

45-02595

RECEIVED

Transfer No. 3173

JUN 13 1985

Water Right No.

RECEIVED

MAY 28 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Department of Water Resources
Southern District Office

Name of applicant M & G Farms Phone (208) 678-2850

Post Office address Star Route, Box 4; Burley, Idaho 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 45-2586 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Groundwater tributary to _____

4. Date of priority 7-22-59

5. Water is used for the following purposes:

amount 5.19 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 5.19 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE 1/4 of SW 1/4 of Section 16
Township 12 S. Range 22 E., B.M., in Cassia County
Additional points of diversion, if any SW 1/4 SW 1/4, Sec. 16, T 12 S, R 22 EBM

8. Lands irrigated or place of use:

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	
12S	22 E	16		5	31	15			4	22	40	25	35	40	40	40	40	40	377

Total number of acres to be irrigated 377

9. Describe any other water rights used for the same purpose as described above 45-2595, 45-2680

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. 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 $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 12.55 c.f.s. &/or _____ acre feet
- b. Description of diverting works Four existing wells w/pumps
- c. Describe the reasons for the proposed changes To conform records to actual practice.
2. Change in point of diversion - No change
- Point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16 Township 12 S.
Range 22 E., B.M., Cassia County
Additional points SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10
all in T. 12 S., R. 22 E.B.M.
3. Change in place of use
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant M & G Farms Phone (208) 678-2850
Post Office address Star Route, Box 4; Burley, ID 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ (Name of court) county of _____
- b. License No. 45-2595 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water groundwater tributary to _____
4. Date of priority 12-31-59
5. Water is used for the following purposes:
amount 4.31 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 4.31 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SW 1/4 of SW 1/4 of Section 10
Township 12 S. Range 22 E., B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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	
12S	22E	10					40	40	40	40	40	40	40	40	40	40	40	40	480

Total number of acres to be irrigated 480

9. Describe any other water rights used for the same purpose as described above 45-2586, 45-2680

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant M & G Farms Phone (208) 678-2850

Post Office address Star Route, Box 4; Burley, ID 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____ (Name of court)
 - b. License No. 45-2680 issued by the Idaho Department of Water Resources
 - c. Claim No. _____ on file with the Idaho Department of Water Resources
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____
3. Source of water groundwater tributary to _____
4. Date of priority 5-14-62
5. Water is used for the following purposes:
amount 3.05 cfs for irrigation purposes from April 1 to Oct 31 94
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 3.05 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10
Township 12 S. Range 22 E., B.M., in Cassia County
Additional points of diversion, if any _____
8. Lands irrigated or 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	22 E	10					40	40	40	40	40	40	40	40	40	40	40	40	480

Total number of acres to be irrigated 480

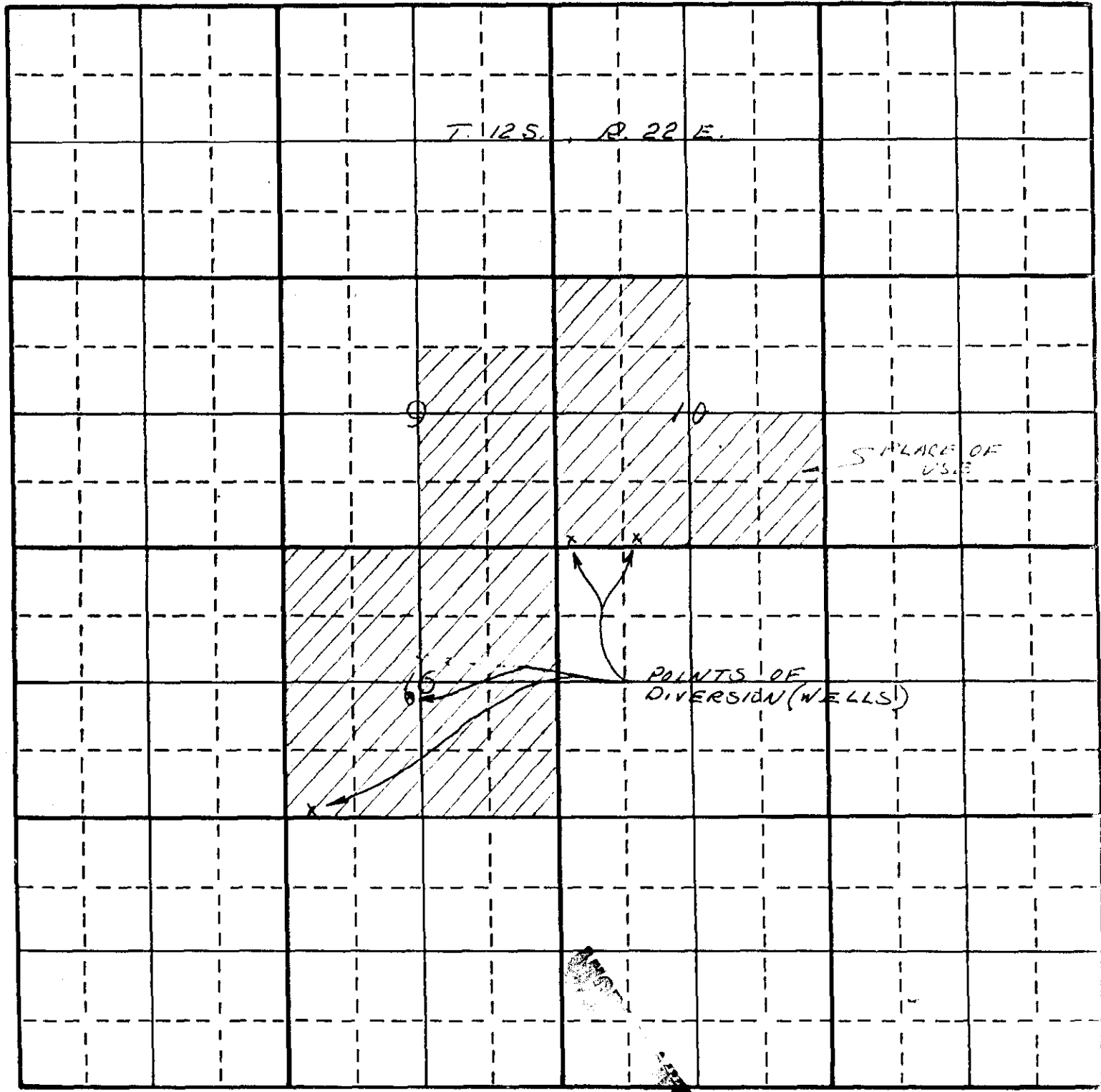
9. Describe any other water rights used for the same purpose as described above 45-2586, 45-2595
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	22E	9			15	20									37. 5	37. 5	40	40	190
		10					37. 5	37. 5	37. 5	37. 5	37. 5	37. 5	40	40	37. 5	40	40	37. 5	460
		16	40	40	37. 5	40	35	40	35	40	37	35	35	37	40	37. 5	37. 5	37. 5	604

