

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7141 Priority June 18, 1973 Amount 2.25 cfs

THIS IS TO CERTIFY, that Marvin Blacker
of Burley, Idaho, has complied with the terms and conditions of Permit
No. 45-7141 issued pursuant to Application for Permit dated June 18, 1973,
and has submitted proof to the Department of Water Resources on May 23, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.25 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>2.25</u> cfs and <u>592.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 2.25 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
592.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15,
Twp 11S, Rge 22E in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	22E	15			40				37				33	38					148

Total number of acres irrigated 148

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.0 afa per acre for the lands above.
This right when combined with Right No. 45-7339B shall not exceed 2.25 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15TH day of
DECEMBER, 19 83.

Acting for the

Director

Norm C Young

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 45-7141)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 45-7141
IN THE NAME OF MARVIN BLACKER

ORDER

WHEREAS, on June 18, 1973, Marvin Blacker filed with the Department of Water Resources an application for permit to appropriate 3.00 cubic feet per second of groundwater to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 11S, Rge. 22E, B.M., Cassia County, to be used for irrigation purposes; and,

WHEREAS, on July 19, 1973, the Department approved said application and issued Permit No. 45-7141 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1978; and,

WHEREAS, on May 18, 1978, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 45-7141 be extended to July 1, 1979.

Dated this 24th day of May, 1978.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 30 1978

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources
Southern District Office

State of Idaho)
County of Twin Falls)

Permit No. 45-7141

Marvin Blacker of 400 West 450 South, Burley, Idaho 83318
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 45-7141.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before July 1, 1978.

That he has heretofore performed the following work described under said permit:

no work done. well not yet drilled.

Costing \$ 0.

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: lack of funds due to low crop prices.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to July 1, 1983.

Marvin Blacker
(signature) *

Subscribed and sworn before me this 30th day of January, 1978.

seal

[Signature]
Notary Public residing at
Hammer

My commission expires 2-22-82

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be DENIED
for failure of the permit holder to proceed with diligence in the completion of
the project.

Witness my hand this 3 day of February, 1978.

Bobby D. Flannery
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

RECORDED
INDEXED

Identification No. _____

Application No. 45-7141

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Marvin Blacker
post office address 400 West 450 South, Burley, ID 83318
2. Source of water supply Subterranean well which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 11S
Range 22E B.M. Cassia County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.0 cfs for Irrigation purpose from Apr. 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump & motor, ditches,
headgates, and sprinkling system.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 20 inches; proposed depth of well is 500 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$15,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

45 7141

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	22E	15			40				40			40	40						160

Total number of acres to be irrigated 160

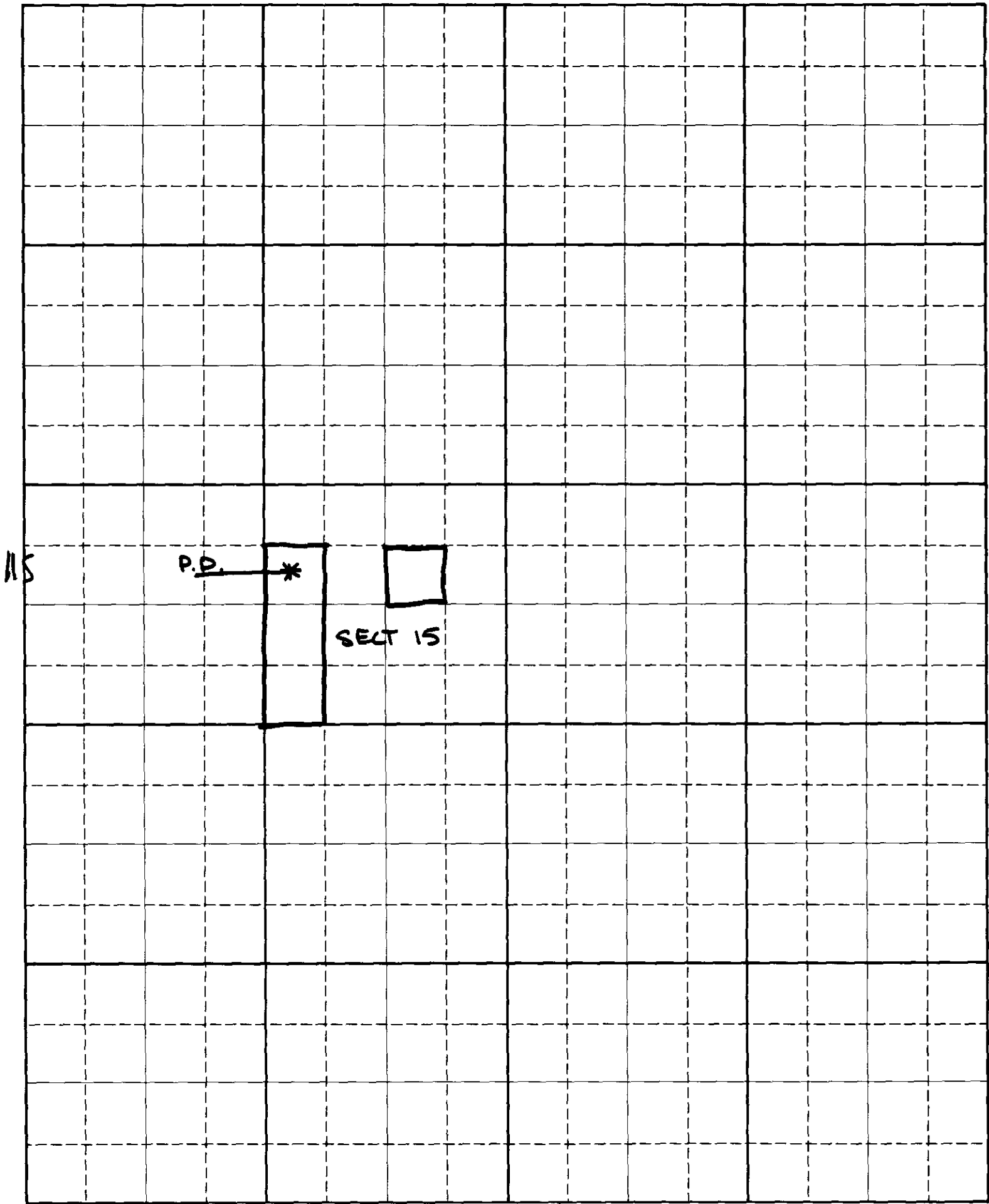
c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion The undersigned is purchasing the property on contract.
 b. Who owns the land to be irrigated or place of use Alma Blacker
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing That the place where the water is is being purchased on contract by the undersigned from the father of the undersigned, Alma Blacker.

