Examiner.

S24421

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
MAR 4 1959

Department of Irrigation

Melba
7-2538 Dean J. James
Melba, Idaho

Permit No. G-24421

Examination for Completion of Works &
Beneficial Use Proof

County Canyon
15-1S.-2W.

Q = 5.6 c.f.s.

S = Well

P.L. = NE.SW., Sec. 15, T. 1S. - R. 2W.

claim 400"
Res. Jensen (witness) says 150"
Use = Irrigation
250" = 100' left

Filed = Aug. 27, 1953

Due = Sept. 2, 1958

24 E motor 75 HP

YMT # 1010022

770' x 30" end 80'

Peerless Turb. 8" col

h = 15' left 59'

12" pipe 800' left 50'

16 E Control panel
on mtg to East

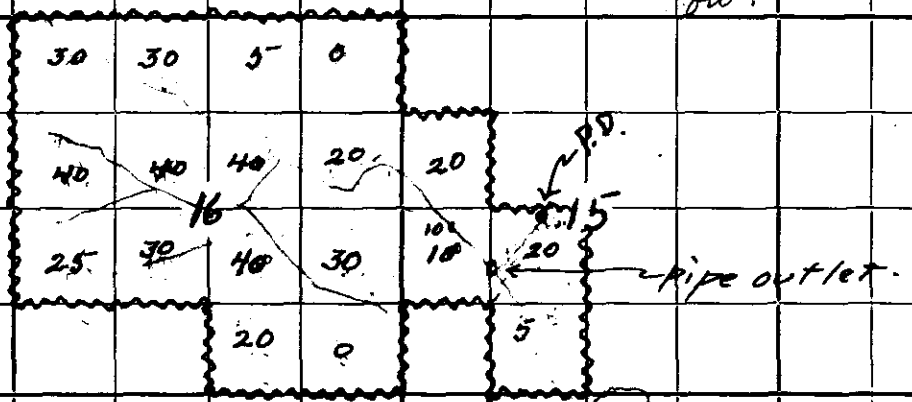
T 1 S.

R 2 W. B. M.

350 acres Section 16 Statement by Rex Jensen
 80 in S 15' " on Feb 11-59.

65
 160
 125
 25
 450

65
 140
 125
 20
 350
 85
 400



Subdivisions = 16
 Area = ~~350~~ 405 acres.

Q = 5 cfs (not claimed)

