

RECEIVED

The Burley Herald-Bulletin JUL 29 1964

BURLEY, IDAHO

Department of Reclamation

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

R. C. Ostrander, being first

duly sworn, deposes and says that he is the

Business Manager of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

four (4) consecutive weeks, commencing

with the issue dated June 22, 1964, and

ending with the issue dated July 13, 1964

R. C. Ostrander
Subscribed and sworn to before me this

15th day of July, 1964

Donline J. Ostrander Notary Public

Cost of Publication _____

Notary Fee _____

MY COMMISSION EXPIRES

APRIL 27, 1968

Total Cost _____

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

Notice is hereby given that at 2:00 P.M., on the 27th day of July 1964, at Burley, County of Cassia, State of Idaho, before Thomas H. Church, Notary Public, at Room 203, Gem Building, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of underground water from wells, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28056, 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 Martin Brothers, Box 435, Route 2, Burley, Idaho.

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

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

4. The points of diversion of said water is NE¹/₄SW¹/₄ and the SW¹/₄SW¹/₄ of Section Sixteen (16), Township (12) South, Range Twenty-two (22) EBM.

5. The place where said water is used is Section Sixteen (16), Township (16), Township Twelve Township Twelve (12) South, Range Twenty-two (22) EBM.

6. The date of priority which said user is prepared to establish is July 1959.

CARL E. TAPPAN
State Reclamation Engineer
Published in the Burley Herald-Bulletin June 22, 29, July 6, 13, 1964.

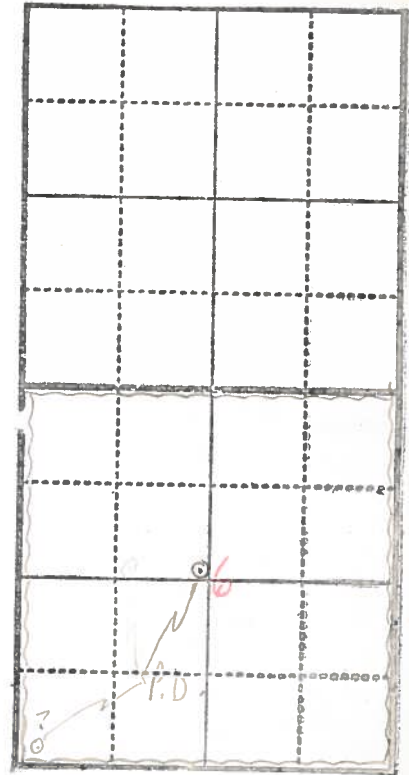
28056

45-2586

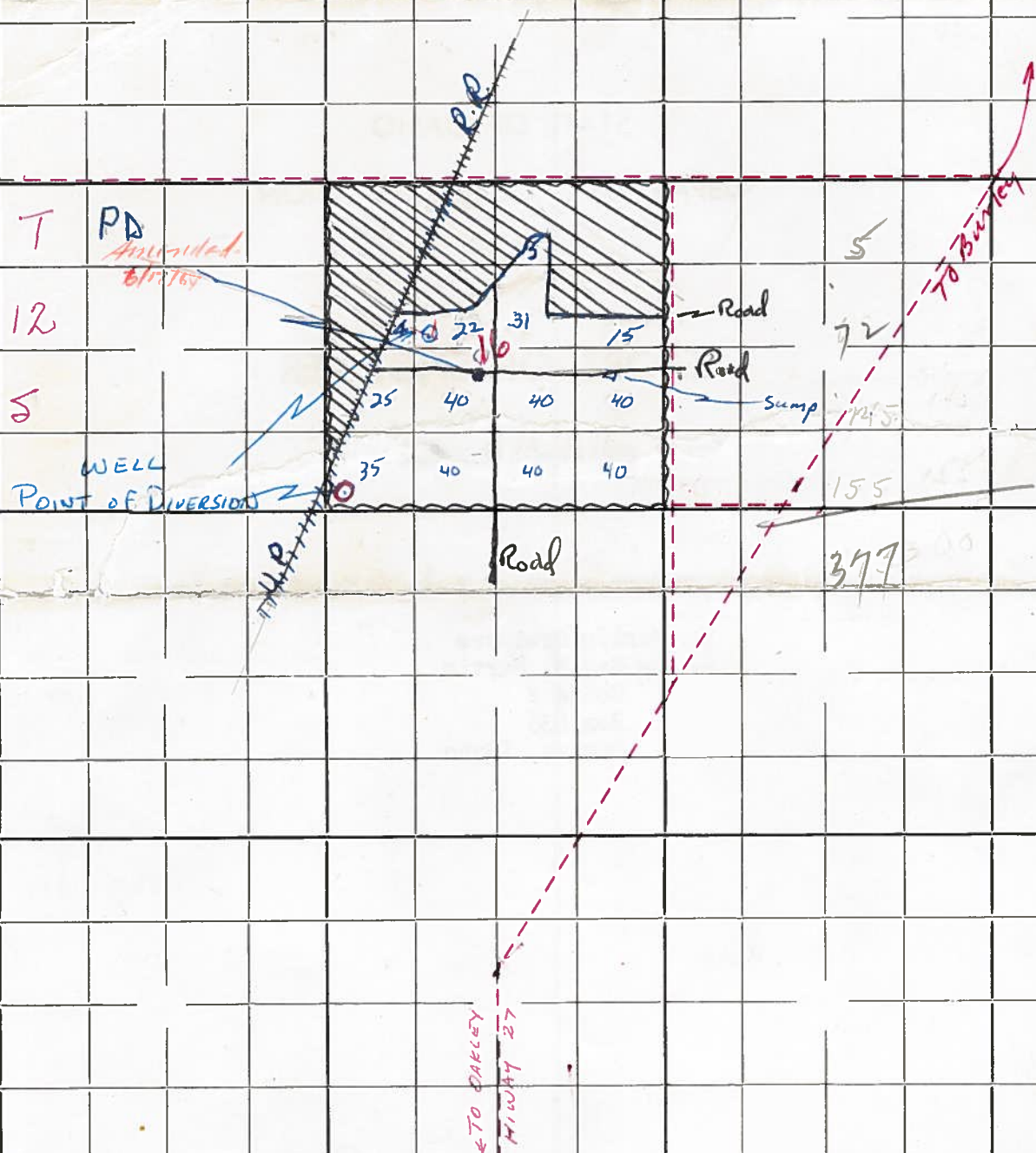
APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36018
Permit No. G- 28056
District No.

1. Name of Applicant: Martin Bros.
Postoffice address: Box 435, Rt 2, Burley
Rt. #1, Hazelton County: Jerome State: Idaho
2. Quantity of water claimed: 12.8 cubic feet per second
(a) Rate of withdrawal in cubic feet per second 12.8 or Idaho
Miners' inches 640 or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE NW
SW 1/4 of the SW 1/4 of Section 16
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 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: Wells, pumps and ditches
8. Estimated cost of works: \$ 54,000
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) 12.8 (cubic feet per second, inches or gallons per minute) is for new lands.



R	22	E
---	----	---



Subdivisions = 13

AREA = 377 acres

$\omega = 5.19 \text{ cps or } 260^\circ$

45-02586

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

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, ~~SW1/4~~ 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.

[Handwritten signature]

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



RECEIVED

JUN 18 1985

Transfer No. 3173

Water Right No.

RECEIVED

MAY 22 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 (month/day - both dates inclusive) to

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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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 recrods to actual practice.

2. Change in point of diversion - No change
- Point of diversion NE ¼ SW ¼, Section 16 Township 12 S.
Range 22 E., B.M., Cassia County
Additional points SW ¼ SW ¼, Sec. 16, SW ¼ SW ¼, SE ¼ SW ¼, 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

