

45-027 31

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33230/45-2731 Priority Sept. 19, 1966 Amount 1.09 cfs

THIS IS TO CERTIFY, that M. ALVIN KEMPTON
of Albion, Idaho, has complied with the terms and conditions of Permit
No. 33230/45-2731 issued pursuant to Application for Permit dated September 19, 1966,
and has submitted proof to the Department of Water Administration on July 1, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.09 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.09 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.09 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, Twp. 12 S, Rge. 25 E, B.M.

in the county of Cassia, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 256 acre feet per year or
4.0 acre feet per acre.

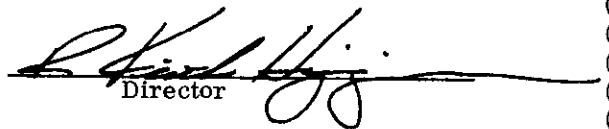
Description and location of place of use:

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 $\frac{1}{4}$	
12 S	25 E	8	22	11	8	23													64

Total number of acres irrigated 64

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
September, 19 73.


Director

45 2731

✓ 33230
40.
45-012

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41404
Permit No. G- 33230
District No.

1. Name of Applicant: M. Alvin Kempton
Postoffice address: ~~Route #1, Box 101~~ ^{Letter of 7-29-69} ~~Buhl~~ County: Twin Falls State: Idaho
2. Quantity of water claimed:
- (a) Rate of withdrawal in cubic feet per second 2.2 or Idaho
Miners' inches or gallons per minute
- (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE ¼ of the NE ¼ of Section 8
Twp. 12 S , Rge. 25 E , B.M., County of Cassia
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 ¼ of the ¼ of Section , Twp.
Rge. , B.M.
- (b) Waste water or sewage effluent is to be returned to
at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.
7. Kind of works: well, pump and ditches.
8. Estimated cost of works: \$ 5,000.00
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
years. 1
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) -0- (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) 2.2 (cubic feet per second, inches or gallons per minute) is for new lands.

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

Applicant.

Agent.

This priority date due to the restoration of the Albion Basin Area.

Approval of State Reclamation Engineer

/s/ R. KEITH HIGGINSON
STATE RECLAMATION ENGINEER.

STATE OF IDAHO

By /s/ ROBERT E. SMYLIE
Governor

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	
12 S	25 E	8	30	37	30	30	STATE OF IDAHO DEPARTMENT OF RECLAMATION								127				
In the Matter of) Permit No. G-33230) Date for Completion)			Extension of Time ORDER																
WHEREAS, Permit No. G-33230 was issued to M. Alvin Kempton on September 19, 1966; and WHEREAS, said permit specified that work must be completed and the water used beneficially on or before October 3, 1967; and WHEREAS, Section 42-234 of the Idaho Code specifies that no less than two years can be allowed for the completion of works and application of water to beneficial use; NOW, THEREFORE, it is hereby ordered that the final date for completion of the work and application of water to beneficial use shall be October 3, 1968. Dated this 7th day of February, 1967. /s/ R. KEITH HIGGINSON State Reclamation Engineer																			

APPROVAL OF EXTENSION OF TIME

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approves the above application for extension of time for Permit No. G-33230 to October 3, 1970.

Witness my hand this 27th day of March, 1968.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

JUL 1 1970

44
OK
51270

Department of Water Administration

1. a) Name of Permit Holder M. Alvin Kempton
b) Post Office Address Albron, Idaho
2. Permit Number G 33230
3. Date of Priority that you are prepared to establish Sept. 19, 1966
4. a) Source from which water was appropriated groundwater source
b) Location of the point of diversion: SE 1/4 NE 1/4, Section 8
Township 12S, Range 25E, BM Boise Meridian, Other points of diversion: none
5. a) The amount of water and use to which the water has been applied:
amount 55 inches for irrigation purposes from 1 April to 15 Nov. 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 55 inches for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 55 inches continuously thru irrigation season 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: Over a wooden weir by Doyle Butler (Water Master for Albron Irrigation District)
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) Pump: 10" bowl, 6" suction pipe, 6" discharge pipe, 260' column. Motor: 40 HP, 220/440 Volt, 4 pole Electric. Well casing 16". Depth of well: 305'
b) Describe the type and size of measuring device which you have installed at your point of diversion: Gore - Water with flow directly into sprinkler system
c) Give well drillers name and address and date the well was completed
Clarence Bishop - Burley, Idaho
1 Nov. 1966