No fees for Bill

$$\frac{75 \times 110 \times 70 \times 550}{61 \times 62 \frac{1}{2}} = x = 5'$$

$$= 9.3 \text{ acres}$$

16
 x

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

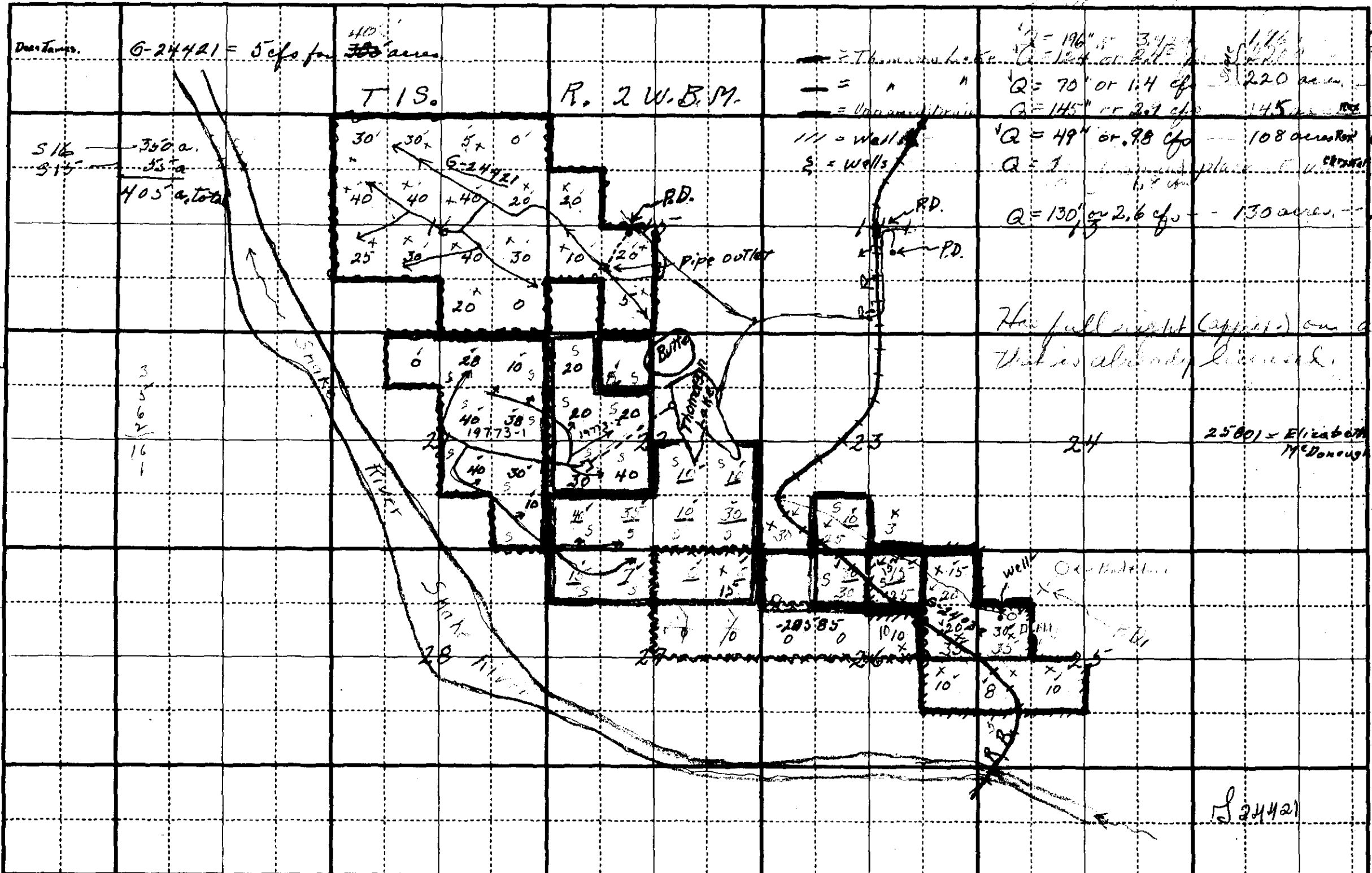
REPORT OF ENGINEER

PERMIT NO. G-24421

REPORT ON PROOF OF Completion of Works & Beneficial Use

Dean J. James
Melba, Idaho

Re: Jensen





September 5, 1958

Re: Permit No. G-24421

Mr. Dean J. James
Malba, Idaho

Dear Mr. James:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the News-Tribune, all submitted in Proof of Completion of Works and Application of Water to Beneficial Use on Permit No. G-24421.

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,

GE . N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPP:lw

8-24421

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

RECEIVED
SEP 1 1958
Department of Reclamation

Permit No. G-24421

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. My name is Dean J. James; residence, 12 $\frac{1}{2}$ miles south of Nampa, Idaho; occupation, farming; postoffice address, Melba, Idaho.

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. Individual.

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

Ans. The number of my permit is G-24421; date of permit, 9/2/53; date of priority 8/27/53;

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

Ans. Source, drille d well T 1 S - R 2 W., Section 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

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 are well, 170' deep; pumps 61 ft.; 20" hole; 75 h.p. turbine type pump & motor. 250" discharge; encased 80' of steel casing 20" in diameter; Individual ditch approx. 2 $\frac{1}{2}$ miles in length with 4' bottom; 2' deep, 6' top; capable of carrying 400" of water. Measured by orifice method and cippoletti weir. No sprinkler system, all irrigation is by gravity.

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 for irrigation of the following: T1S-R2W, Sec. 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres. No natural irrigation or natural meadow land. All improvements are as a direct result of said use and \$30,000 has been spent.