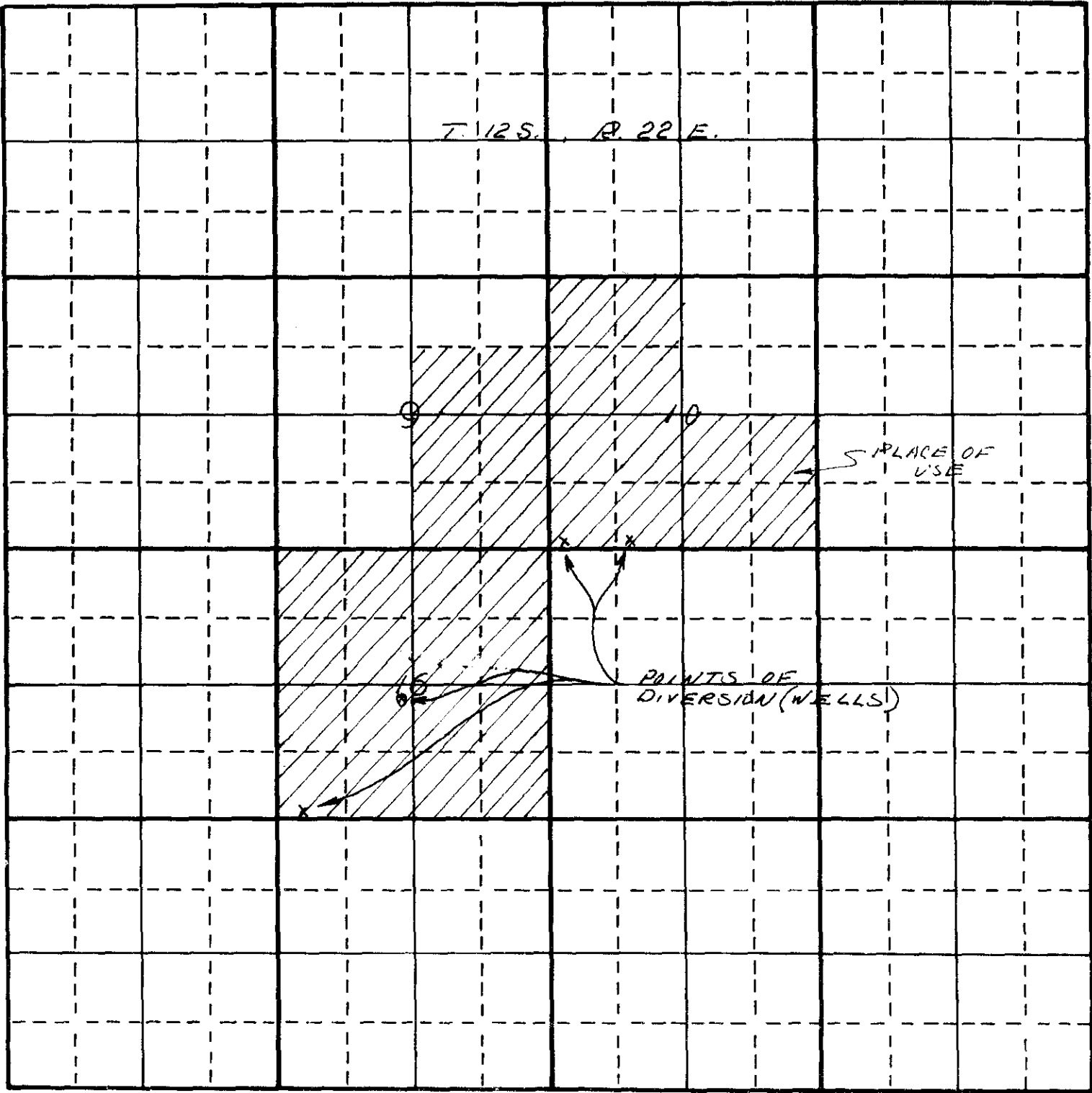
12/28/2011 3:44:42 PM

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. Jam By Max W. Martin
(Signature of Applicant)

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

Jerry D. Kugli
(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 <u>max</u>	Date <u>5/23/85</u>	Protest filed by _____
Prelim. check by <u>J</u>	Fee <u>50.00</u> # <u>35365</u>	_____
Receipted by <u>max</u>	Date <u>5/23/85</u>	_____
Published in <u>south id press</u>	Copies of protest forwarded by _____	
Pub. dates <u>7/1 + 7/18/85</u>	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for _____	approval _____ denial _____
_____ rec'd.	by _____	

RECEIVED

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. 45-2595 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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.

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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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 _____ c.f.s. &/or _____ acre feet

b. Description of diverting works _____

c. Describe the reasons for the proposed changes _____

2. Change in point of diversion

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

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

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
amount _____ for _____ purposes from _____ to Nov. 1
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.

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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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 _____ c.f.s. &/or _____ acre feet
- b. Description of diverting works _____

- c. Describe the reasons for the proposed changes _____

2. Change in point of diversion
- Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
- Range _____, B.M., _____ County
- Additional points _____

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

RECEIVED
JUN 15 1965
FBI - NEW YORK

CASSIA COUNTY TAX COLLECTOR

BURLEY POLYSEN, COURTHOUSE

BURLEY, ID 83318

NET VALUE TAX CODE AREA PARCEL NUMBER

PT LOT 1, LOT 2, S1/2NE, SE1/4

S 1 T 12 R 22

S1/2S1/2NE E/RR, PT SE1/4,

PT S1/2SW E/RR

S 9 T 12 R 22

MARTIN, MAX W

& MARTIN, JAMES G

RT 2 458 E 42ND ST

BURLEY, ID 83318

1984

PROPERTY

BILL NUMBER

1155

COUNTY

DAKLEY VAL CEM

SCH DIST 151

NO CASSIA FIRE

DAKLEY HIGHWAY

DAKLEY LIBRARY

.001424

.000088

.004681

.000472

.000918

.000087

1,548.58

39.80

2,117.06

213.48

415.18

39.36

1ST INSTALLMENT

TAX 2,196.7

PEN

SUB TOT

INT

TOT

2ND INSTALLMENT

TAX 2,196.7

PEN

SUB TOT

INT

TOT

SOLID WASTE FEE

20.00

DEC 19 1984

CASSIA COUNTY, ID
TREASURER & TAX COLLECTOR

TOTAL .000670

4,393.44

YOUR CANCELLED CHECK IS YOUR RECEIPT

HOMEOWNER HD=HARDSHIP LN=LAND IM=IMPROVEMENTS PR=PERSONAL AC=ACRES WAC=WASTE LT=LOTS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1984 RP00591

MARTIN, MAX W

MARTIN, JAMES G

1155

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1984 RP00591

MARTIN, MAX W

& MARTIN, JAMES G

1155

CODE	TAX	CODE AREA TAX	2ND INSTALLMENT
10.00		2,196.72	2,196.72
		PEN	
		SUB TOT	
		INT	
		TOT	

2nd
4C

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE

MAKE CHECKS PAYABLE TO

CASSIA COUNTY TAX COLLECTOR

COURTHOUSE

BURLEY, ID 83318

SPECIAL CODE	TAX	CODE AREA TAX	TOTAL TAX
92	20.00	4,373.44	4,393.44
		PEN	
		SUB TOT	
		INT	
		TOT	

FULL
4C

SPECIAL CODE	TAX	CODE AREA TAX	1ST INSTALLMENT
92	10.00	2,186.72	2,196.72
		PEN	
		SUB TOT	
		INT	
		TOT	

1st
4C

PAID IF NOT PAID ON OR BEFORE JUNE 20, 1985

MORE INFORMATION SEE BACK OF NOTICE

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1984

FOR MORE INFORMATION SEE BACK OF NOTICE

MACRO

NET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER	NO CASSIA FIRE	000472	255.88
542.095	37-008P00592	A	1158	OAKLEY HIGHWAY	000918	497.64
				OAKLEY LIBRARY	000037	47.16
PT S1/2, PT NW1/4, 2720 10-12-22				DEC 19 1984 CASSIA COUNTY, IDAHO TAX COLLECTOR & TAX COLLECTOR		1ST INSTALLMENT
						TAX 2.621.
						PEN
						SUB TOT
						INT
				TOT		
				2ND INSTALLMENT		
				TAX 2.621.		
				PEN		
				SUB TOT		
				INT		
				TOT		
TOTAL				0009670	5,242.08	

YOUR CANCELLED CHECK IS YOUR RECEIPT
=HOMEOWNER HO=HARDSHIP LN=LAND IM=IMPROVEMENTS PR=PERSONAL AC=ACRES WAC=WASTE LT=LOT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1984 RP00592 A
MARTIN, MAX W. ETUX
MARTIN, JAMES G. ETUX 1158

CODE	TAX	CODE AREA TAX	2ND INSTALLMENT
		2,621.04	2,621.04 37-00
		PEN	2nd
		SUB TOT	4C
		INT	
		TOT	

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

CASSIA COUNTY TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1985
FOR MORE INFORMATION SEE BACK OF NOTICE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1984 RP00592 A
MARTIN, MAX W. ETUX
MARTIN, JAMES G. ETUX 1158

SPECIAL CODE	TAX	CODE AREA TAX	TOTAL TAX
		5,242.08	5,242.08 37-00
		PEN	FUL
		SUB TOT	4C
		INT	
		TOT	

SPECIAL CODE	TAX	CODE AREA TAX	1ST INSTALLMENT
		2,621.04	2,621.04 37-00
		PEN	1st
		SUB TOT	4C
		INT	
		TOT	

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1984
FOR MORE INFORMATION SEE BACK OF NOTICE

MAILED

CASSIA COUNTY TAX COLLECTOR

MIRLEY POVLSEN, COURTHOUSE

BURLEY, ID 83318

STATE

CONTRACTS

NET VALUE TAX CODE AREA PARCEL NUMBER

247,607 37-00 SC07076-01

A 11940

STATE LAND 23367

S1/2 S 16 T 12 R 22

236,277

11,330

10,500

320,000

MARTIN, MAX W. ETUX

& MARTIN, GARY D. ETUX

RT 2 455 E 42ND ST

BURLEY, ID 83318

1984

COUNTY

OAKLEY VAL CEM

SCH DIST 151

NO CASSIA FIRE

OAKLEY HIGHWAY

OAKLEY LIBRARY

.003424

.000088

.004681

.000472

.000918

.000087

847.82

21.80

1,159.08

116.88

227.30

21.54

FULL PAYMENT

2,394.4

1,159.08

116.88

227.30

21.54

1ST INSTALLMENT

TAX 1,197.2

PEN

SUB TOT

INT

TOT

2ND INSTALLMENT

TAX 1,197.2

PEN

SUB TOT

INT

TOT

DEC 19 1984

TOTAL

.009670

2,394.40

YOUR CANCELLED CHECK IS YOUR RECEIPT

HD=HOMEOWNER HD=HARDSHIP LN=LAND IM=IMPROVEMENTS PR=PERSONAL AC=ACRES WAC=WASTE LT=LOTS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

STATE CONTRACTS 1984 SC07076-01 A

MARTIN, MAX W. ETUX

MARTIN, GARY D. ETUX

11940

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

STATE CONTRACTS 1984 SC07076-01 A

MARTIN, MAX W. ETUX

& MARTIN, GARY D. ETUX

11940

SPECIAL CODE	TAX	CODE AREA TAX	2ND INSTALLMENT
		1,197.20	1,197.20
			PEN.
			SUB TOT.
			INT.
			TOT.

37-00

2nd

4C

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

CASSIA COUNTY TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

SPECIAL CODE	TAX	CODE AREA TAX	TOTAL TAX
		2,394.40	2,394.40
			PEN.
			SUB TOT.
			INT.
			TOT.

37-00

FULL

4C

SPECIAL CODE	TAX	CODE AREA TAX	1ST INSTALLMENT
		1,197.20	1,197.20
			PEN.
			SUB TOT.
			INT.
			TOT.