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

22 E



Scale: 2 inches equal 1 mile

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.

Maria Blocker
(Applicant)

Proposed Priority 6-18-1973

Received by jmm Date 6-18-73 Time 2:35 pm
Preliminary check by WJN Fee \$ 45
Receipted by jmm Date 6-19-73 # 10919
Publication prepared by jmm Date 6-19-73
Published in South Idaho Press
Publication dates 6-26 & 7-3-73
Publication approved jmm Date 7-9-73
Priority ~~reduced to~~ 6-18-73 Reason _____

45-7141

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WJN BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

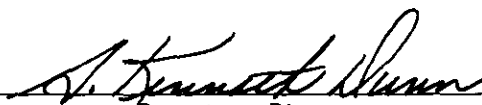
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7141, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1978.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19th day of July, 1973.


Deputy Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Application No. <u>45-7141</u> Name <u>Harvin Blacker</u>
(2)	<u>QWA</u>	<u>6-19-73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/V ☒ Place of Use ☒ Map ☒ Fee
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>QWA</u>	<u>6-19-73</u>	In form for advertising _____
(6)	<u>mm</u>	<u>7-9-73</u>	Affidavit of Publication received _____
(7)			Final date for protests <u>July 13, 1973</u> Protests received: yes _____ no ☒
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no ☒
(11)			Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☒ Approve Priority <u>6-18-73</u> ☐ Deny Reason for Reduction _____ ☒ See attached sheet for conditions of approval ☐ No conditions for approval
(14)			District <u>Southern</u> By <u>Bob Haynes</u> Date <u>6-18-73</u> Title <u>Dist Engr</u>

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Ruth Chambers, being first
duly sworn, deposes and says that she is the

Bondkeeper of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2
consecutive weeks, commencing with the issue
dated *June 26* 1973, and ending
with the issue dated *July 3* 1973.

Ruth Chambers

Subscribed and sworn to before me
this *6th* day of *July*
1973.

Edith Raustett Notary Public

Cost of Publication *12.60*

Notary Fee

Total Cost

My commission expires October 23, 1975

73-207

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that
Marvin Blocker 400 West 450
South, Burley, ID has on June
18, 1973 submitted Application
No. 45-7141 for a permit to
appropriate 3.0 cubic feet per
second of water from sub-
terranean well by means of
well, pump, ditches,
headgates, and sprinkling
system within the SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 15, T. 11S, R. 22E, B.M.,
Cassia County to be used from
Apr. 1 to Oct. 31 for irrigation
of 160 acres within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 11S, R.
22E, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Depart-
ment of Water Administration,
1041 Blue Lakes Boulevard
North, Twin Falls, Idaho,
83301 on or before July 13,
1973.

R. KEITH HIGGINSON
Director

Published in the South Idaho
Press on June 26 and July
3, 1973.

45 7141

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Chambers being first

duly sworn, deposes and says that she is the

Bart Cooper of the South Idaho Press, a daily newspaper published at Burley, Idaho in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 consecutive weeks, commencing with the issue

dated June 26 1973 and ending

with the issue dated July 3 1973.

Ruth Chambers

Subscribed and sworn to before me

this 6th day of July, ...

1973.

Ruth Chambers Notary Public

Cost of Publication 12.60

Notary Fee

Total Cost

My commission expires October 23, 1975

73-207

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Marvin Blacker 400 West 450 South, Burley, ID has on June 18, 1973 submitted Application No. 45-7141 for a permit to appropriate 3.0 cubic feet per second of water from subterranean well by means of well, pump, ditches, headgates, and sprinkling system within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 11S, R. 22E, B.M., Cassia County to be used from Apr. 1 to Oct. 31 for irrigation of 160 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T. 11S, R. 22E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before July 13, 1973.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press on June 26 and July 3, 1973.