D 24421

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

Ans. Irrigation only.

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

Ans. I need more water to irrigate this land. This would be a minimum amount.

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. I am the original owner of this permit.

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

Ans. Development started immediately upon issuance of the permit and has been continued for the past three years when I have raised crops.

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. No other waters used on this land.

(Sign)

Dean James

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 ~~Idaho~~ 23 day of August A. D. 19 58

Harley M. McDowell
Harley M. McDowell, Notary Public

My commission expires 10/11/59

824421

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

RECEIVED
SEP 4 1958
Department of Reclamation

Permit No. G-24421

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. Name, Roxy C. Jensen; age, 64; residence, 12 $\frac{1}{2}$ miles south of Nampa, Idaho;
occupation, housewife; postoffice address, Malba, Idaho.

Ques. 2. Are you acquainted with Dean J. James, the holder of Permit No. G-24421? How long have you known him and where does he reside?

Ans. I have known him for the past 15 years and know he resides 12 $\frac{1}{2}$ miles south of Nampa, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-24421, and are you familiar with its provisions and conditions?

Ans. I am.

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 is drilled well in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T.1 S., R.2 W., B.M. Works consist of 170' well with lift of 61 ft. This is a 20" hole and a 75 h.p. pump and motor is installed capable of discharging 250" of water. Steel casing, 20", is installed for 80'. An individual ditch is used which is about 2 $\frac{1}{2}$ miles long, 4' at bottom, 2' deep and 6' at top.

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. 460". I have seen 250" 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. I have seen the pump deliver 250". This was estimated by seeing other water measured over a period of years.

G-24421

Ans. Irrigation of SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; Section 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 Acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres
Section 16, T 1 S - R 2 W., B.M. All is cultivated and all improvements are as a direct result of cultivation.

Ans. Only irrigation.

Ans. The land sandy, clay loam, lava ash, very productive. Will produce excellent rowcrops. I think the amount of water being used is the minimum for profitable cultivation.

Ans. No.

Ans. ~~I have seen the development of this water ever since the permit was issued as~~
my husband and I have land right beside this.

(Signed)

Notary Public.

My commission expires.....10/11/59.

244 21

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

RECEIVED
SEP 4 1958
Department of Reclamation

Permit No. G-24421

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. My name is Rex S. Jensen; age, 67; residence, 12½ miles south of Nampa; occupation, farming; postoffice address, Melba, Idaho.

Ques. 2. Are you acquainted with Dean J. James, the holder of Permit No. G-24421? How long have you known him and where does he reside?

Ans. I have known him about fifteen years and know that he resides in Melba, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-24421, 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 is a drilled well, 20" hole, 170' deep with 75 h.p. turbine type pump & motor. Discharges 250". This well is cased with a 20" casing for 80'. The ditch for conveying water from the point of diversion to place of use is about 2½ miles long, 4' bottom, 2' deep, 6' top and is capable of carrying 400" of water.

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. I estimate this works will safely conduct 400" to the place of use. I have seen 250" 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. I have seen the pump deliver 250". I have estimated this by my past experience in developing many wells and much land in this area.

J 24421

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

Ans. Water is used for irrigation of the following lands: Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; Section 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres, T 1 S - R 2 W., B.M. 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 land is a sandy, clay loam of lava ash origin. I believe the amount of water now being used is the minimum amount possible for profitable cultivation.

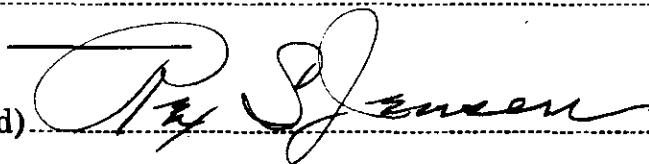
Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

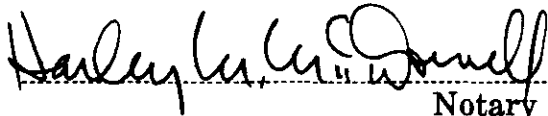
Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have land next to this and have watched the development of both the land and water ever since the permit was issued.