1st

4C

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1985
FOR MORE INFORMATION SEE BACK OF NOTICE

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1984
FOR MORE INFORMATION SEE BACK OF NOTICE

RECORDED

166467

QUITCLAIM DEED

FOR VALUE RECEIVED, MAX W. MARTIN and VIRGINIA C. MARTIN, husband and wife, and GARY D. MARTIN and SUSAN MARTIN, husband and wife, hereinafter called the first party, do by these presents remise, release and forever QUITCLAIM unto M & G FARMS, and Idaho general partnership, of 428 E. 42nd Street, Burley, Idaho 83318, hereinafter called the second party, and to its heirs and assigns, all title which first party now has or may hereafter acquire, in the following described real property situated in Cassia County, State of Idaho, to-wit:

PARCEL 1

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO.

Section 1: E1/2

Section 9: All that part of the S1/2S1/2NE1/4 lying East of the Oakley Branch of the Oregon Short Line Railroad (now Union Pacific Railroad) right-of-way, and all that part of the SE1/4 and S1/2SW1/4 lying East of the Oakley Branch of the Oregon Short Line Railroad (now Union Pacific Railroad) right-of-way, EXCEPTING THEREFROM the following described tracts:

Tract No. 1: Beginning at the Southwest corner of the SW1/4 of said Section 9, Township 12 South, Range 22 East of the Boise Meridian; thence South 89°15' East for 2209.12 feet along section line to a point on the Easterly right-of-way of the Oakley Branch of the Union Pacific Railroad right-of-way; thence North 21°49' East along said right-of-way for 561.49 feet to the True Point of Beginning; Thence continuing North 21°49' East along said right-of-way for 189.0 feet to a point; Thence East for 229.76 feet to a point; Thence South for 135.46 feet to a point; Thence West for 300.00 feet to the True Point of Beginning.

Tract No. 2: Beginning at the Southwest corner of the SW1/4 of said Section 9, Township 12 South, Range 22 East of the Boise Meridian; thence South 89°15' East 2209.12 feet to a point on the Easterly

QUITCLAIM DEED-1

RECORDED

166467

RECORDED
INDEXED
JAN 17 12 40 PM 1985
CASSIDY
FRANK
IDAHO
FEE \$6.00
As per 247
Nampa 13633-
247

Gary D. Martin
Gary D. Martin
Susan Martin
Susan Martin

STATE OF IDAHO)
County of) ss

On this _____ day of _____, 1985,
before me, the undersigned, a Notary Public in and for said
State, personally appeared Max W. Martin and Virginia C.
Martin, husband and wife, known to me or identified to me to
be the persons whose names are subscribed to the foregoing
instrument, and acknowledged to me that they executed the
same.

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

(SEAL) _____
Notary Public for Idaho

STATE OF IDAHO)
County of) ss

On this _____ day of _____, 19
before me, the undersigned, a Notary Public in and for said
State, personally appeared Gary D. Martin and Susan Martin,
husband and wife, known to me or identified to me to be the
persons whose names are subscribed to the foregoing
instrument, and acknowledged to me that they executed the
same.

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

(SEAL) _____
Notary Public for Idaho

QUITCLAIM DEED-2

RECORDED

May 15, 1985

The Federal Land Bank of Spokane holds a mortgage on the following described property:

Township 12 South, Range 22 East, Boise Meridian
Section 10: S1/2, NW1/4 except:
Beginning at the NW corner of the SW1/4;
thence South 400 feet; thence Northwesterly
550 feet, more or less, to a point lying
400 feet East of the West 1/4 corner of
said Section 10; thence West 400 feet to
the Point of Beginning.

The Federal Land Bank of Spokane hereby agrees to a proposed change in water right as set forth in an Application for Transfer of Water Right by M & G Farms whereby Licenses #'s 45-2586, 45-2595, and 45-2680 for a total of 12.55 CFS for 857 acres in Sections 9, 10, and 16 of Township 12 South, Range 22 East are to be allocated to the above described property plus other lands in Sections 9 and 16 for a total of 1254 acres.

THE FEDERAL LAND BANK OF SPOKANE

By:

John E. Gray
Authorized Agent

STATE OF IDAHO)
) ss.
County of Cassia)

On this 15 day of May, 1985, before me personally appeared John E. Gray, to me know to be the Authorized Agent of the Corporation described in and who executed the within instrument, and acknowledged that he executed the same as his free act and deed.

Joan P. Hughes
Notary Public for the State of Idaho
My commission expires Life

RECORDED

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

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

Sue Subia, being first
duly sworn, deposes and says that she is the

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

The South Idaho Press for two
consecutive weeks, commencing with the issue
dated 7-11 1985, and ending
with the issue dated 7-18 1985.

Sue Subia

Subscribed and sworn to before me
this 31st day of July

1985

Gatty Staker Notary Public

Cost of Publication 48.40

Notary Fee 50

Total Cost 48.90

85-194

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**
No. 45-2586
No. 45-2595
No. 45-2680

Notice is hereby given that M&G Farms of Burley, Idaho has applied to the Department of Water Resources for a change of place of use and to add diversion points of rights from a groundwater source. The rights sought to be changed are evidenced by License No. 45-2586, 45-2595, 45-2680 and are recorded as follows:

45-2586
Amount: 5.19 cfs

Priority: July 22, 1959

Point of Diversion: NESW, SWSW, Sec. 16, T12S, R22E, B.M., Cassia County

The water is used for irrigation of 377 acres from April 1 to November 1 within the W $\frac{1}{4}$ NE $\frac{1}{4}$, SENE, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16, T12S, R22E

45-2595

Amount: 4.31 cfs

Priority: December 31, 1959

Point of Diversion: SWSW, Sec. 10, T12S, R22E, B.M., Cassia County

The water is used for irrigation of 480 acres from April 1 to November 1 within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, T12S, R22E

45-2680

Amount: 3.05 cfs

Priority: May 14, 1962

Point of Diversion: SESW, Sec. 10, T12S, R22E, B.M., Cassia County

The water is used for irrigation of 480 acres from April 1 to October 31 within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, T12S, R22E

TO BE CHANGED AS FOLLOWS:

Amount: 12.55 cfs

Point of Diversion: No change

Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9, for irrigation of 190 acres; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, for irrigation of 460 acres; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16, for irrigation of 604 acres for a total of 1254 acres.

Any protest against the approval of the above proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before July 29, 1985.

A. Kenneth Dunn, Director

Published in the South Idaho Press on July 11 and 18, 1985.

RECEIVED
AUG 1 1985
Department of Water Resources
Southern District Office

State of Idaho
License and Certificate of Water Right

Water License No. G-28056

Amount 5.19 c.f.s.

Water District No.

Priority July 22, 1959

THIS IS TO CERTIFY that MARTIN BROTHERS
of Hazelton, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 22, 1959; that Permit No. G-28056
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.19 second feet, was issued thereunder on August 16, 1965, showing that said works
were completed on the 27th day of July, 1964; and that on the 27th
day of July, 1964, MARTIN BROTHERS

of Burley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of two wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28056 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
13 of Licenses at page 8219, on the 16 day of August, 1965;

The right hereby confirmed dates from July 22, 1959;

The Point of Diversion is located NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 16, 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 5.19 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	16	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	15
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	5
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	31
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	22
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	4
			SE $\frac{1}{4}$	160	160
			E $\frac{1}{2}$ SW $\frac{1}{4}$	80	80
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	25
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
			Total number of acres to be irrigated:		377

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

16th day of August, 1965.

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

(SEAL)

45 2580

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

Application No. G- 36018
Permit No. G- 28056
District No.

1. Name of Applicant: Martin Bros.
Postoffice address: Rt. #1, Hazelton County: Jerome State: Idaho

2. Quantity of water claimed: 12.8 cubic feet per second
(a) Rate of withdrawal in cubic feet per second 12.8 or Idaho
Miners' inches 640 or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the SE NW
SW 1/4 of the SW 1/4 of Section 16
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 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: Wells, pumps and ditches

8. Estimated cost of works: \$ 54,000

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 onhand: \$

(b) Treasury stock:

(c) Bonds to be issued:

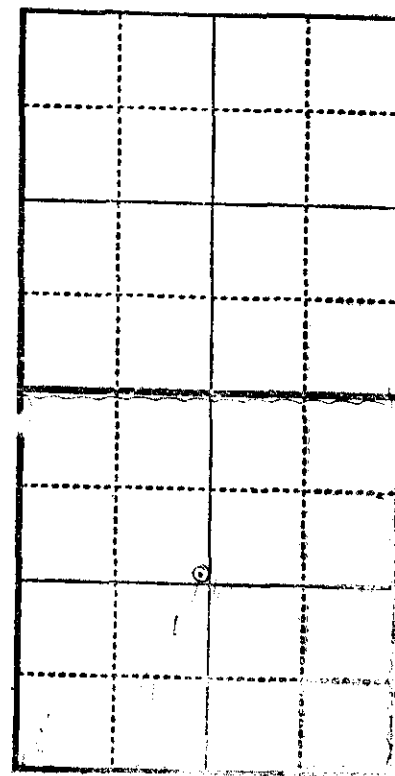
(d) Other resources:

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) 12.8 (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.

Martin Bros.

Applicant.

By s/ Max W. Martin

Agent.