Examined by, recd
July 30, 1970
Christine McMillan

33230
45-2731

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use None

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

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	
12S	25E.BM	8	7	35	20	24													86

Total number of acres irrigated 86

10. Remarks:

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

June 30, 1970
(Date)

M. Alvin Kempton
(Signature)

State of Idaho
County of Cassia ss.

On this 30th day of June, 19 70, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same

Jay S. Feltner
Notary Public residing at Albion, Idaho

My commission expires June 10, 1971

**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
Bookkeeper 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 Sept 4 1969, and ending
with the issue dated Sept 11, 1969.

Ruth Chambers

Subscribed and sworn to before me
this 11th day of September
1969.

Edith Rautsch Notary Public

Cost of Publication \$ 10.50

Notary Fee _____

Total Cost _____

My commission expires October 23, 1971

RECEIVED

SEP 13 1969

Department of Reclamation

NOTICE OF EXISTING
WATER PERMIT
No. 1150
Alvin J. ...
Idaho ...
Department of Reclamation
Division of ...
section of water ...
groundwater source subject to all
prior rights. The priority of the
established water right is
September 15, 1966 and the
permit was approved October 3,
1966. Water is to be diverted by
well, pump and ditched from a
point within the ... Sec. 2,
T. 12 N., R. 25 E., Burley, Cassia
County, Idaho, for ...
in the ... Sec. 2, T. 12 N., R. 25
E., Burley, Cassia County, Idaho.
Receipt of the application of the
water for beneficial use is to be
submitted to the Department on
or before October 3, 1970. Any
protests against the issuance of a
license for the above described
permit should be filed with the
Department of Reclamation
ten (10) days of the date of
publication of this notice
to the ... of the
License ...
the date of ...
due without further notice.
1969
Public ...
Press, Burley, Idaho, on September
4 and September 11, 1969.

44
1-2-70

45-2731
33230

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
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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 Sept 4 1969, and ending
with the issue dated Sept 11, 1969.

Ruth Chambers

Subscribed and sworn to before me
this 11th day of September
1969.

Edith Kanstedt Notary Public

Cost of Publication \$ 10.50

Notary Fee _____

Total Cost _____

My commission expires October 23, 1971

69-207

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that M. Alvin Kempton, Box 158, Albion, Idaho, has received an approved permit No. G-33236 issued by the Idaho State Reclamation Department authorizing the diversion of 2.2 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is September 19, 1966 and the permit was approved October 3, 1966. Water is to be diverted by well pump and ditches from a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 12 S., R. 25 E., B.M., Cassia County, to be used for irrigation in the NE $\frac{1}{4}$, Sec. 8, T. 12 S., R. 25 E., B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 3, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho
Press, Burley, Idaho, on September
4 and September 11, 1969.

45-2731
23020

Form No. 3
5 M-1-65

Address all communications to:

M. Alvin Kempton

P.O. Rte. 1, Box 101, Buhl, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41404

Permit No. G 33230

Water District No.

RECEIVED
SEP 15 1966
2:00 P.M.
Department of Reclamation

1. Name of applicant: M. Alvin Kempton
Buhl

Post office address Rt. 1, Box 101 / County Twin Falls State Idaho

2. Quantity of water claimed: 2.2 (Two and two tenths) cubic feet per second

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the SE 1/4 of the NE 1/4 of Section 8 (Eight)

Twp. 12 S, Rge. 25 E, B.M., County of Cassia

5. Water is to be used for: Irrigation

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

(a) Point of use of water is in the 1/4 of the 1/4 of Section

Twp., Rge., B.M.