November 20, 1985

Fred Hawker
Rt. 2, Box 2232
Burley, ID 83318

Dear Mr. Hawker:

Re: Water Right No. 45-7339A

Enclosed is the Proof of Beneficial Use form submitted to this office on July 15, 1985.

Please be advised that proof was previously received in August, 1982 and it is not necessary to submit proof again.

The next step is for a field examination to be conducted by our Southern Regional office.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA IL FLECK
Secretary/Records Manager

Enclosure

RE: Permit No. 45-7141

Dear Mr. Blacker:

Sincerely,

Jeni Johnson

JJ:kw
Enclosure

10 DAY LICENSE REVIEW

License vs. Permit

- ✓ No. correct A & B
- ☐ Priority date correct
- ☐ Amount equal to or less than
- ☐ Name same
- ☐ Permit date correct
- ☐ Proof due date correct
- ☐ Source correct
- ☐ Use correct
- ☐ Period of use/use correct — *corrected on fee*
- ☐ Rate of diversion/use equal to or less than
- ☐ Point of diversion description same or different
- ☐ County same
- ☐ Place of use description same or different

License vs. Field Exam

- ☐ Amount for rate of diversion correct
- ☐ Capacity correct
- ☐ Amount for each use correct
- ☐ Total amount correct
- ☐ Volume for each use correct
- ☐ Total volume correct
- ☐ Field exam showing p/d correct
- ☐ Field exam showing p/u correct
- ? ☐ Does field exam show more land irrigated than permit allows?
- ☐ Overlap review complete
- ☐ Conditions of approval correct

Cover Letter vs. License

- ☐ Name correct
- ☐ Number correct
- ☐ Amount correct
- ☐ P/D description correct
- ☐ P/U description correct
- ☐ Priority correct
- ☐ Conditions correct

Name

Jui

Date

11-4-83

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 4, 1983

Marvin Blacker
Rt. 2, Box 160
Burley, ID 83318

RE: Permit No. 45-7141

Dear Mr. Blacker:

A representative of this Department has made an examination of the works covered by your Permit No. **45-7141**, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **2.25 cfs** Source: **a groundwater source**

The maximum quantity diverted shall not exceed **592.0** acre feet per year.

Point(s) of diversion: **SW₁NE₁ Section 15, Twp 11S, Rge 22E**

Beneficial use: **15 Irrigation of 148 acres within SW₁NE₁, SW₁NW₁ and W₁SW₁, Section 15, Twp 11S, Rge 22E**

Priority date established: **June 18, 1973**

Conditions (if any): **This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. This right when combined with Right No. 45-73398 shall not exceed 2.25 cfs.**

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

Overlap Review for 45-7141

P/u micro-fische

45-2535

OK source-unnamed stream ✓
no conflicting overlap
use condition R16(4.0)

P/D micro-fische

~~45-2535 unnamed stream~~ NWSW

45-7141 ~~unnamed stream~~

45-7339 ~~P/D~~

} HAVE SAME
P/D ✓

Check Capacity of well 2.25 .