Date of first receipt at Department of Reclamation 11:00 A.M. July 22, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28056

Recorded in Book 99 Page 28056 Approved July 27, 1959

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 January 27, 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 July 27, 1964

Witness my hand this 27th day of July, 1959

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 27th
day of July, 1959.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By S/ ROBERT E. SNYLLIE
Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
12 S	22 E	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
Application for Amendment POINT OF DIVERSION Permit No. G-28056 Comes now MARTIN BROS. by and through Max W. Martin and represent to the State Reclamation Engineer of the State of Idaho: That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. G-28056. That the points of diversion is described in said Permit as being located: One in the SE¹/₄NW¹/₄ and one in SW¹/₄SW¹/₄ , Sec. 16, Twp. 12 S., R. 22 E., B. M. That they now request that the point of diversion of said waters located: in the SE¹/₄NW¹/₄ be changed to a point located in the NE¹/₄SW¹/₄ of Sec. 16, Twp. 12 S., R. 22 E., B. M. That the reason for desiring to make such change is as follows: The terrain where the new point of diversion requested for is slightly higher and better suited for the irrigation of the adjacent lands. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Burley, Idaho, this 17th day of June, 1964. s/ MARTIN BROS. By: MAX W. MARTIN Date of Receipt at Department of Reclamation: June 18, 1964 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-28056. This approval constitutes anew 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: June 26, 1964

Permit No. G-28056
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that MARTIN BROTHERS of Hazelton, County of Jerome, and State of Idaho, the holder of Permit No. G-28056, issued upon Application No. G-36018 bearing date of priority of July 22, 1959, authorizing the diversion of 12.8 second feet of waters of wells 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 5.19 second feet of the waters of two wells from subterranean flow that the point of diversion of said waters NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 12 S., R. 22 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 16, T. 12 S., R. 22 E., B.M.

Witness my hand this 16th day of August, A.D. 1965.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: July 27, 1964

LICENSE ISSUED FOR 5.19 SEC. FT.
LICENSE PAGE NO. 8219.

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 NALDER
J. MICHAEL WHEELER

RECEIVED
NOV 10 1986

November 7, 1986

Department of Water Resources

ms
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

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

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,

A handwritten signature in cursive script, reading "L. Glen Saxton", is written over the typed name.

L. GLEN SAXTON
Chief, Operations Bureau

cc: Eastern Region

MICROFILMED



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

RECORDED

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
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JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER

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)

RECEIVED
FEB 21 1986

February 20, 1986

Department of Water Resources

Mr. L. Glen Saxton
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Application for Transfer No. 3173 of
Water Rights Nos. 45-2595, 45-2586, and 45-2680

Dear Mr. Saxton:

As you are aware from our several telephone conversations, our clients are engaged in an effort to find and clarify much additional factual information relative to the above referenced application for transfer and the issues raised by the recent Order to Show Cause. They have advised us that it may take some time to locate all the information they and we have concluded may be helpful, and have therefore asked us to formally request an extension of time in which to respond to the Order to Show Cause.

We would appreciate it if you would treat this letter as such a formal request. Unfortunately, we cannot predict at this time how long it may take to locate and analyze the information we are seeking. We will try to keep you advised as we proceed. Thank you for your consideration.

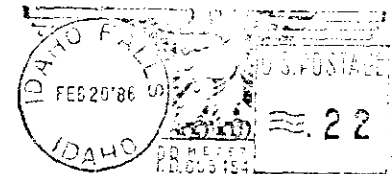
Yours very truly,


Kent W. Foster

KWF:cl
#5489.00
cc: Max and Gary Martin

RECEIVED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. BOX 129
IDAHO FALLS, IDAHO 83402



Mr. L. Glen Saxton
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Glen

DATE 1-30-86

TO Trans File

SUBJECT - Kent Foster called on this matter today & advised he will send a request to extend the time on the show cause order.

MICROFILMED

[Signature]

SIGNATURE

1/2

INTER-DEPARTMENT MEMO — 1

DATE 1-28-86

FROM Glen

TO Trans file

SUBJECT - Kent Foster called today and discussed @ length the app for trans & show cause order. #

- He plans to review the water Rt microfilm in E. Region & to respond to show cause order or perhaps withdraw the trans app.

VJF

SIGNATURE

2/2

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

- my review shows the following
key points related to the expansion
proposition.

1. app 45-2680 states on the 1st pg of
app that permit 45-2595/28360 is for the
same land.

2. Exam was conducted ~~on~~ ^{w/owner rep. present} 45-2680
after 3-23-1963 and found land irrig
as on lic. Therefore a ben use nt can't be
claimed as established after this date even tho
mandatory trans may not have been
necessary prior to 1969.

SIGNATURE

NOTES

G-28056/45-2586 Martin Bros

priority 7-22-59

Rate 5.19 cfs - G.W

Pl U: 377 ac in sec 16, T12S, R22E
water 1st used in Apr 1959 (from comp work)

G-28360/45-2595

priority 12-31-59

Rate: 4.31 cfs

Pl U. 480 ac in NW⁴, SW⁴, SE⁴ - sec 10
T12S, R22E

permit issued 20th Jan 1960

G-30537/45-2680

priority 5-14-62

Rate 3.05 cfs

Pl U. 480 ac in NW⁴, SW⁴, SE⁴ - sec 10

app submitted 5-14-62

T12S, R22E

permit approved 29th June 1962

Connex 3-8-62 refers to

Goose Cr - Rock Cr. C.G.W.A.

RECORDED

- From Field exams
 - on 6th Aug 1962 water diverted under permit 45-2595 was discharged into open concrete ditches
 - On June 21st 1963, water diverted under permit 45-2680 was diverted into an open ditch.
- General note - the later supp. lic for the 4800c shows 1281 AF amt on lic.

RECEIVED

SAXTON —

12/18/85

A review of the applications as filed shows clearly that the intent of 45-2680 was to be supplemental to 45-2595.

Order should be couched in language about additional volume of depletion if new lands are added, rather than "additional water diverted". I'm sure applicant will argue that rate won't increase and possibly even argue that annual volume diverted wouldn't increase.

I suggest the file be documented with a memo from Hydrology on the expansion in case this is appealed.

Kent should be advised that the additional acreage can only be recognized by the courts in a "broad-axe" adjudication. His client may want to file a mandatory claim to record this expansion and avoid any

concern about the 1988 deadline. However it appears that critical area designation was made prior to expansion? For consistency sake (i.e. Max Bingham)

this applicant should also be ordered to stop diverting water to unlicensed lands

INTER-DEPARTMENT MEMO — 1

FROM Glen

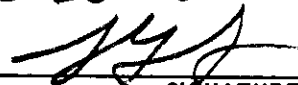
DATE 12-18-85

TO Room

SUBJECT - The proposed transfer is the purest form of expansion I have ever reviewed & should be denied.

- Since Foster is involved, you probably should review his letter.

- I recommend an order denying at this pt., rather than a show cause order.



SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 11-25-85

FROM Jim

TO

Glen

Jim
prepare for
denial jst

SUBJECT This Application for transfer is recommended for denial because of the expansion of lands irrigated by the 3 rts. identified,

Before it is prepared for denial I thought you may want to review. ~~Particularly~~ PARTICULARLY Kent Foster's correspondence.

done Jim - would you prepare the order for me, please?
and don't be in a rush to give it back

SIGNATURE

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

3. Article Addressed to:
Kent Foster
Box 129
Idaho Falls, ID 83401

Always obtain signature of addressee or agent and
DATE DELIVERED.

X

X

7. Date of Delivery

B. Addressee's Address (ONLY if requested and fee paid)

45-2586



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

January 15, 1986

CERTIFIED MAIL # 33201

RE: Application for Transfer 3173 of Water Right Nos. 45-2595, 45-2586,
and 45-2680

Kent Foster
P.O. Box 129
Idaho Falls, ID 83401

Dear Kent:

Enclosed is an Order to Show Cause why the above referenced application for transfer should not be denied. The Department has considered, in some detail, your letter dated June 12, 1985 relative to this matter.

Assuming the Order to Show Cause is followed by an Order denying the application for transfer, there may be some benefit for your client to file a mandatory claim before the 1988 deadline unless you choose to pursue other alternatives. The additional acres not included in the three licenses may have been brought under irrigation subsequent to the time the Critical Groundwater Area was designated. If this is the case, the provisions of Section 42-1416(5), Idaho Code, appear to specifically exclude the relief you suggest in your June 12, 1985 letter.

If you have questions, please feel free to contact the Department.