(b) Waste water or sewage effluent is to be returned to

at a point in the 1/4 of the 1/4 of Section, Twp., Rge., B.M.

7. Kind of Works: Well, pump and ditches

8. Estimated cost of works: \$ 5,000.00

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

five / years.

11. If applicant is a corporation, give:

1. (a) Date and place of incorporation:

(b) Amount of capital stock \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

33230

(Continued)

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:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

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

(a) Zero (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) 2.2 (cubic feet per second, inches or gallons per minute) is for new lands.

33230

Remarks:

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.

M. Alvin Kempton Applicant

By _____, Agent

33230

Approval of State Reclamation Engineer

The number of this permit is G 33230
Recorded in Book 116 Page 33230 Approved OCT 3 1966

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 before _____

One-fifth of the work above specified to be completed on or before April 3, 1967

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before October 3, 1967

Witness my hand this 3rd day of October, 19 66

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We ROBERT E. SMYLIE, Governor of the State of Idaho,

and LOUIS E. CLAPP, 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 3rd day of October, 19 66

Countersigned:

By

Louis E. Clapp
Secretary of State

STATE OF IDAHO

By

Robert E. Smylie
Governor.

No. G 33230

PERMIT

Date of first receipt at office of State
Reclamation Engineer

September 19, 1966 8:00 A.M.

Returned to applicant for correction

This priority date due to the
restoration of the Albion Basin Area.

Corrected application received

Fees, \$ 5.50

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

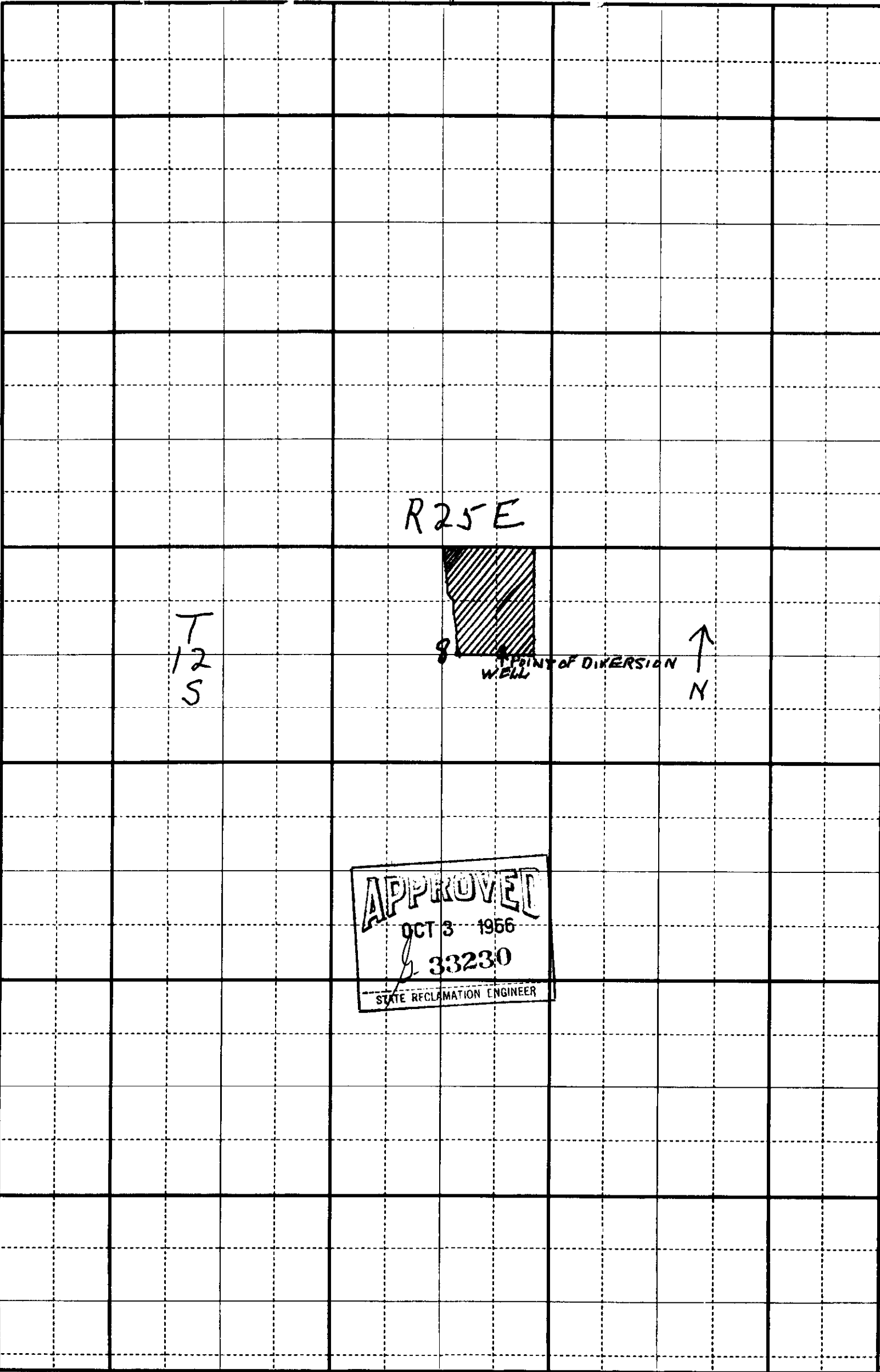
For each additional Sec. Ft. or Fraction