Right 45-7141 2.25

Right 45-7339 0.80

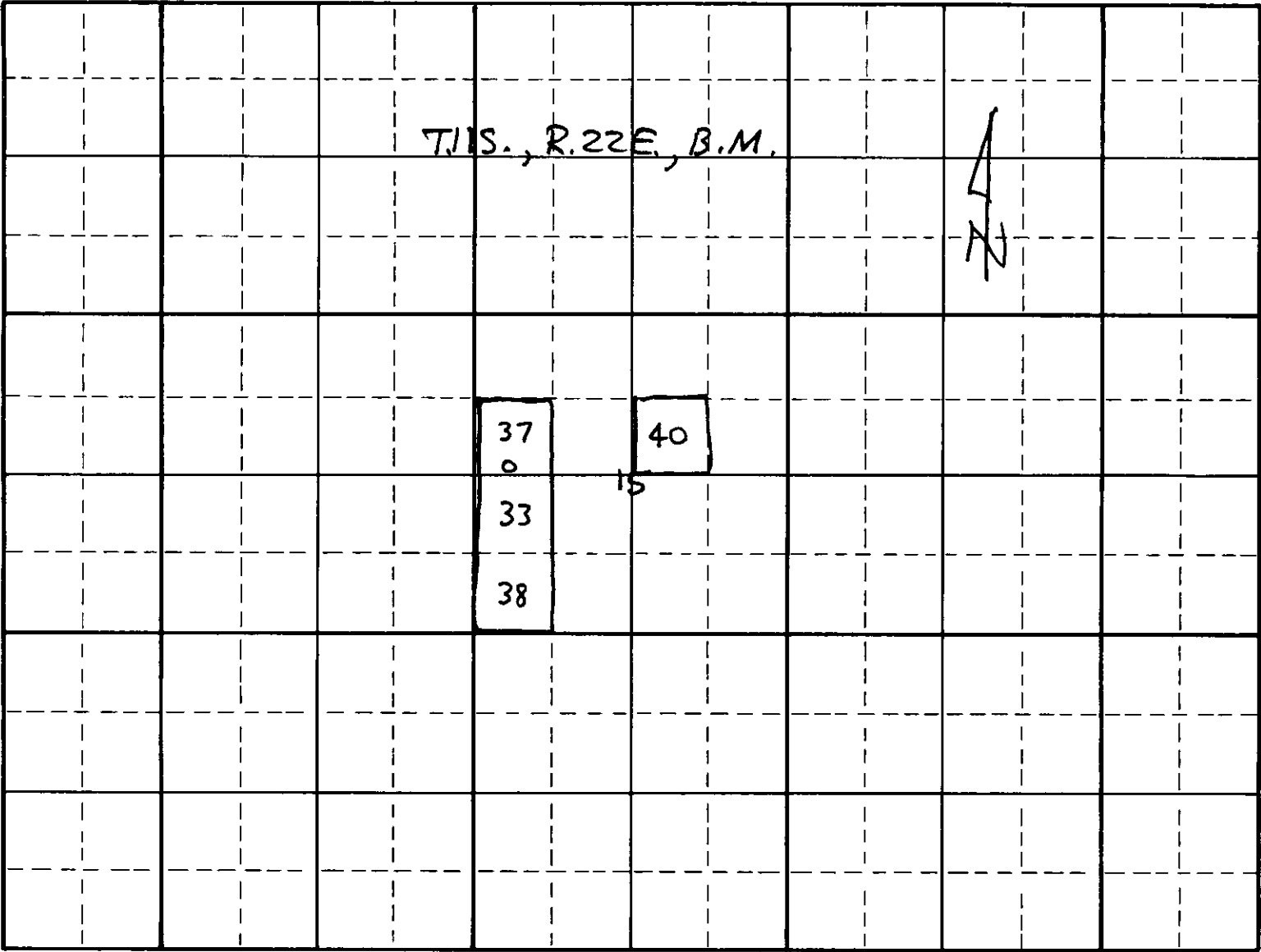
3.05 cfs
exceeds capacity - use capacity
condition R17(45-7339B, 2.25)

Kay 11/2/83
(as per Jim) OK

MICROFILMED

$$V = 2.25 \times 1.9835 \times 245 = 1093.4$$

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SW 1/4 NW 1/4 Sec. 15 T.11S., R.22E., B.M.
same as permit

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
✓ 11S.	✓ 22E.	✓ 15			40				37				33	38					148
					✓				✓				✓	✓					

Recommended Amendments: same p/u but less acres

☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☒ None
☐ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

$148 \times .02 = 2.96$
cfs

Examiner's Signature Allen D. Merrill Date 6/17/82
 Checked by J.F. Stanton Date 6-24-82
 Approved by _____ Date _____

RE-EXAM

IDWR SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Allen Merritt
Jim Stanton

Date 6/8/82

Owner: Marvin Blacker

Permit No. 45-7141
45-7334 (Part)

Description of well &/or measuring site (give distance to restrictions upstream and downstream): 200 H.P.

Measured inside diameter of pipe in inches (A) 10.020"

Size of Annubar used in test 10.020"

State ID# of Annubar Meter used _____

Size Eagle Eye Meter used 0-13" H₂O

State ID# of Meter used 091464

Date of Last Calibration of Meter 5/13/82

Observed inches of H₂O read on Meter 6.2

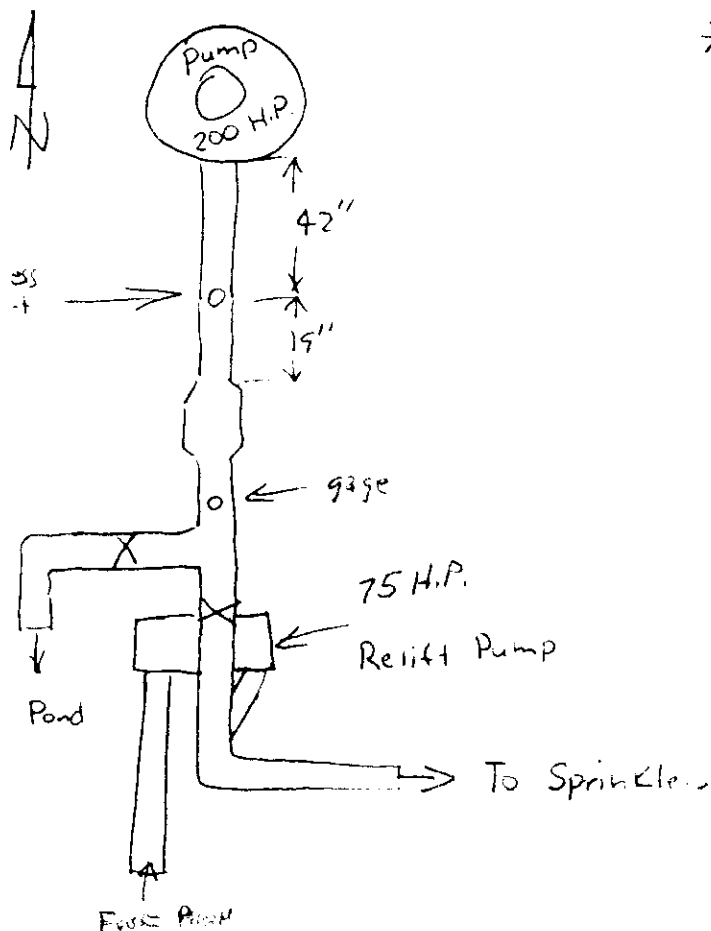
Adjusted inches of H₂O from Last Calibration (B) _____