Sincerely,

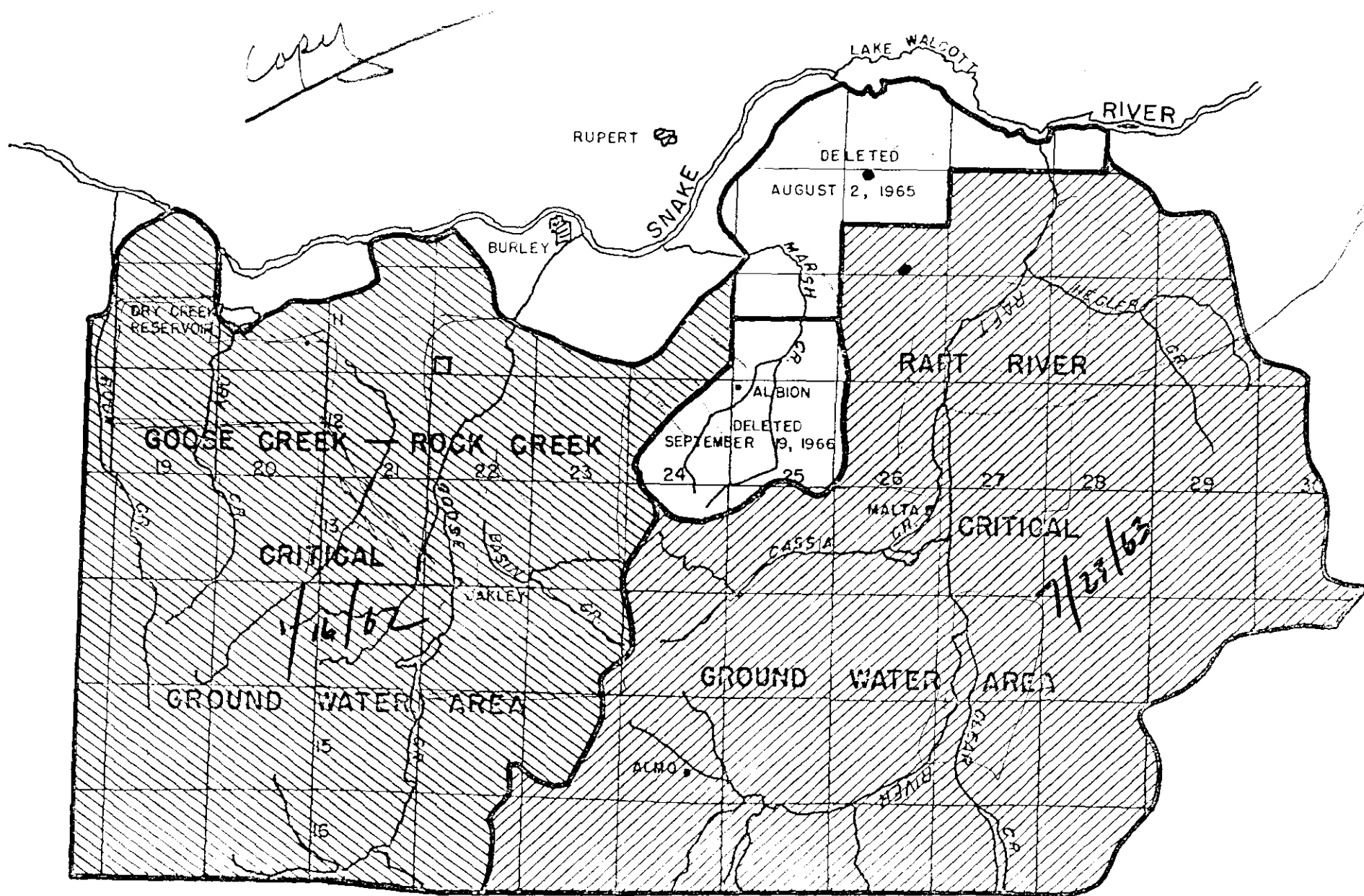
L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

Enclosure

cc: Eastern Region
M & G Farms

RECORDED



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

TO:
GLEN SAXTON,
OPERATIONS BUREAU

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

M E M O

TO: Glen Saxton, Operations Bureau
FROM: Bill Ondrechen, ^{WFO}Hydrology Section
DATE: December 30, 1985
SUBJECT: Consumptive Use and Depletion Amounts
Relating to Transfer 3173

Based on information in the transfer application, it appears that there is an increase in irrigated area from 857 acres in the original rights to 1254 acres in the present arrangement. Using the Department's standard reference for consumptive use and irrigation requirements (Estimating Consumptive Irrigation Requirements for Crops in Idaho, by R. G. Allen and C. E. Brockway, August, 1983) shows average seasonal consumptive irrigation requirements for common crops for the Oakley area as follows: alfalfa hay (30.9 inches), potatoes (24.1 inches), sugar beets (28.7 inches) and spring grain (23.8 inches). Since the 12.55 cfs total of rights is sufficient to meet the CIR of the crops on the 857 acres (with an assumption of 70% efficiency), an increase in area to which the water is applied would result in an increase in depletion. In this case, using an average crop CIR of 26.9 inches or 2.24 feet per season, the increased depletion from the 397 acre expansion would be 890 acre feet.

The only case under which an expansion of irrigated area (assuming the rate of diversion remains the same, of course) would not result in an increase in depletion would be where the rate of application to the original acreage was much less than that necessary to achieve a full water supply. In this situation, nearly all of the applied water would be used consumptively, both on the original and on the expanded acreage.

BO:cjk

MAILED 120

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 11/6/85

TO State Office

SUBJECT Transfer 45-2586, 2595, 2680

Denial of this application is recommended due to expansion of lands under the rights.

Waiting for 42-1416 to be effective would be no cure for the problem because the lands are in the Oakelet-Kenyan CGWA.

MICROFILMED

JH

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. F. Stanton

1. Right number 45-2575, 2586, 2680 Applicant M & G FARMS
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Original systems covered 857 acres.
Transfer as filed is a blatant expansion.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) slight overlap with new lands in dec. 9 (1 1/2 acres) on Lic. 45-7439
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADm

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☒ Deny
3. Conditions* _____

RECEIVED

RECEIVED

NOV 12 1985

4. By ADm Date 8/15/85

Department of Water Resources

STATE OF IDAHO
Department of Water Resources

No. 5365

Boise, Idaho, May 24, 1985

RECEIVED
FROM

M & G Farms of Leidy \$ 50.00
fifty and no/100 DOLLARS

FOR

<u>Transf</u>	\$	<u>50</u>	<u>00</u>
	\$		
	\$		
<u>92-284</u>	\$		
TOTAL - - -	\$	<u>50</u>	<u>00</u>

Mary A Newby

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

NO. 45-2586
45-2595
45-2680

Notice is hereby given that M & G Farms of Burley, Idaho has applied to the Department of Water Resources for a change of place of use and to add diversion points of rights from a groundwater source. The rights sought to be changed are evidenced by License No. 45-2586, 45-2595, 45-2680 and are recorded as follows:

45-2586

Amount: 5.19 cfs

Priority: July 22, 1959

Point of Diversion: NESW, SWSW, Sec. 16, T12S, R22E, B.M.,
Cassia County

The water is used for irrigation of 377 acres from April 1 to November 1 within the W1/2NE1/4, SENE, S1/2NW1/4, SW1/4, SE1/4, Sec. 16, T12S, R22E

45-2595

Amount: 4.31 cfs

Priority: December 31, 1959

Point of Diversion: SWSW, Sec. 10, T12S, R22E, B.M., Cassia
County

The water is used for irrigation of 480 acres from April 1 to November 1 within the NW1/4, SW1/4, SE1/4, Sec. 10, T12S, R22E

45-2680

Amount: 3.05 cfs

Priority: May 14, 1962

Point of Diversion: SESW, Sec. 10 T12S, R22E, B.M., Cassia
County

The water is used for irrigation of 480 acres from April 1 to October 31 within the NW1/4, SW1/4, SE1/4, Sec. 10, T12S, R22E

TO BE CHANGED AS FOLLOWS:

Amount: 12.55 cfs

Point of Diversion: No change

Place of Use: S1/2NE1/4, SE1/4, Sec. 9, for irrigation of 190 acres; NW1/4, SW1/4, SE1/4, Sec. 10, for irrigation of 460 acres; NE1/4, NW1/4, SW1/4, SE1/4, Sec. 16, for irrigation of 604 acres for a total of 1254 acres.

Any protest against the approval of the above proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before July 29, 1985.

A. Kenneth Dunn
Director

Published in South Idaho Press on July 11 and July 18, 1985.

MICROFILMED

85-194

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**

No. 45-2586

No. 45-2595

No. 45-2680

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Amount: 5.19 cfs

Priority: July 22, 1959

Point of Diversion: NESW, SWSW, Sec. 16, T12S, R22E, B.M., Cassia County

The water is used for irrigation of 377 acres from April 1 to November 1 within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SENE, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16, T12S, R22E

45-2595

Amount: 4.31 cfs

Priority: December 31, 1959

Point of Diversion: SWSW, Sec. 10, T12S, R22E, B.M., Cassia County

The water is used for irrigation of 480 acres from April 1 to November 1 within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, T12S, R22E

45-2680

Amount: 3.05 cfs

Priority: May 14, 1962

Point of Diversion: SESW, Sec. 10 T12S, R22E, B.M., Cassia County

The water is used for irrigation of 480 acres from April 1 to October 31 within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, T12S, R22E

TO BE CHANGED AS FOLLOWS:

Amount: 12.55 cfs

Point of Diversion: No change

Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9, for irrigation of 190 acres; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, for irrigation of 460 acres; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16, for irrigation of 604 acres for a total of 1254 acres.

Any protest against the approval of the above proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before July 29, 1985.

A. Kenneth Dunn, Director

Published in the South Idaho Press on July 11 and 18, 1985.

ok
masya
7/11/85

RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 3, 1985

South Idaho Press
Box 190
Burley, Idaho 83310

Re: Notice of Proposed Change of Water Right No. 45-2586
45-2595
45-2680

Notice of Proposed Change of Water Right No. 45-2525

Gentlemen:

Enclosed you will find 2 legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim S.

DATE 6-11-85

TO File

SUBJECT Application for Transfer, M & G Farms

On this date, I discussed this transfer with attorney Kent Foster. He told me that the transfer was completed in discussion with Ron Carlson of the Idaho Falls office. It was my impression that he intends to resubmit the transfer as originally filed. I told him that the transfer belongs to the applicant, and that we would process it accordingly. It is obviously an expansion, but we will process it that way if thats what the applicant wants.

MICROFILMED



SIGNATURE

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. MEKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK
RANDALL B. REED

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)

June 12, 1985

RECEIVED

JUN 13 1985

Department of Water Resources
Idaho District Office

Mr. James E. Stanton
Senior Water Resource Agent
Idaho Dept. of Water Resources
Southern Region
1041 Blue Lakes Boulevard
Twin Falls, Idaho 83301

RE: Application for Transfer, License Nos. 45-2586,
45-2595, and 45-2680--M & G Farms.

Dear Mr. Stanton:

We are re-submitting with this letter the application for transfer involving the three water rights of M & G Farms. As we understand it, you still have the filing fee there.

We can also see from our original transmittal letter that we did not explain the objective or the theory of this proposed transfer very well. Hopefully, some of the discussion in this letter will be of assistance.