Thereof .25

33230

NAME OF APPLICANT M. Alvin Kempton

Form No. 0



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

33230

September 11, 1973

Re: Permit No. 33230/45-2731

Mr. M. Alvin Kempton
P.O. Box 158
Albion, Idaho 83311

Dear Mr. Kempton:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

bjg

Enclosure

45 2731

August 21, 1973

Mr. M. Alvin Kempton
P.O. Box 158
Albion, Idaho 83311

Dear Mr. Kempton:

A representative of this Department has made an examination of the works covered by your Permit No 33230/45-2731 and has found the following:

Quantity of water diverted: 1.09 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.09 cfs

The maximum quantity diverted shall not exceed 256 acre feet per year.

Beneficial use: Irrigation of 64 acres within the
NE1/4 Sec. 8, Twp. 12 S, Rge. 25 E, B.M.

Point of diversion: SE1/4NE1/4 Sec. 8, Twp. 12 S, Rge.
25 E, B.M.

Priority date established: September 19, 1966

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY DL FLEENOR
Assistant Director

BDF/bjg

45 2731

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

Permit No. G-33230/45-2731

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant M. Alvin Kempton, Albion, Idaho 83311

2. Source of water supply: ground water

3. Location of point of diversion: Is in the SE 1/4 NE 1/4 of Section 8

T. 12 S R. 25 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: _____

U.S. MOTORS HOLLOSHAFT 40HP, 230/460 VOLT, 1770 RPM, SER. # R1003267

Pump 10" bowl, 6" suction pipe, 6" discharge, well casing 16", depth of well; 305'

LAYNE + BOWLER VERTILINE PUMP, 450 GPM @ 250 FT

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):

Section 8, T. 12 S., R. 25 E., B.M. NE 1/4 127 acres

127 TOTAL

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

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

Remarks: _____

This examination was made on the 3 day of AUGUST, 19 71.

(Signed) Frank A. Claiborn Examiner.