Total number of acres to be irrigated 1254

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

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

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

Mt 6 Farm by Max W. Mart
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of May, 19 85

[Signature]
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by max Date 5/23/85 Protest filed by _____
Prelim. check by [initials] Fee 50.00 # 35365
Receipted by max Date 5/23/85
Published in South id press Copies of protest forwarded by _____
Pub. dates 7/1 + 7/18/85 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by _____

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 3173 OF WATER RIGHT
NOS. 45-2586, 45-2595 AND 45-2680
IN THE NAME OF M & G FARMS

)
) SOURCE: GROUNDWATER
)
) COUNTY: CASSIA
)
)

ORDER TO SHOW CAUSE
WHY TRANSFER APPLICATION NO. 3173
SHOULD NOT BE DENIED

On May 21, 1985, M & G Farms filed with the Department of Water Resources (DWR) an Application for Transfer of water right Nos. 45-2586, 45-2595 and 45-2680 to change the place of use of said rights from irrigation of 857 acres within Sections 10 and 16, Twp. 12S, Rge. 22E B.M. to 1254 acres within Sections 9, 10 and 16, Twp. 12S, Rge. 22E B.M. The staff of the Director of the Department of Water Resources having reviewed the application together with other available information in the files and records of the department, the Director finds as follows:

FINDINGS OF FACT

1. License No. 28056/45-2586 issued by the DWR bears a date of priority of July 22, 1959 and provides for the diversion of 5.19 cubic feet per second (cfs) of groundwater from wells located in the NE1/4SW1/4 and SW1/4SW1/4, Sec. 16, Twp. 12S, Rge. 22E B.M.

2. License No. 28360/45-2595 issued by the DWR bears a date of priority of December 31, 1959 and provides for the diversion of 4.31 cfs of groundwater from a well located in SW1/4SW1/4, Sec. 10, Twp. 12S, Rge. 22E B.M. for the irrigation of 480 acres in the W1/2, SE1/4, Sec. 10, Twp. 12S, Rge. 22E B.M.

3. License No. 30537/45-2680 issued by the DWR bears a date of priority of May 14, 1962 and provides for the diversion of 3.05 cfs of groundwater from a well located in SE1/4SW1/4, Sec. 10, Twp. 12S, Rge. 22E B.M. for the irrigation of 480 acres in the W1/2, SE1/4, Sec. 10, Twp. 12S, Rge. 22E B.M.

4. The Oakley-Kenyon Critical Groundwater Area which includes Twp. 12S, Rge. 22E B.M. was closed to further groundwater appropriation on January 19, 1962 by a predecessor of the DWR.

5. Application for Transfer No. 3173 was filed with the Department of Water Resources on May 21, 1985 by M & G Farms which proposed to change the place of use of Licensed Right Nos. 45-2586, 45-2595 and 45-2680 from the irrigation of 857 acres within Sections 10 & 16, Twp. 12S, Rge. 22E B.M. to 1254 acres within Sections 9, 10 and 16, Twp. 12S, Rge. 22E B.M.

6. Provisions of Section 42-222, Idaho Code, requires the Director of the DWR to review all evidence and available information and to not approve Applications for Transfer of water rights if approval would result in injury to other water rights or would result in an enlargement in use of the original right.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Department makes the following Conclusions of Law:

1. A review of Right Nos. 45-2595 and 45-2680 shows that both rights were licensed for use on the same 480 acres.

2. The purpose of the junior Right No. 45-2680 was to supplement the water supplied by the senior Right No. 45-2595 for the same 480 acres.

3. The said transfer application proposes to increase the number of acres irrigated by the two rights.

4. An increase in number of acres irrigated would result in an additional volume of depletion from the aquifer with a resulting enlargement of use.

5. The place of use of Licensed Right Nos. 45-2586, 45-2595 and 45-2680 as well as the place of use proposed on the transfer are within the boundaries of the Oakley-Kenyon Critical Groundwater Area which was designated on January 19, 1962.

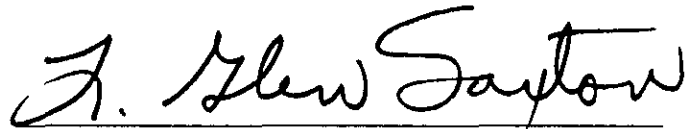
6. The Director may not approve an Application for Transfer which will result in an enlargement in use of the original right.

ORDER

THEREFORE, IT IS ORDERED THAT the applicant show cause as follows on or before February 20, 1986.

1. Why Application for Transfer No. 3173 should not be denied.
2. Why the applicant should not cease the irrigation of land for which the applicant has no water right.

Dated this 16th day of January, 1986.



L. GLEN SAXTON
Chief, Operations Bureau

State of Idaho

License and Certificate of Water Right

Water License No. G-28360Amount 4.31 c.f.s.

Water District No. _____

Priority December 31, 1959

THIS IS TO CERTIFY that RONALD E. and A. D. MacKENZIE - Assignee - 4 W FARMS
 of Rupert, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated December 31, 19 59; that Permit No. G-28360
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.31 second feet, was issued thereunder on August 27, 19 62, showing that said works
 were completed on the 25th day of May, 19 62; and that on the 25th
 day of May, 19 62, 4 W FARMS

of Oakley, 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-28360 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7411, on the 27 day of August, 19 62;

The right hereby confirmed dates from December 31, 19 59;

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 10, Tp. 12 S, R. 22 E, B. M. Cassia 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 4.31 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	22 E	10	NW 1/4	160	160
			SW 1/4	160	160
			SE 1/4	160	160
			Total number of acres to be irrigated:		480

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

27th day of August, 19 62.

/s/ RALPH W. THOMAS

State Reclamation Engineer.

(SEAL)

45 2599

State of Idaho
License and Certificate of Water Right

Water License No. 28011

Amount 0.05 c.f.s.

Water District No.