We are aware, and our client has been fully advised, of the possible expansion or enlargement argument inherent in this proposed transfer. There are three licenses; 45-2586 for 5.1 cfs and 377 acres; 45-2595 for 4.31 cfs and 480 acres; and 45-2680 for 3.05 cfs and 480 acres. The 480 acres under 2595 and 2680 is the same land, so it is possible to argue that the three rights are for irrigation of 857 total acres and the proposed place of use being 1254 acres represents an expansion.

We hope, however, to be able to persuade the director to look at this in another way; that is, that each license has its

NOTED

Mr. James E. Stanton
June 12, 1985
Page 2

own land list, and considering them individually, the total land would be 1337 acres, so the proposed transfer to 1254 acres does not represent an expansion. Because there is only one irrigation system, and because the entire 1254 acres has been irrigated for such a long period of time, there are some compelling reasons for viewing the proposal in the suggested way in this case.

The four wells under the three rights are all interconnected with a common main line and sprinkling system which irrigates the approximately 1254 acres, with no more than the combined total of 12.55 cfs. This has been the case for many years, perhaps as many as 20. Originally, the wells were used to flood-irrigate the farms. The exact original purpose of 45-2680 is not known by the applicant, but if that purpose was merely to augment the amount of water available for flood-irrigation of the same 480 acres as 45-2595, the practice must have changed quite early on.

This proposed view is also consistent with the policy regarding expansions which have occurred in the past, as expressed in House Bill 71, where the 1985 Legislature added a new Section 42-1416 to the Water Law. That policy seems to be substantially lenient toward expansions that have occurred many years ago and would be difficult to document in terms of amount and dates of occurrence. The applicants here selected what they believed to be the cleanest approach to resolving potential expansion issues in their own case. They feel that the existing practices on their farm have continued so long that there is little likelihood of any protests. They propose only to have the records conform to the existing practices.

If additional information would be helpful, please contact us. We would appreciate being kept advised as the application is processed.

Yours very truly,



Kent W. Foster

KWF:cl
#5489.00

RECEIVED
JUN 13 1985



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 29, 1985

Kent W. Foster
Attorney at Law
P. O. Box 129
Idaho Falls, Idaho 83402

Re: Application for Transfer of License 45-2586, - 45-2595, -
45-2680, - M & G Farms

Dear Mr. Foster:

We are returning the above-referenced transfer application for revision.

Since the transfer represents an expansion of existing water rights, we would have to deny it.

It also appears that the transfer represents 2 separate water systems, since Item C2 indicates that no change in diversion points is intended. It is therefore unclear as to the intended purpose of these transfers. You could change the place of use to conform to present irrigation practices, but are limited to the number of acres licensed under each water system (480 acres in Sec. 10 and 377 acres in Sec. 16). You could also add diversion points to each license so that all 4 wells serve each of the 2 systems. In either case, a separate transfer application is required to change either system.

Regarding the land in Sec. 9, we call your attention to license 45-7439. This right overlaps slightly with the Sec. 9 lands you show on the transfer, and may be of interest. A copy of the license is enclosed.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

LOH:JES:marya

Encl:



INTER-DEPARTMENT MEMO — 1

FROM IDWR

DATE 5-29-85

TO Kent Foster

SUBJECT Application For Transfer of M & G Farms, Filing Fee

We are holding the filing fee of \$50. submitted for this transfer. An additional \$50. will be required to cover a second transfer, if you decide to file one. If you decide not file either transfer, please let us know so that the fee already submitted can be refunded.


SIGNATURE

RECEIVED

WATER RIGHT NUMBER 45-2586

OWNER LAST NAME - MARTIN BROS.

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - HAZELTON

STATE - ID ZIP CODE - 83335

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 07-22-1959 COUNTY - CASSIA

TOTAL DIV. RATE - 5.1900 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 16 12S 22E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

SWSW 16 12S 22E LOT REDIV -

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 -

5.1900 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 12S RNG 22E SEC 16

TRACT NWNE LOT

AC 05 TRACT

SWNE LOT

AC 31

TRACT SENE LOT

AC 15 TRACT

SWNW LOT

AC 04

TRACT SENW LOT

AC 22 TRACT

NESW LOT

AC 40

TRACT NWSW LOT

AC 25 TRACT

SWSW LOT

AC 35

TRACT NESE LOT

AC 40 TRACT

NWSE LOT

AC 40

TRACT SWSE LOT

AC 40 TRACT

SESE LOT

AC 40

TRACT SESW LOT

AC 40

DATE -

TOTAL ACRES

377

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 28056

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED OUT

VERIFIED DDL

4/26/85

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Martin Brothers
Address 225 S. 20 E
Boise, Idaho
Owner's Permit No. _____

7. WATER LEVEL

Static water level 423 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☐ New well ☒ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 12 inches Total depth 1215 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>.219</u> inches	<u>16</u> inches	<u>258</u> feet	<u>583</u> feet

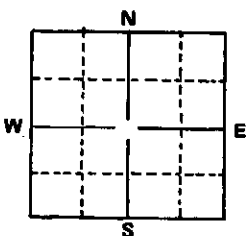
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To

Well screen installed? ☐ Yes ☒ NoManufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feetSurface seal? ☐ Yes ☐ No To what depth _____ feet
Material used in seal ☐ Cement grout ☐ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.

County Cassia
SE 1/4 NW 1/4 Sec. 16, T. 12 N, R. 22 E

10.

Work started Jan 14 1970 finished Feb 27, 1970

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledge.Driller's or Firm's Name Boley, Henry, Weech & Co Number 86Address Murfreesboro, IdahoSigned By Boley, Henry Date 1 April 1970

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28056

REPORT ON PROOF OF Completion of Works & Beneficial Use

Martin Brothers
by Max W. Martin
Route 2
Box 435
Burley, Idaho

28056

28056

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

Permit No. G-28056This proof is for Comp. of Wrks. & Bene. Use

In Water District No. _____

1. Name of applicant Martin Brothers2. Source of water supply: Subterranean3. Location of point of diversion: Is in the NE 1/4 of Section 16T. 12S R. 22E County of Cassia4. Describe works as they exist, giving dimensions and capacities of same: 150HP US MotorNE 1/4 SW 1/4 Sec # 1332371 RPM 1800 Linco-Bowling pump Model 12RXL
ser # DO 5349 900 GPM @ 530' @ 1770 RPM10' of 8" OD steel pipe Discharge to concrete pipe, West 100'
underground to open ditchFor SW 1/4 SW 1/4, over. No PD in SE 1/4 of NW 1/4 of 165. Water is used for: Irrigation6. 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):

Entire Section 16, T12S-R22E making a total of 640 acres to be irrigated

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

8. What large stream would the water here appropriated finally reach? Tim MartinRemarks: contactedP.D. NE 1/4 SW 1/4 Measured by Cox flow meter 15.14 x 51.849A = 783 GPM = 87 inches = 1.73 cfsP.D. SW 1/4 SW 1/4 Measured by Cox flow meter 18.84 x 82.516A = 1550 GPM = 173 inches = 3.46 cfsThis examination was made on the 10 day of July, 1966(Signed) Loy JohnsonDonald W. McElwain

Examiner.

28056

Jim Martin for Martin Bros.

was informed by Mr C. Tappan (in person)
in June of 64. Martin Bros.
could amend Application
to include additional P.D.
in Sec 16.

Seems I wrote not having
promised 64 inspection.

250 HP

P.D.
SW 1/4 SW 1/4

250 HP US Motor RPH 1800
Ser. # 1108877

Lane & Bowler Pump

Model 14 RL Ser # 25834

1720 GPM @ 470' @ 1770

Discharge 16" steel pipe 100' South
to open concrete ditch

cur flow meter

units X

Area =

GM

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
JUL 19 1966

Department of Reclamation

00
#1-796
#2-1090
200x200
275x112
Martin Brothers
Route 2, Box 435
Burley, Idaho
Permit No. G-28056
James Martin
Light Yellow Ford
Pickup

Examination for Completion of Works
Beneficial Use

County Cassia

Sec. 16 T. 12S R. 22E

Quantity: 12.8

Source: Well

P.D.: NE SW, SW SW, 16, 12S, 22E.

Use: Irrigation

Filed: 22 July 1964

Due: 27 Aug. 1964

Extension:

Protest:

Completion of Works:

Other Rights: None

Jim Martin for Martin Bros.

was informed by Mr. C. [unclear] (in person)
in June of 64. Martin Bros.
could amend Application
to include additional P.D.
in Sec 16.

Some I wrote not having
promised 64 inspection.

P.D.
SW 1/4 SW 1/4

250 HP US Motor RPH 1800
Ser. # 1108877

Lane & Bowler Pump

Model 14 R2 Ser # 25834

1720 GPM @ 470' @ 1770

Discharge 10" steel pipe 100' South
to open concrete ditch
ex flow meter
units 2 Area = cm

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
JUL 19 1966

Department of Reclamation

Examination for Completion of Work

County: Canada

Quantity: 12.8

Source: Well

P.D.: NW 1/4, SW 1/4, 16, 17S, 22E

Use: Irrigation

Filed: 22 July 1959

Date: 27 July 1964

Extension: —

Present: —

Completion of Work: —

Other Rights: None

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G28056

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: MARTIN BROTHERS,

B y: Max W. Martin, Route 2, Box 435, Burley, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G28056, July 27, 1959, July 27, 1959

Ques. 4. State source of water supply: Subterranean
Give location of point of diversion, showing subdivision, section, township and range: 1 well in the SW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 1 in the NE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Township 12, South, Range 22 EBM.

Ques. 5. Describe your works of diversion ~~XXXX~~ Wells, Pumps and Ditches.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 315" ; 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 Well No. 1 796 ft.
Well No. 2 1080 ft. ; depth and size of casing: Well No. 1 200' 16" Well No. 1 392'
Well No. 2 200' 20" and _____ ; depth to water Well No. 2 390' ; if pump is used, state discharge of pump: 275' 12" 190" & 125" tell how it was measured or determined: Wier

_____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Agricultural Irrigation

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 37 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 33 acres; NEWSW $\frac{1}{4}$ - 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres; SE $\frac{1}{4}$ - 160 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 30 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 acres; all in Sec. 16, Twp. 12 South, Range 22 EBM.