CALCULATION: $\frac{(3.85) \times (A)^2 \times \sqrt{B}}{448.8} \times \text{Correction Factor} = \text{cfs measured}$

Where A and B are measured in inches and 3.85 is a constant for the model 75 Annubar.

SKETCH:

$$\frac{(3.85) \times (10.020)^2 \times \sqrt{6.2}}{448.8} \times 1.048 = \underline{\underline{2.25 \text{ cfs}}}$$



* At time of measurement the discharge had 65 psi back pressure on gage. The relift pump was not running.

Pump was also tested open discharge into pond with little or no back pressure and the discharge was calculated to be 3.38 cfs.

INTER-DEPARTMENT MEMO — 1

DATE Dec. 2, 1980

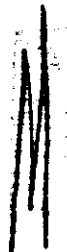
FROM Jim Johnson

TO Loren H.

SUBJECT Field exams on Permits 45-7141 and 45-7339

Attached are two field exams and a letter from Mr. Barrus. We need to re-measure Mr. Blackers system.

It is probably the only way Mr. Blacker will be willing to accept anything less than what his permits allow.



SIGNATURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 12, 1980

Alfred E. Barrus
Attorney at Law
P. O. Box 487
Burley, Idaho 83318

Re: Permits 45-7339, 45-7141, Marvin Blacker

Dear Mr. Barrus:

Your letter to Jim Johnson of November 6, 1980 has been referred back to the Regional Office.

The field report on the two permits indicates that the well discharged 3.62 cfs or 1625 gallons per minute under open discharge conditions. The examiner also found that the water was either re-pumped from a pond or pumped directly into the sprinkler system from the well. Under either condition he determined the flow to be 2.06 cfs (925 gpm).

Calculations using head and horsepower indicate that the 2.06 cfs figure may be incorrect.

We will contact Mr. Blacker and arrange to remeasure the water during the next irrigation season. In the meantime, no further action will be taken regarding licensing of the permits.

If you have any questions, please contact me.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
cc: Marvin Blacker

ATTORNEYS AT LAW

November 6, 1980

NOV 7 1980

Department of Water Resources

Jim Johnson
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for water right by Marvin Blacker

Dear Mr. Johnson:

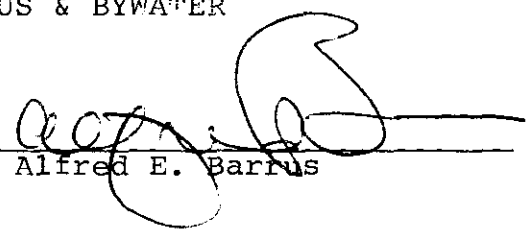
Pursuant to our recent telephone conversation, I am writing to try and clear up this matter. There are two permits involved. One is 45-7141 which is the subject of your letter dated October 31, 1980, to Mr. Blacker, and the other is 45-7339 which Mr. Blacker received on assignment from Ralph and Jean Savage. Both of these permits pertain to the same point of diversion and both have been submitted for proof of beneficial use.

Mr. Blacker informs me that when the field representative came out earlier this year to determine the amount of water that can be recognized as beneficially used under Idaho law, his testing instruments were not working properly and it is Mr. Blacker's belief that this is why he only came up with a 2.06 cfs. When he was measuring the open discharge he was measuring 1600 gallons per minute. For this reason we feel that the water should be measured again since it is believed very strongly by Mr. Blacker that there is much more water than 2.06 cfs being diverted.

Would you please contact me with regard to this matter as soon as possible.

Very truly yours,

BARRUS & BYWATER

By 
Alfred E. Barrus

AEB:sg
pc: Marvin Blacker
Route #2, Box 169
Burley, Idaho 83318

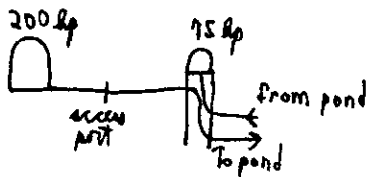
Same well as well as well 45-7839 (part) - both field exams done together, as this is one system.

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

NOTED



Point(s) of diversion: SW 1/4 NW 1/4 Sec. 15 T. 11S R. 22E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	22E	15			40				37			33	38						148

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☒ None
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other

Examiner's Signature G. E. Stanton

Checked by Robyn

Approved by Robyn

Date 7-1-80

Date 7-3-80

Date 10/16/80

45-7141

10
+
15

R 22.1

A 513

D 8.7

S
16.6

E
9.7

F
10.2

A 313

(37)

45-7339
part

A 313

B
(40)

P.D.