(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 Boise County of Ada, State of Idaho, on this 23 day of August, A. D. 1958.



Notary Public.

My commission expires 10/11/59

244 21

Affidavit of Publication

STATE OF IDAHO, }
County of Canyon } ss.

RECEIVED
SEP 4 1958
Department of Reclamation

EVONNE FLANERY, being first duly sworn, deposes and says;

That she is the principal clerk of CALDWELL PUBLISHING CO., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune; a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular



Saturday issue of The
News-Tribune for four consecutive weeks
beginning with the issue of July 26,
19 58 and ending with the issue of August
16, 19 58.

Subscribed and sworn to before me this 16th

day of August, 19 58.

Robert Bull

Notary Public for Idaho
Residing at Caldwell, Idaho

824421

XXXXXXXXXX

July 30, 1958

Re: Permit No. G-24421
Dean J. James

News-Tribune
Caldwell, Idaho

Dear Sir:

We acknowledge receipt of a copy of the publication of Notice of Proof of Completion of Works and Application of Water to Beneficial Use, on Permit No. G-24421, in the name of Dean J. James, published in your July 26th issue.

Upon checking the publication, we find an error in paragraph 1, - line 14, it being printed - G-2442 - The Number should read: -

G-24421

A correction in your subsequent issues will be appreciated and a copy mailed to this department for checking.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw

G-24421

)

July 25, 1958

)

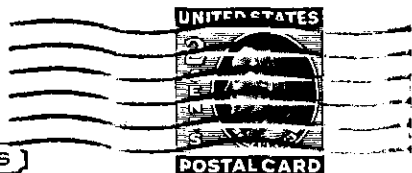
Dear Sir:

This is to acknowledge receipt of legal notice, dated July 24, 1958. In regard to Permit No. G-24421, Dean J. James.

This shall appear on July 26, August 2, 9, 16, 1958.

G 24421

THE NEWS-TRIBUNE



THIS SIDE OF CARD IS FOR ADDRESS

Mrs. Edna P. Rutledge
Dept. of Reclamation
State House
Boise, Idaho

RECEIVED
JUL 28 1958

Department of Reclamation

S24421

GEO. N. CARTER

July 24, 1958

Re: Permit No. G-24421

Mr. Dean J. James
Malba
Idaho

Dear Mr. James:

Enclosed are Applications for Amendment to Permit No. G-24421 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 87 of Permits at Page 24421 amending the point of diversion as described on record to read as follows: "NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Township 1 South, Range 2 West, B.M." and the list of land as described on record to read "SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, Township 1 South, Range 2 West, B.M., making a total of 720 acres." These amendments should now be attached to the original permit to which they refer and of which they become a part.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:als
Enc.

824421

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24421

RECEIVED
JUL 2 1958

Department of Reclamation

Comes now Dean J. James and represents to the State
Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. G-24421.

That the point of diversion is described in said permit as being located
SW 1/4, Section 15, T1S - R2W, B.M.

That he now requests that the point of diversion be changed to a point
located NE 1/4, Section 15, T1S - R2W, B.M.

That his reasons for desiring to make such change are as follows:

This is a 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 Melba, Idaho, this 20 day of July, 1958

Dean J. James
Dean J. James

Date of receipt at Department of Reclamation July 23, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

Geo. N. Carter

I, Geo. N. Carter, 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-24421. This approval constitutes
a new permit and is issued as an amendment to the original permit, to which it re-
fers 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: July 23, 1958
Book 87 of Permits
at Page 24421

Geo. N. Carter
State Reclamation Engineer

B24421

Department of Reclamation

To Permit to Appropriately the Public Waters
of the State of Idaho, No. G-24421

Comes now Dean J. James, and represents to the State
Reclamation Engineer ~~Commissioner~~ of the State of Idaho.

