

45-02570

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Floyd ^{and} LeRoy Robinson Phone 678-2703

Post Office address Rt #3 Box 3634, Burley, Id 83318

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Earthquake has changed the flow pattern of the water in Asher Creek making it unworkable to the original point of diversion.
Proposal is to put water in a lower point of diversion divert it into a pipeline and irrigate land at a lower elevation with a sprinkler system.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|----------------------|-----------------------|-------------------|--------------------------------|
| <u>45-2570</u> | <u>Sept. 9, 1958</u> | <u>1.32 cfs</u> | <u>Irrigation</u> | <u>Mar-15</u> to <u>Nov 15</u> |
| <u>"</u> | <u>"</u> | <u>0.03 cfs</u> | <u>Stockwater</u> | <u>Mar-1</u> to <u>Dec 1</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred <u>1.32 cfs</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Asher Canyon Creek</u> tributary to <u>Sinks</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 66

PART 1

6. General Information:

a. Description of diversion system check dam, head gate, measuring station diversion
into pipeline to a gravity flow sprinkler irrigation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Mr. Robinson will get this to us.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will be dry farmed.

d. Remarks:

Mr. Robinson has made several attempts to intercept the flow
of water after the earth quake, but encounters rock.

Stockwater use is approx. 100hd and will drink out of stream

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2570

And said application is hereby APPROVED, subject to the following limitations and conditions:

The use of water on the lands to which the above referenced water right was appurtenant
is hereby abandoned and failure to put the water to beneficial use within five (5)
years of the date of the approval of this transfer on the new land identified under
item B.5, shall constitute loss or forfeiture of the water right.

Witness my hand this 21st day of September, 19 88

J. Glen Saxton
 Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 45-2570 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Asher Canyon Creek tributary to SINKS

4. Date or priority Sept. 9, 1958

5. Water is used for the following purpose:

amount 1.32 cfs for Irrigation purposes from Mar-15 to Nov-15
(cfs/ac-ft)
amount _____ for Stockwater* purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.32 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	14	12S	25E	Cassia	Parke ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	25E	14							4										4
		15	8	32		22													62

* Irrigation + Stockwater not delineated on LIS.

Total acres 66

9. Describe any other water rights used for the same purpose as described above

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

yes If yes, describe Water became unavailable at point of diversion due to earthquake