Not irrigated
9/6/70
KCS

ASCS: Burley

SCS: Burley

Permit No. G-33230/45-2731

Examination for B/U M. Alvin Kempton

County Cassia

Quantity: Sec. 8 T. 12S R. 25E

(permit) 2.2cfs (proof) same

Source:

ground water

P.D.:

SE 1/4 NE 1/4

Use:

irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: September 19, 1966 Made: June 1, 1970

Due: October 3, 1970 Priority: September 19, 1966

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.

0	.10	.20	.30	.40	.50	.60	.70	.75	.80
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.B5

90

River at ALVIN KEARSTON

44

4

1.00

•

• 34

34

34

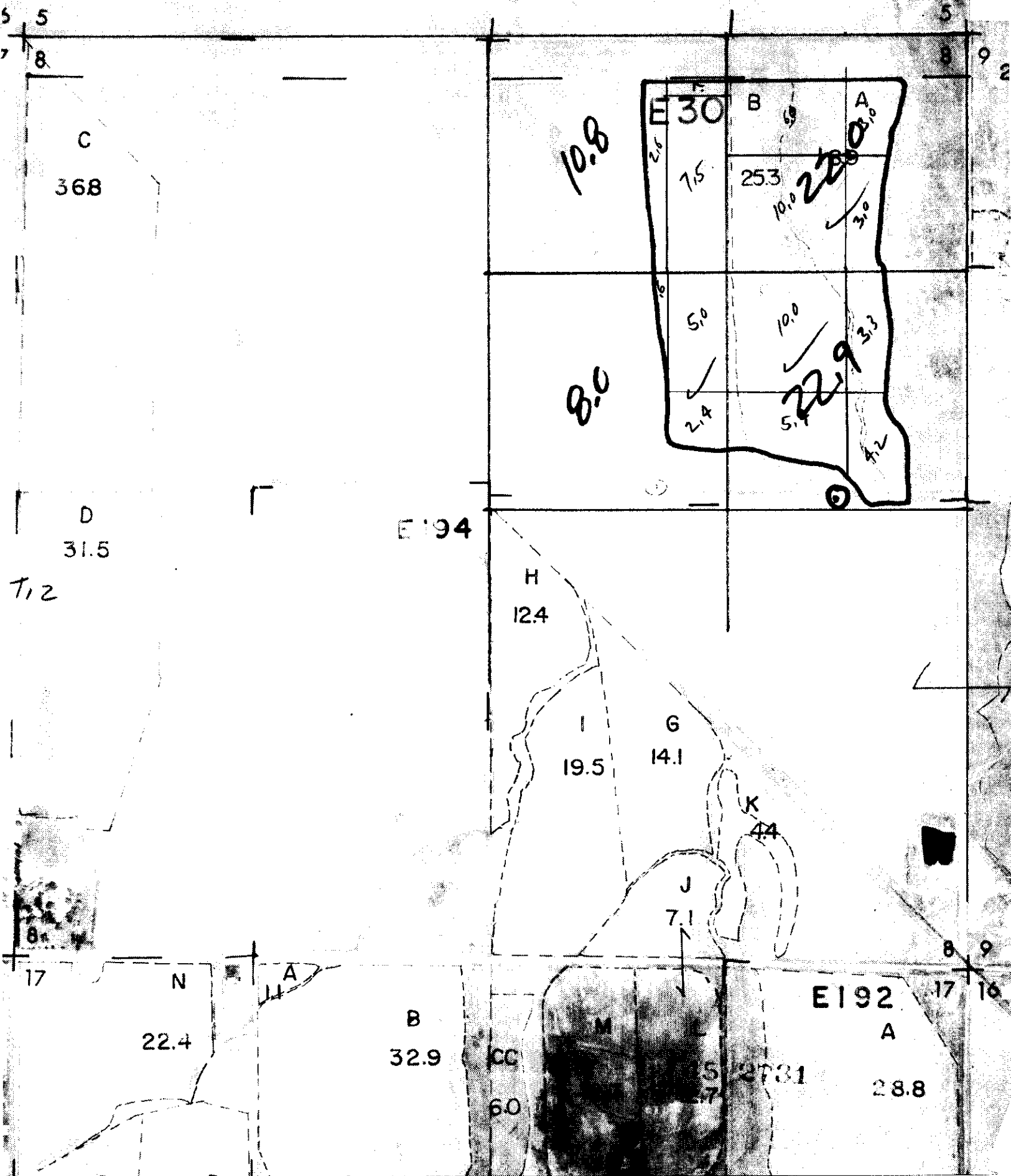
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.80