That he is the owner and holder of Permit to Appropriately the Public Waters of the State of Idaho, No. G-24421, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15:

NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 16, T. 1 S. - R. 2 W., B.M.

making a total of 720 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Melba, Idaho, this 20 day of July, 1958

Dean James

Date of receipt at Office of Department of Reclamation July 23, 1958

State Reclamation Engineer
APPROVAL OF ~~Commissioner of Reclamation~~

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriately the Public Waters of the State of Idaho, No. G-24421. 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.

G-24421

Geo. N. Carter

~~XXXXXXXX~~

July 24, 1953

Re: Permit No. G-24421
Dean J. James

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

Dear Mr. McDowell:

This acknowledges the Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-24421, in the name of Dean J. James. Final proof is to be made before you, as Notary, on the 23rd day of August, at 10:00 A. M., in Boise, Idaho.

As of this date we have mailed the Notice to the News-Tribune, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to 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 his 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

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw
Encls. (3)
cc: Dean J. James

24421

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. G-24421
Dean J. James

Date: July 24, 1958

~~Newspaper~~
Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 23, 1958** the date set for proof; the expense of the publication is to be paid by the applicant, **'s Agent, Harley M. McDowell** of **618 Idaho Bldg., 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 of the first publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Edna P. Rutledge
Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw
Encls. (1)

if 24421

RECEIVED
JUL 23 1958

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 21, 1958

(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.

Canyon Co.

Deary James

(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.

J 24421

RECEIVED
JUL 28 1958
Department of Reclamation

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

Notice is hereby given that 10 A, M., on the 23 day of August, 1958, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 618 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5.6 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24421 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 are Dean J. James - 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 5.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 5.6 cubic feet per second.

4. The point of diversion of said water is NE 1/4, Section 15, T 1 S - R 2 W., B.M.

5. The place where said water is used is SE 1/4, NE 1/4, Section 15; NE 1/4, SE 1/4, NE 1/4, Section 16, T 1 S - R 2 W., B.M.

6. The date of priority which said user is prepared to establish is 8/27/53.

S 24421

Geo. H. Carter
State Reclamation Engineer

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

DEPARTMENT OF RECLAMATION

BOISE

RE: Permit No. 0-24421

Date July 1, 1958

Mr. Dean J. James
Malba
Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. 0-24421 are due not later than September 2, 1958.

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 on 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 above 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 or points of diversion; and the location of use or 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,

G. E. CARTER
ENGINEER

State Reclamation Engineer

Enclosures

Note: This notice with necessary forms for publication notice sent to:
Harley H. McDowell
P. O. Box 2361
Boise, Idaho

0-24421



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

OCT 10 1955

IN REPLY REFER TO:

LO:MBP

Idaho 0562

DECISION

Harold Jensen, Assignor

Desert Land Entry

Dean J. James, Assignee

Amendment Approved
Entry Allowed

On September 13, 1950, Harold Jensen made desert land entry, Idaho 0562 for the following lands:

T. 1 S., R. 2 W., B.M., Idaho
Sec. 15, SW1/4, NW1/4
Sec. 22, NE1/4, NW1/4

On December 8, 1952 this entry was assigned to Dean J. James.

The application was filed prior to the order opening these lands to entry, and was erroneously allowed by this office. By decision of May 3, 1955, the above entry was cancelled as to the NE1/4, Section 22, T. 1 S., R. 2 W.

The order was subsequently published opening the lands to entry and open to the general public for filing September 15, 1955. The above applicant filed an application amending his entry to include the NE1/4, Section 22, which was erroneously included in his original entry. The amendment is hereby approved and the entry is allowed as to all of the lands originally applied for. Such allowance will retain the date of the original allowance, September 13, 1950. Since the entryman had been given an extension of time to September 13, 1955 within which to make his final proof, and it has taken until September 20, 1955 within which to clear the records in order that entry may legally be made on these lands, the entryman is hereby granted until September 20, 1956 in which to make his final proof.

The fees paid in connection with the original entry will be credited to the amendment.