Priority June 18, 1959

THIS IS TO CERTIFY that LEOLA LOWRY - Assignee - KENNETH E. GIBSON and ROGER L. WELKER of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 18, 19 59 ; that Permit No. 28011 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.05 second feet, was issued thereunder on August 21, 19 59 , showing that said works were completed on the 13th day of August, 19 59 ; and that on the 25th day of September, 19 59 , LEOLA LOWRY - Assignee - KENNETH E. GIBSON and ROGER L. WELKER

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of unnamed spring, a tributary of, for the purpose of domestic use & sprinkling lawn, under Use Permit No. 28011 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7412, on the 27th day of August, 19 62 ;

The right hereby confirmed dates from June 18, 19 59 ;

The Point of Diversion is located NW 1/4 SW 1/4 (unsurveyed)

in the 1/4 -- 1/4, Sec. 30, T. 10 N R. 11 E, B. M. Boise 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 0.05 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 N	11 E	30	NW 1/4 SW 1/4 - unsurveyed For domestic use and sprinkling of lawn		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 27th day of August, 19 62 .

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

45-2595

Assigned to

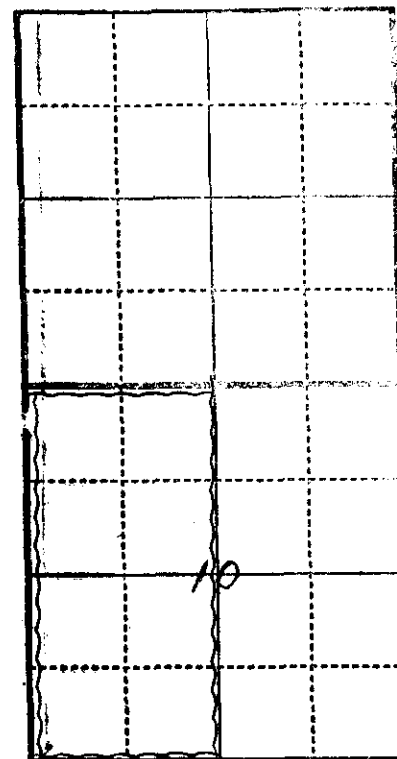
4 W. Fernald
Coley-Idaho

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

A.D. MacKenzie
Box 593
Rupert, IdahoApplication No. G- 36332
Permit No. G- 28360
District No.

1. Name of Applicant: **RONALD E. and A. D. MacKENZIE**
Postoffice address: **Rupert** County: **Minidoka** State: **Idaho**
2. Quantity of water claimed: **6.4**
(a) Rate of withdrawal in cubic feet per second **6.4** or Idaho
Miners' inches **320** 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 **SW** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **10**
Twp. **12 S**, Rge. **22 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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: **well, pump and ditches**
8. Estimated cost of works: **\$ 24,000**
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) **6.4** (cubic feet per second, ~~inches or gallons per minute~~ for new lands.



Remarks:

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

/s/ A. D. MacKenzie

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:30 A. M. December 31, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28360

Recorded in Book 100 Page 28360 Approved January 20, 1960

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

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

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

One-fifth of the work above specified to be completed on or before July 20, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before January 20, 1965

Witness my hand this 20th day of January, 1960

/s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, 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 20th day of January, 1960

Countersigned:

STATE OF IDAHO

(SEAL)

By ARNOLD WILLIAMS

By /s/ ROBERT E. SMYLLIE
Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	
12 S	22 E	10		40 40 40 40	40 40 40 40		320 320
Total number of acres to be irrigated:							
ASSIGNMENT							
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-28360 to L W FARNS, of Oakley, Idaho.							
			/s/ Ronald E. MacKenzie Ronald E. Mackenzie a single man	/s/ A. D. Mackenzie Permit Holder A. D. Mackenzie /s/ Marie MacKenzie Wife of A. D. MacKenzie			
STATE OF IDAHO) County of Minidoka)			: ss				
On this 9th day of April, 1962, before me, a Notary Public for the State of Idaho, residing at Rupert, Idaho personally appeared A. D. MacKenzie and Marie MacKenzie, husband and wife, and Ronald E. MacKenzie, a bachelor 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 Notarial Seal, the day and year in this certificate first above written.							
My commission expires Feb. 28, 1966			/s/ R. V. Creason Notary Public Residing at Rupert, Idaho				

(SEAL)

Application for Amendment
LAND LIST
Permit No. G-28360

Comes now Willis Whittle, Partner - 4 W Farms of Oakley, Idaho, 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-28360, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 10, T. 12., R. 22 E., B.M., making a total of 480 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 Oakley, Idaho, this 21 day of August, 1962

4 W Farms
/s/ Willis Whittle Partner

Date of receipt at office of Department of Reclamation: August 23, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy 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-28360. 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/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: August 24, 1962

Permit No. G-28360
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that RONALD E. and A. D. MACKENZIE - Assignee - 4 W FARMS of Rupert, County of Minidoka, and State of Idaho, the holder of Permit No. G-28360, issued upon Application No. G-36332 bearing date of priority of December 31, 1959, authorizing the diversion of 6.4 second feet of waters of a well County of Cassia, 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 4.31 second feet of the waters of a well from subterranean flow that the point of diversion of said waters SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 12 S., R. 22 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 480 acres in W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 10, T. 12 S., R. 22 E., B.M.

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

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: May 25, 1962

LICENSE ISSUED FOR 4.31 SEC. FL.
page 7411

INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 11/17/86

TO Files 45-2595/2680

SUBJECT Trans. 3173

See file 45-2586 for all further correspondence regarding the above referenced application for transfer including acknowledgement of withdrawal.

MICROFILMED

SIGNATURE

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALOER
J. MICHAEL WHEELER

RECEIVED
NOV 10 1986

November 7, 1986

Department of Water Resources

WJS
Mr. L. Glen Saxton
Chief Operations Bureau
Idaho Department of Water Resources
State House
Boise, Idaho 83720

RE: Application for transfer no. 3173 for water right
numbers 45-2595/2586/2680 (M & G Farms).

Dear Mr. Saxton:

Pursuant to your recent requests we have communicated with our clients in this matter and have learned that while they are still engaged in the effort to find and clarify additional factual information relative to the above referenced application for transfer, they have found that their time has been limited.

They have requested that we formally withdraw the application for transfer at this time. In the meantime they will continue to try to gather the documentation and information that is relevant and perhaps the matter can eventually be clarified in the coming adjudication proceeding.

Thank you for your assistance and cooperation in this matter.

Very truly yours,

Kent W. Foster

Kent W. Foster

KWF;tdm
3378e/p2

cc: Gary Martin

MACROFILMED



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

September 9, 1986

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, ID 83402

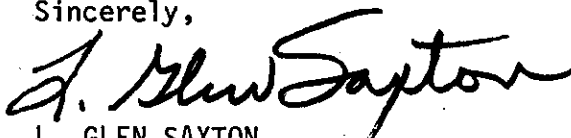
Dear Kent:

Re: Application for Transfer No. 3173 for Water Right Nos.
45-2595/2586/2680 (M & G Farms)

On February 20, 1986, you requested that the department delay action on the above-referenced transfer in order to allow time for your clients to search for factual information relative to irrigation of land involved in the transfer. In my response to you dated February 25, 1986, the department agreed to delay action for an unspecified time, but advised that within six (6) months the department would inquire of progress.