.78

R25 T12



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-33230/45-2731

REPORT ON PROOF OF B/U M. Alvin Kempton

Hollowshoff Motor
40 H.P. 3ph 60°
Ser: R1003267
Layne & Bouler Comp.
450 gpm 250'
1770 RPM
Model: 10EHL
Ser: D22937
6" discharge into earth ditch

45 2731

July 2, 1970

Re: Permit No. G-33230/45-2731

Mr. M. Alvin Kempton
P.O. Box 158
Albion, Idaho 83311

Dear Mr. Kempton:

We acknowledge receipt of the affidavit of publication submitted on October 17, 1969, and the affidavit of beneficial use submitted on July 1, 1970 in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from 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 someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

33230
45-2731

RECEIVED

LAW OFFICES

HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

July 29, 1969

30 80
Department of Reclamation

OTHER OFFICES AT

P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-8083
SUN VALLEY, IDAHO 83353
(208) 726-5861

State of Idaho
Department of Reclamation
Statehouse Mailroom
Boise, Idaho 83707

Re: Application No. G 41404
Permit No. G 33230

Gentlemen:

Please forward the forms (Affidavit, etc.) for Proof of Completion of Works so that our client may properly comply with requirements for issuance of a Water License to M. Alvin Kempton, with regard to the above-referenced Application and Permit.

Would you please forward the necessary material to M. Alvin Kempton, whose address is now Albion, Idaho 83311, rather than Route 1, Box 101, Buhl, Idaho 83316, as is shown on the Application for Permit and Extension of Time.

We would like to set the time of the Proof before Witnesses for 2:00 p.m., at D. L. Evans & Company, Bankers, in Albion, Idaho, on September 17, 1969.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



Michael H. Felton

MHF/pw

cc: M. Alvin Kempton
Albion, Idaho 83311

33230
45-2731

August 5, 1969

Re: Permit No. G-33230

M. Alvin Kempton
Albion,
Idaho

Dear Mr. Kempton:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Order
Advertising package
Proof package

45-2731
33230

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-33230)

in the name of M. Alvin Kempton)

Albion, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

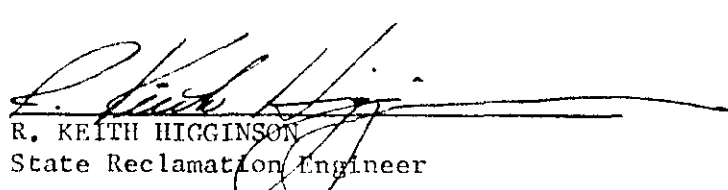
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33230 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 8TH day of August, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

33230
45-2431

RECEIVED

AUG 11 1969

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that M. Alvin Kempton, Albion, Idaho,

Box 156

has received an approved permit No.

G-33230

issued by the Idaho State Reclamation Department authorizing the

diversion ~~APPROX~~ of 2.2 cubic feet per second ~~APPROX FROM PERMIT~~

of water from a groundwater source,

subject to all prior rights. The priority to be established under this permit is

September 19, 1966

and the permit was approved October 3, 1966.

Water is to be diverted by well, pump and ditches

from a point within the SE 1/4, Sec. 8, T. 12 S, R. 25 E, B.M., Cassia County

to be used for irrigation

in the NE 1/4, Sec. 8, T. 12 S, R. 25 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 3, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the South Idaho Press, Burley, Idaho,

on

and

September 4

September 11, 1969

State Reclamation Engineer:

Permit No. G-33230

You are hereby authorized to have the attached notice published at my expense in

the South Idaho Press of Burley, Idaho,

published in the county in which the works are situated.