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

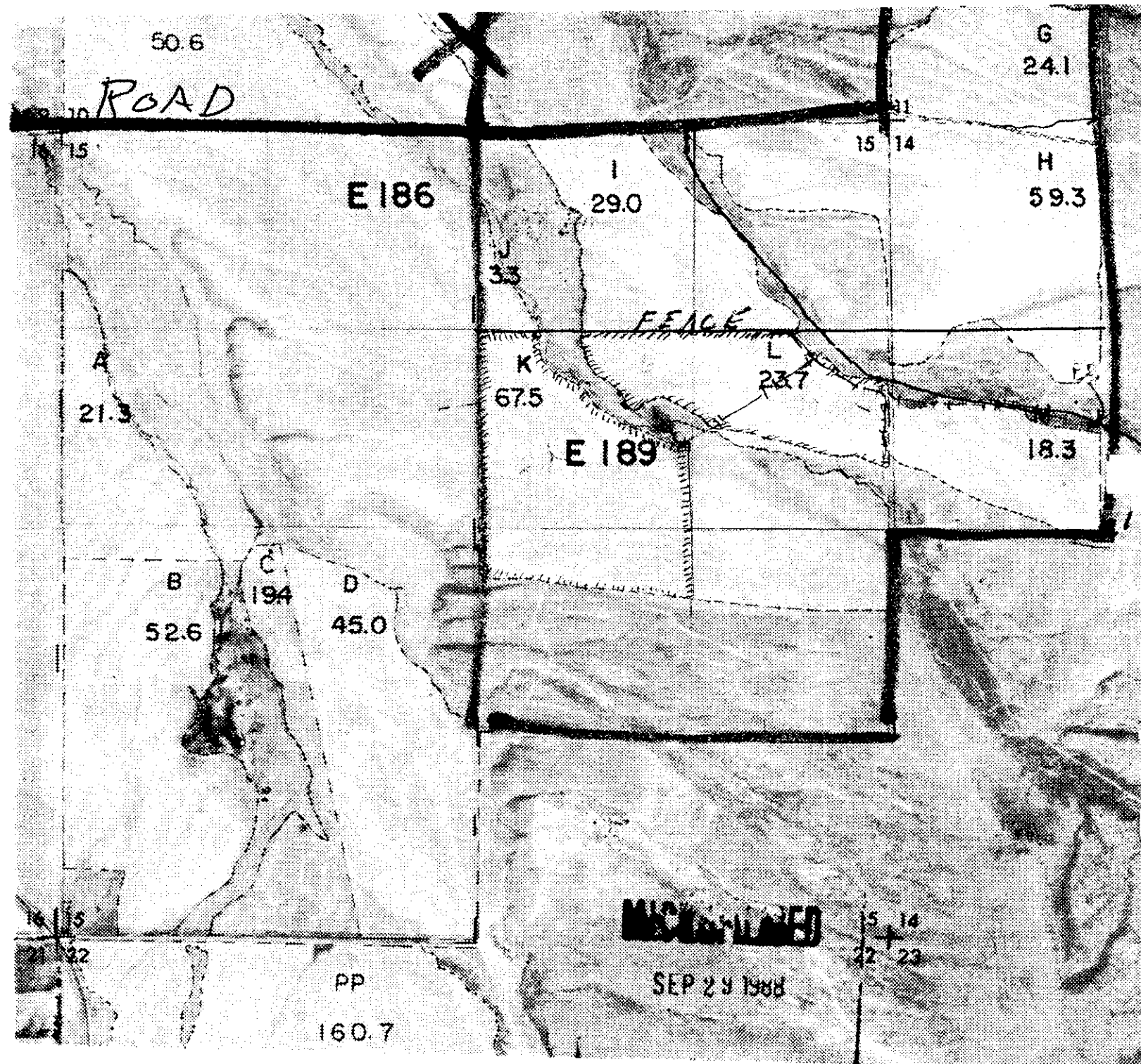
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

Floyd Robinson
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of February, 19 88.

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by TGB Date 2/15/88

Protest filed by None

Prelim. check by jd R# 45505 Fee 50.00

Receipted by TB Date 2/17/88

Published in So. Id. Press

Copies of protest forwarded by _____

Pub. dates 3/3 & 3/10/88

Hearing held by _____ Date _____

Watermaster recommendation requested on 2/24/88

Recommended for ☒ approval ☐ denial

_____ rec'd. 2/29/88

by ADM Jim

Copy of transfer sent to lien holder _____

RECEIVED

SEP 29 1988

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

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

Marge Barendse being first
 duly sworn, deposes and says that *he* is the

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

The South Idaho Press for *two (2)*
 consecutive weeks, commencing with the issue
 dated *March 3* 19*88*, and ending
 with the issue dated *March 10* 19*88*.

Marge Barendse
 Subscribed and sworn to before me
 this *22nd* day of *March*
 19*88*.

Marge Barendse Notary Public
 Cost of Publication *31.48*
 Notary Fee *.50*
 Total Cost *32.18*