Please update me relative to this matter.

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

cc: Eastern Region

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

February 25, 1986

Kent Foster
Holden, Kidwell, Hahn & Crapo
Idaho First National Bank Building
P.O. Box 129
Idaho Falls, ID 83402

Re: Application for Transfer No. 3173 for
Water Right Nos. 45-2595/2586/2680

Dear Kent:

I have received and reviewed your letter dated February 20, 1986 in connection with the above-referenced application for transfer.

Your letter provides a reasonable explanation why additional time is needed. I plan to inquire within approximately six months of the progress made in your search for additional information relative to the pending transfer, unless I hear from you prior to that time.

Please feel free to contact me relative to this matter.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

ls

cc: Southern Region

RECEIVED

WATER RIGHT NUMBER 45-2595

OWNER LAST NAME - MAC KENZIE
OWNER LAST NAME - MAC KENZIE
OWNER LAST NAME - 4 W FARMSFIRST NAME - RONALD E.
FIRST NAME - A. D.
FIRST NAME -ORIG OWNER - 0
ORIG OWNER - 0
ORIG OWNER -ADDRESS LINE 1 -
ADDRESS LINE 3 -ADDRESS LINE 2 -
CITY - OAKLEY

STATE - ID ZIP CODE - 83346

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 12-31-1959 COUNTY - CASSIA

TOTAL DIV. RATE - 4.3100 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSW 10 12S 22E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

4.3100 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 12S RNG 22E SEC 10

TRACT NENW LOT

AC 40 TRACT

NWNW LOT

AC 40

TRACT SNW LOT

AC 40 TRACT

SENW LOT

AC 40

TRACT NESW LOT

AC 40 TRACT

NWSW LOT

AC 40

TRACT SWSW LOT

AC 40 TRACT

SESW LOT

AC 40

TRACT NESE LOT

AC 40 TRACT

NWSE LOT

AC 40

TRACT SWSE LOT

AC 40 TRACT

SESE LOT

AC 40

DATE -

TOTAL ACRES

480

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 28360

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

APPROVED
4/28/82

VERIFIED DDL
4/26/85

56

STATE OF CALIFORNIA
County of Los Angeles

ss.

(General)

I, HAROLD J. OSTLY, County Clerk and Clerk of the Superior Court of the State of California, in and for the County of Los Angeles, which Court is a Court of Record, having by law a seal, do hereby certify that..... *Ruth E. Allen*

whose name is subscribed to the attached certificate of acknowledgment, proof or affidavit, "was at the time of taking said acknowledgment, proof or affidavit, a Notary Public IN AND FOR LOS ANGELES COUNTY, duly commissioned and sworn, and residing and/or with principal place of business or employment in said County, and was, as such, an officer of said State, duly authorized by the laws thereof to take and certify the same, as well as to take and certify the proof and acknowledgment of deeds and other instruments of writing to be recorded in said State, to take depositions in any County in this State, to take affidavits, and to administer oaths or affirmations, and that full faith and credit are and ought to be given to his official acts; that the certificate of such officer is required to be under seal; that the impression of his official seal is not required by law to be on file in the office of the County Clerk; I further certify that I am well acquainted with his handwriting and verily believe that the signature to the attached certificate is his genuine signature, and further that the annexed instrument is executed and acknowledged according to the laws of the State of California.

IN Witness Whereof, I have hereunto set my hand and annexed the seal of the Superior Court of the State of California, in and for the County of Los Angeles,

this *17* day of *Jan* 195 *9*

HAROLD J. OSTLY
County Clerk and Clerk of the Superior Court of the State
of California, in and for the County of Los Angeles

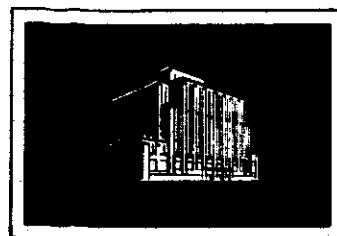
By *P. Matteo*, Deputy

P. MATTEO

76C525H - Gb 1-57

28360

WHEN RECORDED MAIL TO



TITLE INSURANCE AND TRUST COMPANY

INCORPORATED 1893
HOME OFFICE

433 SOUTH SPRING STREET, LOS ANGELES 13



TITLE INSURANCE AND TRUST COMPANY

FRESNO COUNTY
1117 VAN NESS AVENUE, FRESNO

INYO-MONO COUNTIES
149 NORTH EDWARDS STREET, INDEPENDENCE

KERN COUNTY
17TH AND "I" STREETS, BAKERSFIELD
1331 CHESTER AVENUE, BAKERSFIELD

ORANGE COUNTY
416 NORTH MAIN STREET, SANTA ANA

RIVERSIDE COUNTY
3940 MAIN STREET, RIVERSIDE

SAN DIEGO COUNTY
1028 SECOND AVENUE, SAN DIEGO 12

SAN LUIS OBISPO COUNTY
777 HIGUERA STREET, SAN LUIS OBISPO

SANTA BARBARA COUNTY
36 EAST FIGUEROA STREET, SANTA BARBARA

TULARE COUNTY
204 WEST MAIN STREET, VISALIA

VENTURA COUNTY
101 SOUTH CHESTNUT STREET, VENTURA

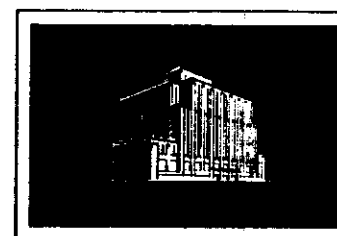
466517

POWER OF ATTORNEY

Richard L. Owen

et ux

TO	Notarized	
	Outpared	
	Ind. Direct	<i>B</i>
	Ind. Reverse	<i>B</i>
	Bk. & Pg. D.	<i>B</i>
	Bk. & Pg. R.	<i>B</i>
DATED	Assigned	
	Released	



TITLE INSURANCE AND TRUST COMPANY

INCORPORATED 1893
HOME OFFICE

433 SOUTH SPRING STREET, LOS ANGELES 13



TITLE INSURANCE AND TRUST COMPANY

FRESNO COUNTY
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204 WEST MAIN STREET, VISALIA

VENTURA COUNTY
101 SOUTH CHESTNUT STREET, VENTURA

28360

RECEIVED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Power of Attorney

JAN 5 1965

538 1-53

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

Department of Reclamation

Know All Men by These Presents: That RICHARD L. OWEN and MARY LOUISEOWEN, husband and wife,

the undersigned (jointly and severally, if more than one) hereby make, constitute and appoint

EARL D. OWEN

my true and lawful Attorney for me and in my name, place and stead and for my use and benefit:

(a) To ask, demand, sue for, recover, collect and receive each and every sum of money, debt, account, legacy, bequest, interest, dividend, annuity and demand (which now is or hereafter shall become due, owing or payable) belonging to or claimed by me, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor, together with the right and power to compromise or compound any claim or demand.