(Signature)

(Address)

(Date)

45-2731
33230

August 22, 1969

Re: Permit No. G-33230 - M. Alvin Kempton

South Idaho Press
Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed is a legal notice which we wish to have published 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 our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by M. Alvin

~~Kempton, you should furnish an affidavit of publication.~~

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

33230
45-2731

NOTICE OF EXISTING
WATER PERMIT
Notice is hereby given that M.
Alvin Kempton, Box 150, Albion,
Idaho, has received an approved
permit No. G-33230 issued by the
Idaho State Reclamation
Department authorizing the
diversion of 2.2 cubic feet per
second of water from a
groundwater source subject to all
prior rights. The priority to be
established under this permit is
September 19, 1968 and the
permit was approved October 3,
1968. Water is to be diverted by
a well, pump and ditches from a
point within the SE 1/4, Sec. 8,
T. 12 S., R. 25 E., B.M., Cassia
County to be used for irrigation
in the NE 1/4, Sec. 8, T. 12 S., R. 25
E., B.M.
Proof of the application of the
water to beneficial use is to be
submitted to the Department on
or before October 3, 1970. Any
protests against the issuance of a
license for the above referenced
permit should be filed with the
Department of Reclamation within
ten (10) days of the last date of
publication of this notice or prior
to the licensing of the permit.
Licensing may commence prior to
the date beneficial use proof is
due without further notice.
R. KEITH HIGGINS
State Reclamation Engineer
Published in the South Idaho
Press, Burley, Idaho, on September
4 and September 11, 1969.

August 22, 1969

Re: Permit No. G-33230

M. Alvin Kempton
Box 158
Albion, Idaho 83311

Dear Mr. Kempton:

The legal notice for the above referenced permit is being published in the South Idaho Press, Burley, Idaho on September 4 and September 11, 1969

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

45-2731
33230

October 13, 1969

Re: Permit No. G-33230 (New No. 45-2731)

M. Alvin Kempton
Box 158
Albion, Idaho 83311

Dear Mr. Kempton:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 3, 1970; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the South Idaho Press, Burley, Idaho, and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

33230
45-2731

Dept. of Reclamation
Boise, Idaho

P.O. Box 158
Albion, Idaho
15 Oct. 1969

Dear Sirs:

Dept. of Reclamation

In Answer to your letter of 13 October I am
enclosing the Affidavit of Publication pertaining to my
well in Albion.

Sincerely,

M. Alvin Kempton

33230
45-2731

October 20, 1969

Re: Permit No. G-33230/45-2731

M. Alvin Kempton
Box 158
Albion, Idaho 83311

Dear Mr. Kempton:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until October 3, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

45-2731
33230

March 27th 1968

RE: Permit G-33230

M. Alvin Kempton
Route #1, Box 101
Buhl, Idaho 83316

Dear Mr. Kempton:

Enclosed you will find a copy of the extension of time application you submitted to this office for approval. You will note this extension is approved to October 3, 1970 as requested.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Encl: Enclosure of copy of extension of *time*.

33230

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MAR 15 1968

APPLICATION FOR EXTENSION OF TIME

Department of Reclamation

State of Idaho
County of Gwin Falls

Permit No. G-33230

M. Alvin Kempton of Rt. 1, Buhl, Idaho
(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. G-33230.

That under the terms and conditions of said permit, work thereunder was required to be completed by Oct. 3, 1968.

That he has heretofore performed the following work described under said permit:
Drilled a 16-inch well to a depth of 300 feet and installed 300
feet of casing.

Costing \$8,550

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The cost of land preparation in addition
to money already spent would result in financial problems based on
the two years authorized under the existing permit. Also, preparation
of the ground would be most difficult, if not impossible, in the
time authorized.