State nature of all improvements which have been made as a direct result of said use:
Cement Ditches, Cement Checks, Machine Shed, Land Leveling, Pumps and Motors.

28056

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well; Boley-Henry-Weech, Burley, Idaho, and Clarence Cole, Burley, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

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

315"

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:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: April, 1959 Time used since first use:

Each irrigation season since 1959, including 1964.

Ques. 11. Describe all other water rights appurtenant to same place of use:

None

(sign) Max W. Weech

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

Burley, County of Cassia

State of Idaho, on this 27th day of July, A.D. 1964.

Thomas H. Church
Notary Public for Idaho,
Residing at Burley, Idaho

My Commission expires: June 17, 1968

RECEIVED
JUL 29 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

BOISE, IDAHO

Permit No. B28056

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Work

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:

JAY L. ROBINSON, 34 years of Age, Farmer, Oakley, Idaho

Ques. 2. Are you acquainted with Martin Brothers, the holder of
Permit No. G28056? How long have you known him and where does he reside:

Yes - 8 years - Burley, Idaho

Ques. 3. Have you read or heard said Permit No. G28056 read, and are you familiar
with its provisions and conditions: Yes: xx No:

Ques. 4. State source of water supply: Subterranean

State place of diversion: 1 well in SW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1 in NE corner of
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 12 S., Rge. 22 EBM.

Describe works for conveying water to place of use: Cement Ditches and checks

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 315" How much water have you seen being so
conveyed: 315"

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; SE $\frac{1}{4}$ 160 acres;
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres; all in Sec.
16 Township 12 South, Range 22 EBM.

28056

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (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:

Loam - 1/2" per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: 1959

Other times you have seen such use: Each Irrigation Season since 1959, including 1964.

(Signed)

Jerry L. Robinson

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 Burley

 , County of Cassia, State of Idaho, on this 27th day of July,

A. D., 1968. 4

Thomas H. Church

Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires: June 17, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G28056

RECEIVED
JUL 29 1964
Department of Reclamation

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:

Jackson W. Allred, 38 years, Murtaugh, Idaho, Farmer - Murtaugh, Idaho

Ques. 2. Are you acquainted with Martin Brothers, the holder of

Permit No. G28056? How long have you known him and where does he reside:

10 years - Burley, Idaho

Ques. 3. Have you read or heard said Permit No. G28056 read, and are you familiar with its provisions and conditions: Yes: xx No: _____

Ques. 4. State source of water supply: Subterranean

2 wells - 1 in SW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1 in NE corner of
State place of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 12 S., Range 22 EBM.

Describe works for conveying water to place of use: Cement Ditches and checks

Ques. 5. How many second feet of water do you estimate said works will safely conduct

to place of use: 315" ~~xxxxxxx~~ How much water have you seen being so
conveyed: 315"

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 37 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres;
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; SE $\frac{1}{4}$ 160 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ -
20 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres; all in Sec. 16 Twp 12 S., Rge. 22 EBM.

28056

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (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:

Loam 1/2" per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: 1959

Other times you have seen such use: Each irrigation season since 1959

(Signed)

Jackson W. Allright

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 Burley

, County of Cassia, State of Idaho, on this 27th day of July,

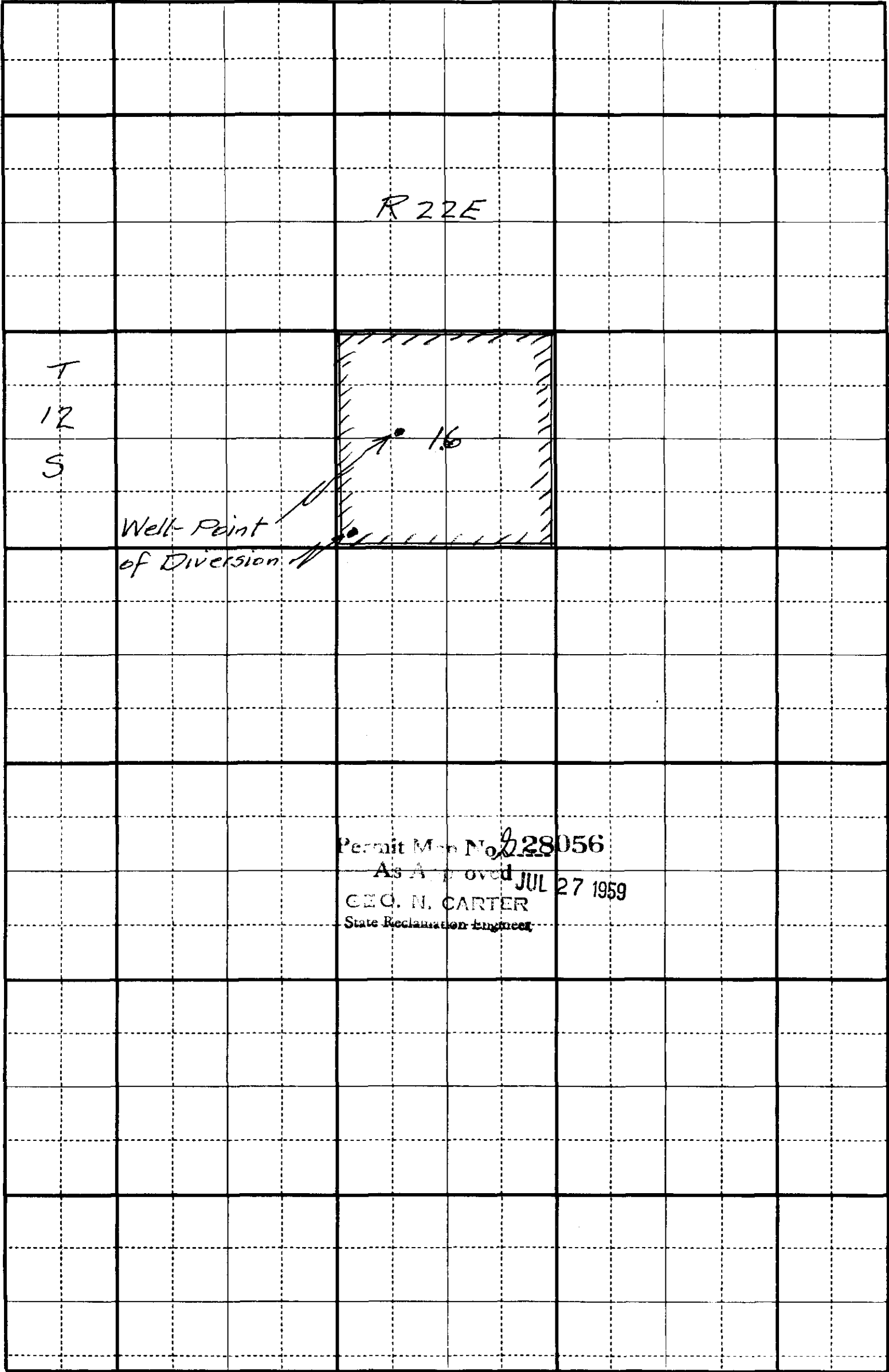
A. D., 1962x4

Thomas H. Church

Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires: June 17, 1968



Permit Map No. 228056
As Approved JUL 27 1959
GEO. N. CARTER
State Reclamation Engineer

August 4, 1959

Re: Permit No. G-28056

Martin Bros.,
Rt. #1,
Hazelton, Idaho.

Gentlemen:

We enclose Permit No. G-28056 in which we direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-4226 which was issued covering payment in the amount of \$8.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR/pak

28056

June 24, 1963

RE: Permit Nos. G-28056, 28842

Martin Brothers
307 W 40th Street
Burley, Idaho

Dear Mr. Martin:

During our conversation June 21, 1963 you asked me to let you know your standing on the permit for the well being drilled by Mr. Weech of Boley, Henry & Weech.

Permit No. G-28056 is for 12.8 c.f.s. with a priority date of July 27, 1959. You will have to prove Completion of Works and Beneficial Use before July 27, 1964 or your permit will be cancelled. The points of diversion are in the $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 16, T. 12 S., R. 22 E., B.M.

Permit No. 28842 is a waste water permit with point of diversion in the $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 1, T. 12 S., R. 22 E., B.M. The water is to come from land in Secs. 12 and 13. Priority date is July 8, 1960. The Completion of Works and Beneficial Use Proofs of the water are to be made before July 8, 1965.

These are all the permits I find in the name of Martin Brothers.

Very truly yours,

CARL E. TAPPAN
Acting State Reclamation Engineer
By

Loy H. Johnson
Field Engineer

LHJ:mr

28056

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

May 1, 1964

Re: Permit No. G- 28056

Martin Brothers
Route #1
Hazelton, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28056 are due not later than July 27, 1964

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

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

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

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

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures Form 36 and 11

28056

RECEIVED
JUN 18 1964

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 17, 1964

(P. O.) Burley, 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 Bulletin of
Burley, Idaho published in the
county in which the works are situated.