A 313

A

14.9

D
8.6

17.1

A 343

11.6

10.9

8.5

15 14
22 23

A 425

7

10
+
15

45-714

10 11
12 13

R 22.1

A 513
D 8.7

E
9.7

F
10.2

A 315

(37)

45-7339
part

A 313
B
(40)

A 313

4.9

(38)

E
17.1

D
8.6

15

22

A 343

15 14
+
22 23

10.9

C
8.5

A 425 7

10
+
15

10 11
15 12

R
221

A 513

D 8.7

E
9.7

F
10.2

AS-133
part

11.6
R 130

A 313

F
14.5

(33)

G
14.9

(38)

E
17.1

D
2.6

15

22

B
10.9

D
11.6

C
3.5

D
14.1

A 343

15 14
22 23

FIELD REPORT

- Post office address Rt 2, Box 169, Durley, Md Phone

- (name spring, stream, etc.)

- (nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

Other uses: _____

- Max Rate of Diversion 3.0 cubic feet per second and annual volume _____ AF/Annum.

- County

County

County

Other Points of Diversions: _____

Description of diverting works: 16" x 570', 200 Hp, manual &

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 160

[illegible]

Diagram of System

DATE OF EXAM _____

ACREAGE

Found _____

Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement _____

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

REMARKS:

Examiner's Signature _____ Date _____

Checked by _____ Date _____

Approved by _____ Date _____

In the attached Photo the Parcels outlined and marked in orange are the ones designated in the permit -

I have leased the 40 acre tract marked in blue from a neighbor and have sufficient water to irrigate it. I have the following questions in regard to it.

1. Is it necessary to seek a modification to my permit if I irrigate this leased parcel?
2. If I obtain a license to irrigate it and then at some later date it is sold away from me or I lose my lease, would my water be tied to the property in anyway?

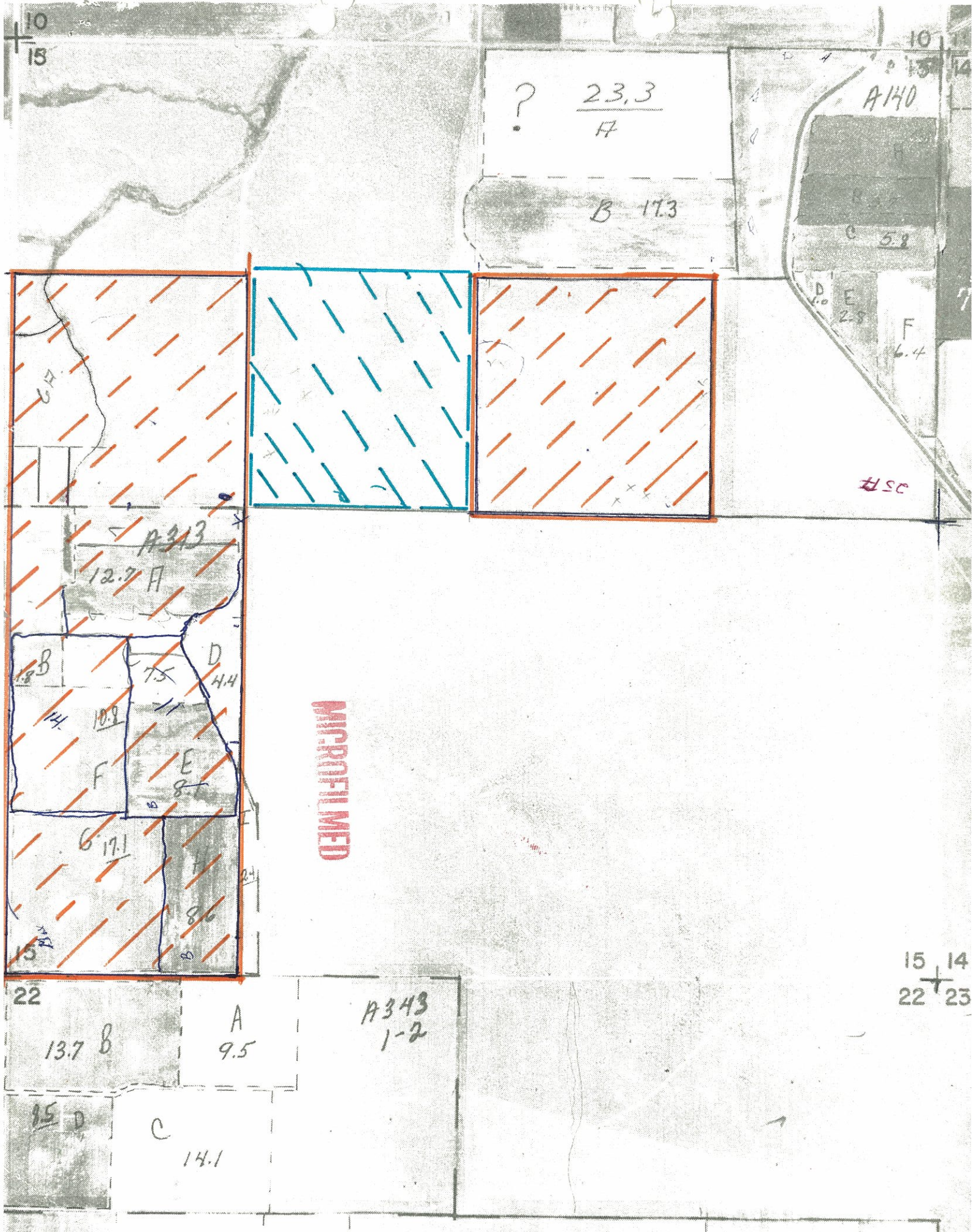
I have an easement across the south side of the property for a pipe line and ingress, egress rights.