(b) To exercise any or all of the following powers as to real property, any interest therein and/or any building thereon: To contract for, purchase, receive and take possession thereof and of evidence of title thereto; to lease the same for any term or purpose, including leases for business, residence, and oil and/or mineral development; to sell, exchange, grant or convey the same with or without warranty; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement;

(c) To exercise any or all of the following powers as to all kinds of personal property and goods, wares and merchandise, choses in action and other property in possession or in action: To contract for, buy, sell, exchange, transfer and in any legal manner deal in and with the same; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement;

(d) To borrow money and to execute and deliver negotiable or non-negotiable notes therefor with or without security; and to loan money and receive negotiable or non-negotiable notes therefor with such security as he shall deem proper;

(e) To create, amend, supplement and terminate any trust and to instruct and advise the trustee of any trust wherein I am or may be trustor or beneficiary; to represent and vote stock, exercise stock rights, accept and deal with any dividend, distribution or bonus, join in any corporate financing, reorganization, merger, liquidation, consolidation or other action and the extension, compromise, conversion, adjustment, enforcement or foreclosure, singly or in conjunction with others of any corporate stock, bond, note, debenture or other security; to compound, compromise, adjust, settle and satisfy any obligation, secured or unsecured, owing by or to me and to give or accept any property and/or money whether or not equal to or less in value than the amount owing in payment, settlement or satisfaction thereof;

(f) To transact business of any kind or class and as my act and deed to sign, execute, acknowledge and deliver any deed, lease, assignment of lease, covenant, indenture, indemnity, agreement, mortgage, deed of trust, assignment of mortgage or of the beneficial interest under deed of trust, extension or renewal of any obligation, subordination or waiver of priority, hypothecation, bottomry, charter-party, bill of lading, bill of sale, bill, bond, note, whether negotiable or non-negotiable, receipt, evidence of debt, full or partial release or satisfaction of mortgage, judgment and other debt, request for partial or full reconveyance of deed of trust and such other instruments in writing of any kind or class as may be necessary or proper in the premises.

Giving and Granting unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or appropriate to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, hereby ratifying all that my said Attorney shall lawfully do or cause to be done by virtue of these presents. The powers and authority hereby conferred upon my said Attorney shall be applicable to all real and personal property or interests therein now owned or hereafter acquired by me and wherever situate.

My said Attorney is empowered hereby to determine in his sole discretion the time when, purpose for and manner in which any power herein conferred upon him shall be exercised, and the conditions, provisions and covenants of any instrument or document which may be executed by him pursuant hereto; and in the acquisition or disposition of real or personal property, my said Attorney shall have exclusive power to fix the terms thereof for cash, credit and/or property, and if on credit with or without security.

The undersigned, if a married woman, hereby further authorizes and empowers my said Attorney, as my duly authorized agent, to join in my behalf, in the execution of any instrument by which any community real property or any interest therein, now owned or hereafter acquired by my spouse and myself, or either of us, is sold, leased, encumbered, or conveyed.

When the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

Witness my hand this 8th day of January, 1959.*Richard L. Owen**Mary Louise Owen*STATE OF CALIFORNIA
COUNTY OF

SS.

Los Angeles

On January 8, 1959
before me, the undersigned, a Notary Public in
and for said County and State, personally appeared
Richard L. Owen and Mary
Louise Owen

known to me to be the persons whose names are
subscribed to the within instrument and acknowledged that
they executed the same.

WITNESS my hand and official seal.

(Seal)

Ruth E. Allison
Notary Public in and for said County and State.

SPACE BELOW FOR RECORDER'S USE ONLY

WHEN RECORDED MAIL TO

Kindel & Anderson510 S. Spring
F. A.

Title Order No.

Escrow or Loan No.

28360

STATE OF IDAHO

County of Canyon

I hereby certify that this instrument
was filed for record at the request of

Earl O. Owen

Jan. 22, 1959

14 minutes past *1* o'clock *P.M.*
my office, and duly recorded in book

5 *Power of Atty.*

Page *55*

S. S. FOOTE,

County Recorder

Lavona Sayre Deputy
325

Middletown

Idaho

28360

21

21

August 27, 1962

RE: Permit No. G-28360

Willia Whittle, Partner
L W Farms
Oakley, Idaho

Dear Mr. Whittle:

Enclosed are License and Certificate of Water Right, Certificate of Completion of Works, and Amendment to the Land List on Permit No. G-28360.

Also enclosed is departmental receipt No. G-7291 in the amount of \$30.00 covering the fees for the Certificate and License, and for recording the amendment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
certificate
amendment
receipt

Application for Amendment

LAND LIST

Permit No. G-28360

RECEIVED
AUG 23 1962

Department of Reclamation

Comes now Willis Whittle, Partner - L W Farms of Oakley, Idaho, 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-28360, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

W $\frac{1}{2}$, SE $\frac{1}{2}$, Sec. 10, T. 12., R. 22 E., B.M.

_____, making a total of 480 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 Oakley, Idaho this 21 day of August, 1962

L W Farms
Willis Whittle Partner

Date of receipt at office of Department of Reclamation: August 23, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy

I, ~~State Reclamation Engineer~~, 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-28360. 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.

Ralph W. Thomas

Deputy

State Reclamation Engineer

Recorded: August 24, 1962

28360

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho
August 13, 1962

Re: Permit No. G-28360

Willis Whittle, Partner
L W Farms
Oakley, Idaho

Dear Mr. Whittle:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28360 shows the well is (~~228~~) capable of conveying ^{215.5} miner's inches, or 4.31 c.f.s. of water for the irrigation of ⁴⁸⁰ acres.

Upon receipt of the statutory fees, totaling \$ 29.00 , which consists of a Completion of Works fee of \$ 5.00 and License and Certificate of Water Right fee of \$ 24.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of December 31, 1959 to the use of 4.31 second feet of subterranean water with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10 for irrigation of 480 acres in the W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 10, T. 12 S., R. 22 E., B.M.