*Martin Bros
by Max W. Martin*

(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

28056

NOTICE OF PROOF OF COMPLETION OF WORKS

RECEIVED JUN 18 1964 10/1/63

and
APPLICATION OF WATER TO BENEFICIAL USE Department of Reclamation

Notice is hereby given that at 2:00 P M., on the 27th day of July 1964, at Burley, County of Cassia, State of Idaho, before Thomas H. Church, Notary Public, at (address) Room 203, Gem Building, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of underground water from ~~a~~ well^s, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28156, 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 Martin Brothers, Box 437, Burley 2, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 12.8 cubic feet per second.
3. The use to which said water has been applied is agricultural irrigation, purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.
4. The point of diversion of said water ~~is~~ NE 1/4 and the SW 1/4 of Section Sixteen (16), Township Twelve (12) South, Range Twenty-two (22) EBM.
5. The place where said water is used is Section Sixteen (16), Township Twelve (12) South, Range Twenty-two (22) EBM.
6. The date of priority which said user is prepared to establish is July 22, 1959

CARL E. TAPPAN

State Reclamation Engineer

28056

Re: Permit No. G-28056
Martin Brothers

Date: June 18, 1964

Herald Bulletin,
Burley, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to July 27, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant Martin Brothers
of Box 435, Route 2, Burley, 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,

Carl E. Tappan
CARL E. TAPPAN
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

28056

Re: Permit No. G-28056

June 18, 1964

Martin Brothers,
Box 135, Route 2,
Burley, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. G-28056. The proofs are to be made at 2:00 o'clock P.M., on the 27th day of July, 19 64, before Thomas A. Church, Room 203, Gem Building, Burley, Idaho, Notary Public.

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

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. 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, the 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

28056

THOMAS H. CHURCH
PETER K. CHURCH

CHURCH AND CHURCH
ATTORNEYS AT LAW
GEM BUILDING - 13TH ST. & ALBION AVENUE
BURLEY, IDAHO

P.O. BOX 444
TELEPHONE: 678-9088

June 17, 1964

RECEIVED
JUN 18 1964

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Permit No. G28056 - Martin Brothers

Dear Mr. Tappan:

Enclosed please find Notice of Proof of Completion of Works in duplicate on the above-captioned permit, together with authorization for publication, and also an Application for Amended Point of Diversion for one of the wells in the said permit. Martin Brothers have advised me that they were in Boise and notified the Department of Reclamation of such change in point of diversion, however, this application is forwarded herewith to be properly filed.

Please have the notice published and forward to this office the forms for the depositions of the witnesses and the holders.

Thank you for your cooperation.

Very truly yours,

CHURCH & CHURCH
T. H. Church
T.H. Church *mh*

/mh

Enclosures

28056

June 18, 1964

Re: Permit No. G-28056
Martin Brothers

Church and Church
Attorneys at Law
Burley, Idaho

Attn: T. H. Church

Dear Mr. Church:

Enclosed are two sheets showing fees charged by this department. Kindly remit fees with material or requests to save extra correspondence.

The amendment to the point of diversion has been approved for Permit No. G-28056. In some cases the approval of change in location of the well will only be on condition that priority shall be advanced to date of filing the application.

The legal notice is being sent to the paper.

Kindly remit \$1.00 fee for the amendment.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. two sheets on fees

28056

Application for Amendment

POINT OF DIVERSION

Permit No. 6-28056

RECEIVED
JUN 18 1964

Department of Reclamation

Comes now Martin Bros. by and through Max W. Martin and represent to the State Reclamation Engineer of the State of Idaho:

That he, is (are) the owner~~s~~ and holder~~s~~ of Permit to appropriate the Public Waters of the State of Idaho, No. 6-28056.

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

ONE IN THE SE 1/4 NW 1/4 and ONE IN SW 1/4 SW 1/4 SEC. 16, TWP. 12 S, Rge. 22 E BM

that they now requests that the point of diversion located in the SE 1/4 NW 1/4 be changed to a point located in the NE 1/4 SW 1/4 of Sec. 16, Twp. 12 S. Rge. 22 E BM.

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

The terrain where the new point of diversion is requested for is slightly higher and better suited for the irrigation of the adjacent lands.

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

Signed at Burley, Idaho, this 17th day of June, 1964.

Martin Bros.
by Max W. Martin

Date of Receipt at Department of Reclamation June 16, 1964

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. 6-28056. 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 in Book 99 of
Permits, at Page 28056
June 26, 1964

28056

June 24, 1964

Re: Permit No. G-28056
Martin Brothers

Burley Herald Bulletin
Burley, Idaho

Gentlemen:

We received the copy of the Notice of Proof of Publication on the above numbered permit, and find the following correction:

In Paragraph 6, Line 3, should read July 22, 1959 instead of July, 1959, as shown.

Please make this correction and send us a tear sheet for our files of the correction.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

H. PETRI
State Water Rights Clerk

HP:ew

28056

June 26, 1964

Re: Permit No. G-28056
Martin Bros.

Church and Church
Attorneys at Law
Burley, Idaho

Gentlemen:

Enclosed is the Application for Amendment to the
point of diversion which has been recorded in this office.

Also enclosed is departmental receipt No. G-8617,
in the amount of \$1.00 covering the fee for recording.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. application
receipt

28056

THOMAS H. CHURCH
PETER K. CHURCH

CHURCH AND CHURCH
ATTORNEYS AT LAW
GEM BUILDING - 13TH ST. & ALBION AVENUE
BURLEY, IDAHO

P. O. BOX 444
TELEPHONE: 678-9088

July 28⁷ 1964

RECEIVED

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Martin Brothers, Permit No. G28056

Dear Sir:

Relative to the above-captioned well permits, please find enclosed herewith deposition of holder and witnesses, together with affidavit of publication, for proof of application of water to beneficial use.

Very truly yours,

CHURCH & CHURCH

T.H. Church
T.H. Church

/mh

Enclosures

28056

RECEIVED

The Burley Herald-Bulletin JUL 22 1964

BURLEY, IDAHO

Department of

AFFIDAVIT OF PUBLICATION

County of Cassia, }
STATE OF IDAHO } ss.

R. C. Ostrander, being first

duly sworn, deposes and says that he is the

Business Manager of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

four (4) consecutive weeks, commencing with the issue dated June 22, 1964, and ending with the issue dated July 13, 1964

R. C. Ostrander
Subscribed and sworn to before me this

15th day of July, 1964

Dorlene J. Ostrander Notary Public

Cost of Publication _____

Notary Fee _____ **MY COMMISSION EXPIRES**

APRIL 27, 1968

Total Cost _____



28056

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

Notice is hereby given that at 2:00 P.M., on the 27th day of July 1964, at Burley, County of Cassia, State of Idaho, before Thomas H. Church, Notary Public, at Room 203, Gem Building, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of underground water from wells, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28056, 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 Martin Brothers, Box 435, Route 2, Burley, Idaho.

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

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

4. The points of diversion of said water is NE 1/4 SW 1/4 and the SW 1/4 SW 1/4, of Section Sixteen (16), Township (12) South, Range Twenty-two (22) EBM.

5. The place where said water is used is Section Sixteen (16), Township (16), Township Twelve (12) South, Range Twenty-two (22) EBM.

6. The date of priority which said user is prepared to establish is July 1959.

CARL E. TAPPAN
State Reclamation Engineer
Published in the Burley Herald-Bulletin June 22, 29, July 6, 13, 1964.

28056

LEGAL NOTICES

64-173

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4. The points of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section Sixteen (16), Township (12) South, Range Twenty-two (22) EBM.

5. The place where said water is used is Section Sixteen (16), Township (16), Township Twelve Township Twelve (12) South, Range Twenty-two (22) EBM.

6. The date of priority which said user is prepared to establish is July 1959.

CARL E. TAPPAN

State Reclamation Engineer
Published in the Burley Herald-Bulletin June 22, 29, July 6, 13, 1964.

1M April 1962

August 5, 1964

Re: Permit No. ~~6~~-28056

Martin Brothers
P. O. Box 435
Burley, Idaho
Attention Mr. Max W. Martin

Dear Mr. Martin:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the BURLEY HERALD-BULLETIN, all submitted in proof of completion of works and beneficial use on Permit No. ~~6~~-28056

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: Church & Church

28056

500 - July 8, 1964

July 20, 1965

RE: Permit No. G-28056

Max W. Martin
Martin Brothers
Rt 2, Box 435
Burley, Idaho

Dear Mr. Martin:

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-28056 shows the well ~~is~~ (are) capable of conveying 260 miner's inches, or 5.19 c.f.s. of water for the irrigation of 377 acres.

Upon receipt of the statutory fees, totaling \$ 31.00 , we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of July 22, 1959 , to the use of 5.19 second feet of subterranean water with the point of diversion in the NE¹/₄SW¹/₄, SW¹/₄SW¹/₄, Sec 16 for irrigation of 377 acres in the NW¹/₄NE¹/₄, S¹/₂NE¹/₄, S¹/₂, Sec. 16, T. 12 S., R. 22 E., B.M.

No more wells can be drilled under this permit as time for completion of works has passed.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

28056

August 2, 1965

Re: Permit No. G-28056

Mr. Max W. Martin,
Rt. 2, Box 435,
Burley, Idaho.

Dear Mr. Martin:

In regards to our conversation last week concerning your drilling another well under the above permit number, it is impossible to allow another well under this permit as the time for completion of works has passed. At the present time, no new permits are being allowed for your area, which has been designated a critical ground water area.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

C
O
P
Y

28056

August 16, 1965

Re: Permit No. G-28056

Martin Brothers
Route #2, Box 495
Burley, Idaho

Gentlemen:

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

Also enclosed is departmental receipt No. G-9550, in
the amount of \$31.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Hale
Chief Clerk

EPR:ew

Enc. certificates
receipt

28056

Permit # 28056 Talked with
Mox Martin. He says both wells
covered by permit. Well in SW SW
drilled about 7 years ago. One in
NE SW drilled 2 years ago. They want
to drill third well for land they
own north of what is now
formed. Check status of permit.
He thinks they should be able to
include it in parent permit. We
told him we doubted that they
would be able to as it has
gone to license.

28056

Permit G - 28056
P.D. Me Sw SW SW per 16 T12522E
Thermot written

Jim Marten for Marten
Bros was informed by
Mr C Tappan (in person) in
June of 1964 Marten Bros
could amend application to
~~include additional~~ P.D. in 16

Love Castle
Hailey
Pueblo