Petherick:mb

Nolan F. Keil
Manager

ccs: Harley McDowell

DRM #1

LAM

RM

State Reclamation Engineer, Boise

24421

September 10, 1953

RE: Permits Nos. G-24420 and G-24421

Mr. Harley M. McDowell
Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We enclose Permit No. G-24420 in the name of Roxy Elizabeth McDonough and Permit No. G-24421 in the name of Dean J. James and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-240 for the \$12.75 filing fees on these two permits.

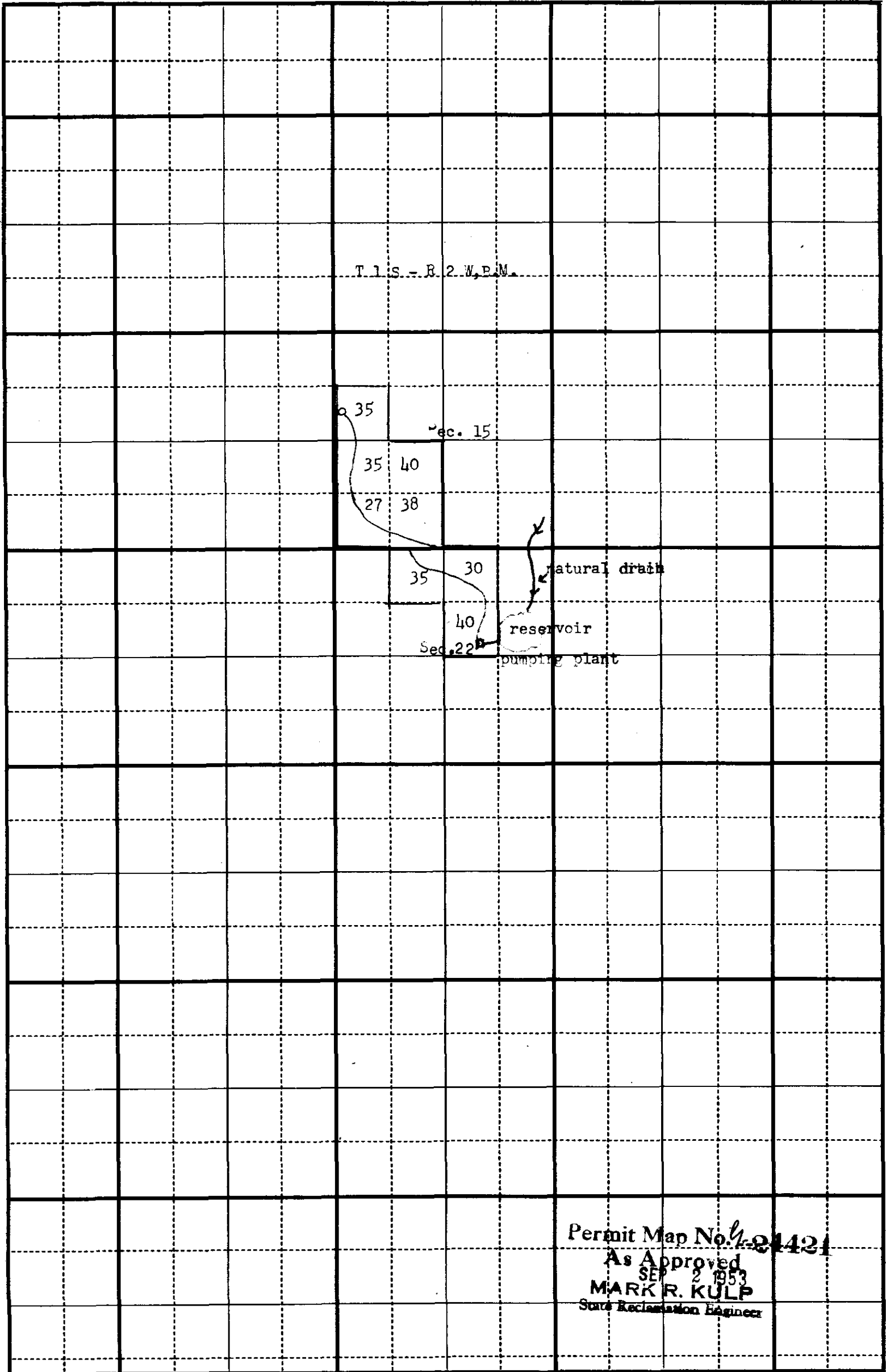
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.