Since your permit does not include the SE $\frac{1}{4}$, Sec. 10 it will be necessary to amend the land list on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included, the statutory fees will total \$21.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment form

28360

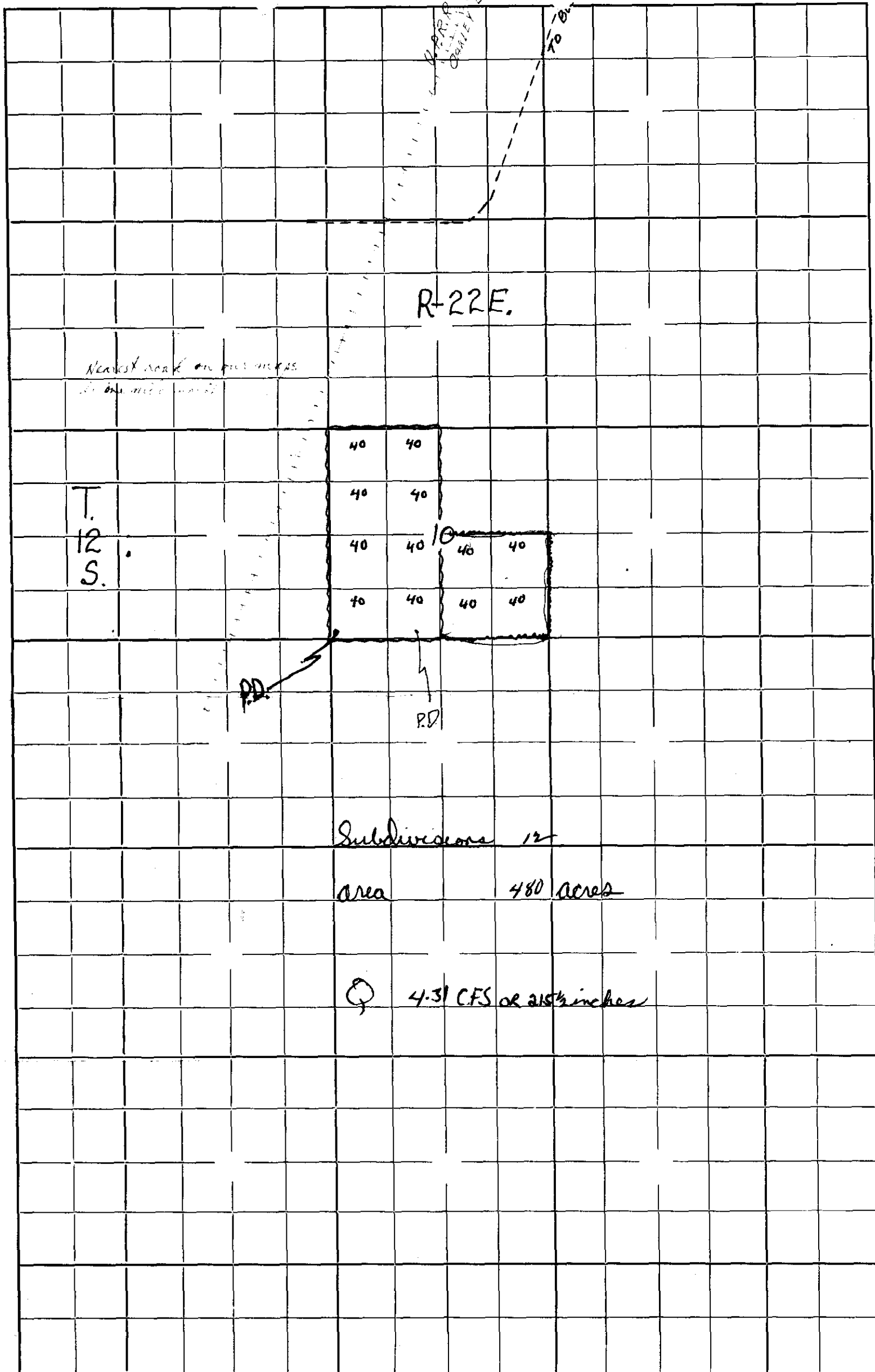
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28360

REPORT ON PROOF OF Completion of Works & Beneficial Use

Willis Whittle, Partner
L W Farms, Oakley, Idaho



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

28360

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28360

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

1. Name of applicant L W Farms

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10

T. 12 S R. 22 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 300 H.P. A.G.

Motor # 276478 Layne & Bowler pump # 28353 2500 gpm
@ 420' head @ 1770 RPM 10" discharge into open concrete ditcher
X column 16" x 196' casing 4.384' D.D
well depth 690'

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):

W $\frac{1}{2}$ Sec. 10., Twp. 12 S., Rge. 22 E.B.M.

AMEND LAND list to include SW $\frac{1}{4}$ Sec 11

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

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

Remarks: M. W. B. Whitely along

Measurement was made with Cippolletti weir
.74 over 2' weir = 215 $\frac{1}{2}$ inches

This examination was made on the 6th day of August, 1962

(Signed) Ron Weber Examiner.

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
AUG 14 1962

Department of Reclamation

Monday
80'clock
362 3220
Willis Whittle, Partner
4 W Farms
Oakley, Idaho
Permit No. G-28360

3745385

Examination for Completion of Works & Beneficial Use

County Cassia

Quantity: 6.4 c.f.s. Sec. 10 T. 12 S. 22 E. B.M.

Source: Well

P. D.: SW. SW., Sec. 10, T. 12 S. - R. 22 E. B.M.

Use: Irrigation

Filed: Dec. 31, 1959

Due: Jan. 20, 1965

Extension: —

Protest: —

Completion of Works: —

Other Rights: none

Driller - Gene Barnes

May 31, 1962

Re: Permit No. C-28360

Willis Whittle, Partner
L. W. Farms
Oakley, Idaho

Dear Mr. Whittle:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Herald-Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. C-28360.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Harley M. McDowell
P. O. Box 2161
Boise, Idaho

28360

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 31 1962

STATE OF IDAHO

COUNTY OF CASSIA

ss.

Department of Reclamation

Dean Stanley Linder, first being duly sworn, deposes and says: That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a day, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated April 27, 1962, and ending with the issue dated May 15, 1962.

Subscribed and sworn to before me this 27 day of May, 1962

Dean Stanley Linder
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

APRIL 2, 1963

28360

112
I, *Dean Stanley Linder*, on the 27th day of May, 1962, at Burley, County of Cassia, State of Idaho, before John H. Bain, Notary Public at the Idaho State House, Boise, Ida., present will be admitted of the completion of works for the diversion of 6.4 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. 12-2220, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is *Dean Stanley Linder*, Idaho.