Thank You for your reply

MARVIN BLACKER
RT. 2 BOX 169
BURLEY, IDAHO 83318

Marvin Blacker

RECORDED



MICROFILMED

HSC

15 14
22 23



November 6, 1980

NOV 7 1980

Department of Water Resources

Jim Johnson
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for water right by Marvin Blacker

Dear Mr. Johnson:

Pursuant to our recent telephone conversation, I am writing to try and clear up this matter. There are two permits involved. One is 45-7141 which is the subject of your letter dated October 31, 1980, to Mr. Blacker, and the other is 45-7339 which Mr. Blacker received on assignment from Ralph and Jean Savage. Both of these permits pertain to the same point of diversion and both have been submitted for proof of beneficial use.

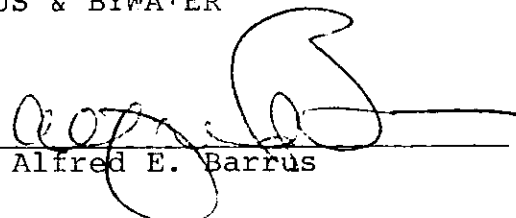
Mr. Blacker informs me that when the field representative came out earlier this year to determine the amount of water that can be recognized as beneficially used under Idaho law, his testing instruments were not working properly and it is Mr. Blacker's belief that this is why he only came up with a 2.06 cfs. When he was measuring the open discharge he was measuring 1600 gallons per minute. For this reason we feel that the water should be measured again since it is believed very strongly by Mr. Blacker that there is much more water than 2.06 cfs being diverted.

Would you please contact me with regard to this matter soon as possible.

Very truly yours,

BARRUS & BYWATER

By


Alfred E. Barrus

AEB:sg
pc: Marvin Blacker
Route #2, Box 169
Burley, Idaho 83318



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 31, 1980

Marvin Blacker
Rt. 2, Box 169
Burley, Idaho 83318

Dear Mr. Blacker,

A representative of this Department has made an examination of the works covered by your Permit No. 45-7141, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.06 cfs Source: groundwater

The maximum quantity diverted shall not exceed 592 acre feet
per year.

Point(s) of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 11S, Rge. 22E, B.M.

Beneficial use: Irrigation of 148 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 11S, Rge. 22E.

Priority date established: June 18, 1973.

Conditions (if any):

If you do not concur with these findings please contact us within 10 days,
otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

UNRECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 12, 1979

Marvin Blacker
Rt. 2 Box 169
Burley, ID 83318

Dear Mr. Blacker:

RE: Permit No. 45-7141

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

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

If you have any questions regarding the field examination, please contact our regional office in Twin Falls.

Sincerely,

RITA FLECK
Water Rights

MICROFILMED

Identification No. _____

Permit No. 45-7141

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

MAY 23 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Marvin Blacker
b) Post Office Address Rte. 2 Box 169 Burley, Idaho
2. Permit Number 45-7141
3. Date of Priority that you are prepared to establish 6/18/73
4. a) Source from which water was appropriated Subterranean Well
b) Location of the point of diversion: SW 1/4 NW 1/4, Section 15
Township 11 S, Range 22 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 3.0 cfs. for Irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.0 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Port Welded to Discharge pipe

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 200 H.P., 8 Stg. 12 RH Bent Axle, 16" column
16" well casing, well depth 1570'
Mainline and sprinkler

- b) Describe the type and size of measuring device which you have installed at your point of diversion: Port Welded to Discharge pipe

- c) Give well driller's name and address and the date the well was completed: Shuman Conch
340 Waurika Vista Dr.
Burley, Idaho
8-3318
Completed 8/1/78

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed 6/12/79 by af

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	22E	15			40				40				40	40					160

Total number of acres irrigated 160

10. Remarks: See attached memo

The above information is a true statement of the extent to which the above numbered permit has been developed.

5/21/79

(Date)

Maureen Blacker

(Signature)

State of Idaho)

County of Cassia) ss.

On this 21st day of May, 1979, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Jack K. Ramsey
Notary Public residing at JACK K. RAMSEY
NOTARY PUBLIC
BURLEY, IDAHO
COMM. EXP 1-12-83

My commission expires 1-12-83



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2245

100871

May 1, 1979

Marvin Blacker
Route 2, Box 169
Burley, ID 83318

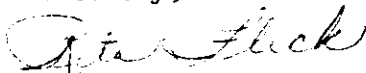
Dear Mr. Blacker:

One of the conditions of approval of your water Permit No. 45-7141 was that evidence of the extent of development must be submitted to this office on or before July 1, 1979. (See last page of your approved permit). Enclosed is a post card which may be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use post card or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within 60 days.