G-24421



✓ 19773 - 20584 - 21041 - 21042

21043 - 21376 - G-22185 - G-22186

22187 - 22463 - 21134

Yaden vs Sam Irving Bros.

✓ 19774 - 20585 - 20598

701

1946 - 2 contracts

Print

6.4 cfs for Thomson 199.

135
20
165
20
220

22.6
138

160

135
157
558
220

197738 G-20584 conflict on 10aen.

Better ck Area,

40.0
3.92

30
50
25
108

15 1/4 x 110 x 70 x 550
25

12

86

R-501 C/W 1575 Ac Ft.

Outlet SW SE 19-125-SE

License 750 Ac Ft.

Dams constructed under Permit #5173

R-805 to store 400 Ac Ft

C/W claims storage capacity of 1900 Ac Ft

no license

95	108	95
205	88	205
105	196	350
405		

19773 + 19774 = 194" in 220 Ac in S² 22-SESW 23-26

19773 = 196" in 196 Ac in Sec 21

19773 - 130" in 130 Ac in W² Sec 22 See Amendment
20584 - Sec. 23 - SW SE - 3
SW SW - 30
SE SW - 25 - 10 in 19773 + 19774?

Sec 25 - SW NW - 35

Sec 26 - NE NE - 20

NW NE - 10

SW NE - 10

SE NE - 35

NE NW - 0

168

Ac.

30 Ac in 1973-4

45 Acres in 19773 + 4

also Sec 25 - NESW - 10

NW SW - 5

183 Ac less

possible 10 Ac in SESW 23

20585 Sec 15 - 55 Ac.
 Sec 16 - 350 Ac
 26 - SWNE - 10"
 27 - NENE - 15"

440 Ac. - 90"

G24421 - Sec 15 & 16 405 Ac. - 250"
340" Total

G-24032 - also covers SWNE Sec 26 - 10 Ac about 5"

	Subdivisions	Collected
Sec 15	4	20584 = 5
16	- 12	24421 - 16 to collect
21	- 7	
22	- 12	2.48 ac 19773 - 12
23	- 3	3.92 " " - 12
25	- 3	G-24032 -
26	- 3	1.4 19774
27	- 3	2.6 - 19774
		20585 -

47
- 16 - 24421

31
- 29 Paid

2 being 3 Ac. in SWSE 23 - 20584
 15 Ac. in NENE 27 - 20585

20-84

58-
75-
85
15
228

19773 - Rex Jensen - 3.92 p 5389

1977 3

2.48 p 5654

19774 Roxy Jensen

2.6 p5390

19774 Licensed

1.4 p5652

20 584

20585 - Crystal R. Jensen weeks - 5.6 application
q/w 5.6

G 24032 - Sec 25 n^2sw , $swnw$ 2.40 ft
26 n^2ne , $se ne$, $nese$

~~25321~~

~~2-370~~ Assign + Can.

~~20578 Can~~

G 22485 Can

2/24/20

627-86 Can

27042 Can

~~22-87~~ Can

25043 Can

21134 Cam

22463 Can.

See 15, 16, 21, 22, 23, 25, 26, 27 T1 S 2 W

**NOTICE OF PROOF OF
COMPLETION OF WORKS
24421 and
APPLICATION FOR WATER
TO BENEFICIAL USE**

Notice is hereby given that 10 a.m., on the 23rd day of August, 1958, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at 618 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 5.6 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-2442 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 are Dean J. James, 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 5.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 5.6 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T 1 S - R 2 W., B.M.

5. The place where said water is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 16, T-1-S-R 2 W., B.M.

6. The date of priority which said user is prepared to establish is 8-27-53.

GEO. N. CARTER

State Reclamation Engineer

July 26 Aug. 2-9-16, 1958

24421
G-24421

News-Tribune
Caldwell, Idaho