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 at use is 6.4 cubic feet per second.

The place to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

The point of diversion of said water is NW 1/4, Sec. 10, T22N, R22E, S.M. Ida.

The place where said water is used is W 1/2, Sec. 10, T22N, R22E, S.M. Ida.

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

Notice is hereby given that at 10 A.M., on the 25th day of May, 1962, at Boise, County of Ada, State of Idaho, before Joan H. Bain, Notary Public at 329 Idaho Bldg., Boise, Ida., proof will be submitted of the completion of works for the diversion of 6.4 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-28360, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: WV Farms, Oakley, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T12S-R22E, B.M., Ida.

5. The place where said water is used is W $\frac{1}{2}$, Sec. 10, T12S-R22E.

6. The date of priority which said user is prepared to establish is 12/31/59.

GEO. N. CARTER,
State Reclamation Engineer
Published in the Burley Herald-Bulletin May 4, 11, 18 and 25, 1962.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF CASSIA

ss.

Barry P. Heston, first being duly sworn, deposes and says: That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a day, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated April 27, 1962, and ending with the issue dated May 18, 1962.

Subscribed and sworn to before me this 22 day of May, 1962

Barry P. Heston
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

RECEIVED

MAY 31 1962

Department of Reclamation

28360

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 31 1960

Department of Reclamation

Permit No. G-28360

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. L. W. Farms, Oakley, Idaho; occupation, farming; postoffice address, Oakley, Idaho, by Willis Whittle, partner.

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. A partnership.

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

Ans. Permit G-28360; date of permit, 1/20/60; date of priority 12/31/59.

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

Ans. SW¹/₄SW¹/₄, Section 10, T12S-R22E., B.M., from a drilled well.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works consist of well 690' deep, 195' 16" casing; pumps from 420'; equipped with 300 hp motor. 8 stage pump with 10" column, produces 300" of water.
Water is conveyed through private ditches. Measured by pump company.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation of all the land in W¹/₂, Sec. 10, T12S-R22E.

No natural meadow land. All improvements made as a direct result of said use.

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

Ans. Anderson-Whiteley, Oakley, Idaho

28360

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. This water is all needed for purpose specified.

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. Assigned from A. D. & Ronald E. MacKenzie.

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

Ans. Water has been used continuously since well was drilled in 1960. I started drilling this well 10/10/60 and it was completed 2/17/61.

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

Ans. None.

By ^{L. W. Farms}
(Sign) *Willis W. Little*

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 25 day of May, A. D. 1962.

Joan H. Bain
Notary Public for the State of Idaho

My commission expires 6/20/65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
 JUN 11 1962

Department of Reclamation

Permit No. G-28360

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

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

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

Ans. Raddon Layton; age, 51; residence, Oakley, Idaho; occupation, Manager,
grain elevator; postoffice address, Oakley, Idaho.

Ques. 2. Are you acquainted with A. W. Farns by Willis Whittle, the holder of Permit No. G-28360? How long have you known him and where does he reside?

Ans. I have known him 20 years and know that he resides at Oakley, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-28360, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water supply is a well in SW 1/4 Sec. 10, T12S-R22E. Works consist of
the well which is 690' deep and cased for 195", 16" hole equipped with
300 hp pump & motor.

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. 300".

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. 300". I did not see this measured but this would be my estimate.

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 the irrigation of all the land in W¹/₂ Sec. 10, T12S-R22E.
This is all cultivated land and all improvements were made as a direct result
of said use.

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

Ans. Irrigation only.

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. Lava ash soil. All the water now being used is necessary.

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

Ans. No.

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

Ans. I have seen this development often since it was started in 1960.

(Signed)

Rudolf Lupton

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 25 day of May,
A. D. 1962.

Jean H. Bain

Notary Public.

My commission expires 6/20/65.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
 JUN 11 1922
 Department of Reclamation

Permit No. G-28360

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

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

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

Ans. Hyrum Fairchild; age, 57; residence, Oakley, Idaho; occupation, accountant;
postoffice address, Oakley, Idaho.

Ques. 2. Are you acquainted with L. W. Farms by Willis Whittle, the holder of Permit No. G-28360? How long have you known him and where does he reside?

Ans. I have known him 10 years. He resides at Oakley, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-28360, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Water comes from a well drilled in SW1/4 Sec. 10, T12S-R22E. The works are the well which is a 16" hole, drilled to 690' and equipped with 300 hp motor.

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. 300".

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. 300". This is an estimate from past experience.

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 irrigates all of the land in W¹, Sec. 10, T12S-R22E. No natural meadow. All improvements 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. Soil is a lava ash and all the water is necessary now being produced.

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. Development was started in 1960 and I have seen the land frequently since then.

(Signed)

Ly Fairchild

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 25 day of May, A. D. 1962.

Jean H. Bain

Notary Public.

My commission expires 6/20/65

May 14, 1962

Re: Permit No. G-29503 - W. B. Whiteley
Permit No. G-28360 - L W Farms

Burley Herald Bulletin
Burley, Idaho

Gentlemen:

On April 25th we mailed you Notices of Publication on the above numbered permits, in the names of W. B. Whiteley and L W Farms, requesting a tear sheet or copy for proofing purposes.

To date we have not received such copies, and ask at this time that they be mailed to this office as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETAL
Water Rights Clerk

HP:ew

RECEIVED

APR 17 1962

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 16, 1962

(P. O.) Oakley, 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

Herald of Burley, Idaho published in
the county in which the works are situated.

L W Farms
By Willis Whittle
PLEASE SEND AFFIDAVIT OF PUBLICATION AND STATEMENT TO IDAHO LAND & APPRAISAL
SERVICE.

(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.

28360

RECEIVED

APR 17 1962

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

Department of Reclamation

Notice is hereby given that at 10 A. M., on the 25 day of May, 1962, at Boise, County of Ada, State of Idaho, before Jean H. Bain, Notary Public, at (address) 329 Idaho Bldg., Boise, Ida., proof will be submitted of the completion of works for the diversion of 6.4 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-28360, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is 4W Farms, Oakley, 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 6.4 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 6.4 cubic feet per second.
4. The point of diversion of said water is SW¹/₄ SW¹/₄, Sec. 10, T12S-R22E., B.M., Ida.
5. The place where said water is used is W¹/₄, Sec. 10, T12S-R22E.,
6. The date of priority which said user is prepared to establish is 12/31/59



State Reclamation Engineer

28360

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28360
L W Farms

Date: April 17, 1962

Refund letter in case G-28360
The Herald,
Oakley, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **May 25, 1962** the date set for proof; the expense of the publication is to be paid by the ~~applicant~~

Idaho Land and Appraisal Service of **Box 2161, Boise, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

GEO. N. CARTER
GEO. N. CARTER
State Reclamation Engineer

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

Encl.