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of obligations under said permit to Oct. 3, 1970.

M. Alvin Kempton
(signature)

Subscribed and sworn to before me this 14th day of March, 1968.

Mike Petter
(notary public)

My commission expires _____.

Date of receipt at office of Department of Reclamation March 15, 1968.

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for Permit
NO. G-33230 to October 3, 1970.

Witness my hand this 27th day of March, 1968.

R. Keith Higgins
State Reclamation Engineer

* If other than the holder, Power of Attorney must be supplied.

33230

February 5, 1968

Re: Permit No. G-33232 and G-33230

M. Alvin Kempton
Route #1, Box 101
Buhl, Idaho 83316

Dear Mr. Kempton:

Pursuant to your letter of January 30, 1968, we are forwarding the requested application for extension of time forms. Please complete an application form for each permit. Return the applications to the Department of Reclamation so that we may process them and advise you as to our findings.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: Extension of time forms (2)

33230

Department of Reclamation
Room 107, State House
Boise, Idaho

Rt. 1
Box 101
Buhl, Idaho
83316

Dear Sir:

I request extension of time for completion of works and application of water to beneficial use on my permits # G-33232 and G 33230. I request that the extension be made to Oct. 3, 1970.

Sincerely,

M. Alvin Lempton

RECEIVED
JAN 29 1973

Department of Reclamation

33230

DON SAMUELSON
GOVERNOR



P. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

February 5, 1968

Re: Application No. 86-7007

Grace E. Thornton
Kendrick,
Idaho

Dear Mrs. Thornton:

We are in receipt of your application for permit. Before we can continue processing your application, we must have some additional information.

Under Item 6 of the application, you are requested to supply information concerning the diverting works proposed under your application. Please advise the department by return mail as to the type of diverting system that you have which enables you to divert the waters of the Potlatch River for use on your property. State whether these are headgates, ditches, or etc., pumps, pipeline, sprinkler systems and the capacity of the system.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: Copy of application (1st page)

33230

February 7, 1967

RE: Permits No. G-33230, G-33231, G-33232

M. Alvin Kempton
Rt 1, Box 101
~~Twin Falls~~, Idaho 83306
Bull

Dear Mr. Kempton:

Enclosed find orders extending the time for completion of
works and application of water to beneficial use on your
Permits No. G-33230, G-33231, G-33232 by one year.

Very truly yours,

Donald J. Watts
Engineer

DJW:mr

Enc. extensions of time

33230

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of	)	Extension of Time
Permit No. G-33230	)	
Date for Completion	)	ORDER

WHEREAS, Permit No. G-33230 was issued to M. Alvin Kempton on September 19, 1966; and

WHEREAS, said permit specified that work must be completed and the water used beneficially on or before October 3, 1967; and

WHEREAS, Section 42-234 of the Idaho Code specifies that no less than two years can be allowed for the completion of works and application of water to beneficial use;

NOW, THEREFORE, it is hereby ordered that the final date for completion of the work and application of water to beneficial use shall be October 3, 1968.

Dated this 7th day of February, 1967.

State Reclamation Engineer

33230

October 12, 1966

RE: Permit G-33230, G-33231 and G-33232

M. Alvin Kempton
Route #1, Box 101
Buhl, Idaho

Dear Mr. Kempton:

Enclosed is your permit for appropriation of water from a well in the Albion Basin. Your attention is invited to the terms and conditions of the permit on the last page of the form. You will note particularly that we have allowed only one year to complete the well and put it into operation. We feel that this short period is necessary to avoid excessive depletion of the ground water resource and to assure that the recent permits, totaling about 26 c.f.s. in all, were not filed for speculative purposes.

If you have any questions on this I will be glad to discuss it with you.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ejw

Encl: Permit
Receipt No. G-10849 in the amount of \$20.00 was forwarded to you at an earlier date. This amount covers the filing fee on the above referenced permits.

33230