Sincerely,


RITA FLECK
Sr. Secretary

Enc: 1

RECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

NOV 14 1973

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition should be less restrictive and provide more flexibility to you in the development of your water right system. The specifications related to the size and location of the access port will be available upon request from the Department, as soon as the Department's measuring equipment is obtained.

If you have questions regarding this matter, please contact this office or our regional offices.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:JG:kw

Enclosure

1-14-73

May 26, 1978

Re: Permit No. 45-7141

Marvin Blacker
Route 2, Box 169
Burley, Idaho 83318

Dear Mr. Blacker:

Enclosed is a copy of the approved application for extension of time which extends ~~the~~ time within which to submit proof of beneficial use of water to July 1, 1979.

In response to your question regarding the measuring device requirement you may have a certified measurement made by a professional engineer with your system operating as it normally is in lieu of installing a measuring device. Please submit the measurements with the proof of beneficial use when you submit it.

If you have any questions on this matter, please do not hesitate to contact us.

Sincerely,

JAN GROVER
Supervisor,
Water Rights

JG:JFR

Encl.

RECEIVED

RECEIVED

MAY 18 1978

Department of Water Resources

sources 1 yr.
James P. [unclear]
m.c. [unclear]

State of Idaho
Dept. of Water Resources

Gentlemen =

I am in receipt of your letter dated 4/28/78
in regards to my water permit No. 45-7141 which
expires 7/1/78.

1 We are currently drilling this well. They are about 150 feet deep now with an anticipated depth of 450 - 550 feet. At the rate they are going this may not be finished until mid or late June which may not give us sufficient time for pump installation and power connection to meet the deadline of July 1 for Proof of Application of Water to Beneficial Use.

Even though we are working for a timely completion I would like to have an extension of time in case some unforeseen problems arise to delay our completion.

This well will be put into operation as soon as possible after completion of drilling.

Do I understand the notice to indicate that if I have a certified measurement made I would not have to install the water measuring device?

Thank You for your consideration and reply.

Respectfully,
L. L.

F. Mawm Blackie -

MARVIN BLACKER
RT. 2 BOX 169
BURLEY, IDAHO 83318



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 28, 1978

CERTIFIED MAIL

138723

Re: Permit No. 45-7141

Marvin Blacker
400 West 450 South
Burley, Idaho 83318

Dear Mr. Blacker:

One of the conditions of approval of your water Permit No. 45-7141 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

February 6, 1978

re: permit no. 45-7141

Marvin Blacker
400 West 450 South
Burley, Idaho 83318

Dear Mr. Blacker:

Enclosed is a copy of the DENIED application for extension of time submitted in connection with Permit No. 45-7141.

Please note, however, that proof on this permit is not due until July 1, 1978 and you have until that time to submit proof or begin work on your project. We will notify you sixty days prior to July 1, 1978, that proof of beneficial use of water is due.

If you have any questions, please do not hesitate to contact us.

Sincerely,

JAN GROVER
Supervisor,
Water Rights

JG:jfr

Encl.

July 19, 1973

Re: Permit No. 45-7141

Mr. Marvin Blacker
400 West 450 South
Burley, ID 83318

Dear Mr. Blacker:

Enclosed is a copy of your approved Application for Permit No. 45-7141. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

45 7141

June 18, 1973

RE: Application No. 45-7141 - Marvin Blacker

South Idaho Press
Box 1-2
Burley ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:jmm

Enc.: Legal Notice

Bill submitted 7-9-73 by jmm

45 7141

73-207

OK
mm
6-22-73
NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Marvin Blacker 400 West 450 South, Burley, ID has on June 18, 1973 submitted Application No. 45-7141 for a permit to appropriate 3.0 cubic feet per second of water from subterranean well by means of well, pump, ditches, headgates, and sprinkling system within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 11S, R. 22E, B.M., Cassia County to be used from Apr. 1 to Oct. 31 for Irrigation of 160 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T. 11S, R. 22E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before July 13, 1973.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press on June 26 and July 3, 1973.

45 7141

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Marvin Blacker

400 West 450 South, Burley, ID

has on June 18, 1973 submitted Application No. 45-7141

for a permit to appropriate 3.0 cubic feet per second ~~XXXXX~~
of water from subterranean well

by means of well, pump, ditches, headgates, and sprinkling system.

within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 11S, R. 22E, B.M., Cassia County

to be used from Apr. 1 to Oct. 31

for Irrigation of 100 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T. 11S, R. 22E, B.M.,

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before July 13, 1973.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press

on June 26 and July 3, 1973

45 7141

June 19, 1973

RE: Application No. 45-7141

Mr. Marvin Blacker
Route 2, Box 169
Burley, ID 83318

Dear Mr. Blacker:

Attached is your Receipt No. 10919 in the amount of \$45.00 for the above referenced Application for Permit which was received in this office on June 18, 1973.

Very Truly yours,

Bob Haynes
District Engineer
Southern District

BH:jmm

Enc.

45 7141