28360

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G-28360
4 W Farms

Date: April 25, 1962

Burley-Herald Bulletin,
Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **May 25, 1962** the date set for proof; the expense of the publication is to be paid by the ~~applicant~~

Idaho Land and Appraisal Service of **Box 2161, Boise, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

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

Encl.

28360

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

April 17, 1962

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Re: Permit No. G-28360

L W Farms

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

Attention: Joan H. Bain

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28360, in the name of L W Farms. Final Proof is to be made before you, as Notary on the 25th day of May, 1962, at 10:00 o'clock A.M., at 329 Idaho Bldg., Boise, Idaho.

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule

(Mrs.) Edna P. ~~Katledge~~
Chief Clerk

Encl.

EPR:Pk

cc: Applicant

28360

April 13, 1962

RE: Permit No. G-28360

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

Dear Mr. McDowell:

Enclosed is the assignment of Permit No. G-28360 to L W Farms.

Also enclosed is departmental receipt No. G-6910 in the
amount of \$0.50 covering the fee for recording the assignment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. assignment
receipt

28360

February 3, 1960

RE: Permit No. G-28360

Ronald E. and A. D. MacKensie
Box 593
Rupert, Idaho

Gentlemen:

We enclose Permit No. G-28360 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Receipt No. G-4537 for the \$6.50 filing fee was given to you while you were in our office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

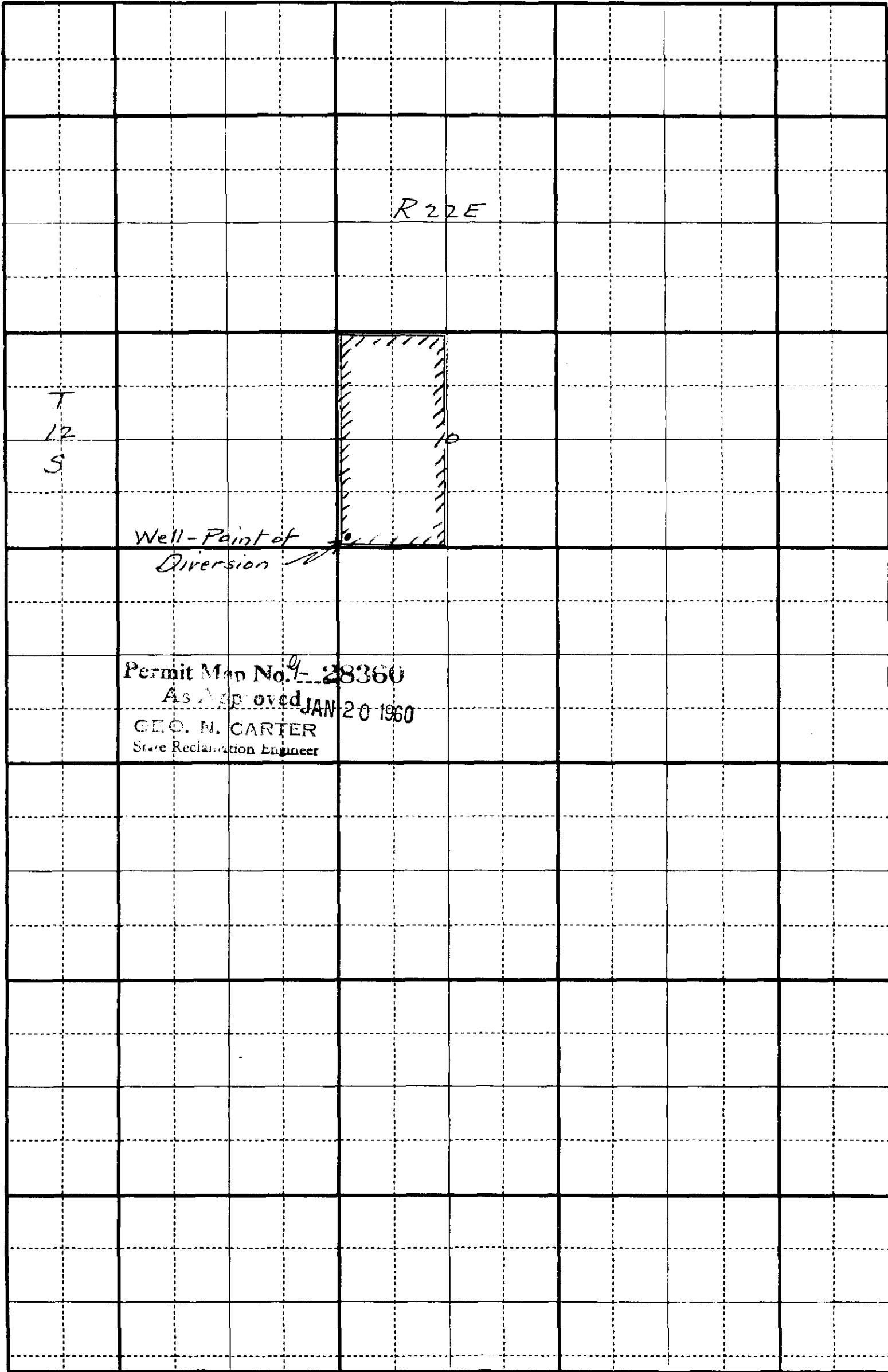
(Mrs.) Edna Rutledge Rule
Chief Clerk

EHR:mr
Enc. permit

28360

NAME OF APPLICANT Ronald E. and A.D. MacKenzie

Form No. 0



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

28360

**ICE OF PROOF OF
LETION OF WORKS**

**and
ICATION OF WATER
BENEFICIAL USE**

is hereby given that at
M., on the 25th day of May,
at Boise, County of Ada,
State of Idaho, before Joan H.
Bain, Notary Public at 329 Idaho
Bldg., Boise, Ida., proof will be
submitted of the completion of
works for the diversion of 6.4
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 Per-
mit No. G-28360, heretofore is-
sued by the Department of Rec-
lamation of the State of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is 4W
Farms, Oakley, 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 6.4 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 6.4 cubic feet
per second.

4. The point of diversion of
said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10,
T12S, R22E, B.M., Ida.

5. The place where said water
is used is W $\frac{1}{2}$, Sec. 10, T12S-
R22E.

6. The date of priority which
said user is prepared to establish
is 12/31/59.

GEO. N. CARTER,
State Reclamation Engineer
Published in the Burley Herald-
Bulletin May 4, 11, 18 and 25, 1962.

28360