OK
 MB
 4/15/88

RECEIVED

MAR 24 1988

Department of Water Resources
 Southern Region Office

OF WATER RIGHT
NO. 45-2578
 Notice is hereby given that Floyd and/or
 LeRoy Barendse of Burley, ID, has applied to the
 Department of Water Resources for a change of
 place of use and point of diversion for surface
 water rights.
 The right sought to be changed is evidenced
 by License No. 45-2578 and is recorded as
 follows:
 Amount: 1 cfs
 Priority: September 2, 1958
 Point of Diversion: SW1/4NE1/4, Sec. 14,
 T12S, R25E
 Used for irrigation of 66 acres and
 stockwater within SW1/4NW1/4, Sec. 14, T12S,
 R25E; E1/4NE1/4, NW1/4NE1/4, Sec. 15, T12S,
 R25E.
TO BE CHANGED AS FOLLOWS
 Amount: No change
 Point of Diversion: NE1/4SW1/4NW1/4, Sec.
 14, T12S, R25E, Cassia County; 1/4 mile
 upstream from Powell Spring.
 Used for irrigation of 66 acres and
 stockwater within E1/4NE1/4, NW1/4SE1/4, Sec.
 15, T12S, R25E.
 Any protest against approval of the proposed
 change of water right application must be filed
 with the Department of Water Resources,
 Southern Region, 2125 4th Avenue East, Twin
 Falls, ID 83303.

MICROFILMED

SEP 29 1988

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

Margaret Woodruff being first
duly sworn, deposes and says that he is the

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

The South Idaho Press for three (3)
consecutive weeks, commencing with the issue
dated November 13 1988, and ending
with the issue dated December 10 1988.

Margaret Woodruff
Subscribed and sworn to before me
this 20th day of March
1988.

Margaret Woodruff Notary Public
Cost of Publication \$1.50
Notary Fee 50
Total Cost \$2.00

OK
MB
4/15/88

88-144

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 45-2570

Notice is hereby given that Floyd and-or
LeRoy Robinson of Burley, ID. has applied to the
Department of Water Resources for a change of
place of use and point of diversion for surface
water rights.

The right sought to be changed is evidenced
by License No. 45-2570 and is recorded as
follows:

Amount: 1.32 cfs

Priority: September 9, 1958

Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14,
T12S, R25E

Used for irrigation of 66 acres and
stockwater within SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T12S,
R25E; E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T12S,
R25E.

TO BE CHANGED AS FOLLOWS

Amount: No change

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
14, T12S, R25E, Cassia County; $\frac{1}{2}$ mile
upstream from Powell Spring.

Used for irrigation of 66 acres and
stockwater within S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec
15, T12S, R25E.

Any protest against approval of the proposed
change of water right application must be filed
with the Department of Water Resources,
Southern Region, 2148 4th Avenue East, Twin
Falls, ID. 83301 on or before March 21, 1988.

-s-R. Keith Higginson, Director

Published in the South Idaho Press on
March 3 and 10, 1988

MICROFILMED

SEP 29 1988

State of Idaho

License and Certificate of Water Right

Water License No. 27572

Amount 1.32 c.f.s.

Water District No.

Priority September 9, 1958

THIS IS TO CERTIFY that IRA C. PARKE
of Albion, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 9, 1958; that Permit No. 27572
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.32 second feet, was issued thereunder on September 18, 1959, showing that said works
were completed on the 15th day of September, 1959; and that on the 8th
day of September, 1964,

IRA C. PARKE

of Albion, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Asher Canyon
Creek, a tributary of sinks, for the purpose of irrigation and stock water
, under Use Permit No. 27572 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
14 of Licenses at page 8637, on the 9 day of January, 1967;
The right hereby confirmed dates from September 9, 1958;

The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 14, Tp. 12 S, R. 25 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 1.32 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	25 E	14	SW 1/4 NW 1/4	10	4
		15	NE 1/4 NE 1/4	6	8
			NW 1/4 NE 1/4	30	32
			SE 1/4 NE 1/4	20	22
			Total number of acres to be irrigated:	66	

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
9th day of January, 1967.

/s/ R. KEITH HIGGINSON

State Reclamation Engineer.

(SEAL)

45 2570

Application For Permit To Appropriate the Public Waters of the State of Idaho

452570

APPLICATION No. 35507
PERMIT No. 27572
DISTRICT No.

Ira C. Parke
Box 42
Albion, Idaho

1. Name of Applicant: IRA C. PARKE

Postoffice address: Albion

County: Cassia

State: Idaho

I. If applicant is a corporation, give:

- (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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 1.32

cubic feet per second.

3. Source of water supply: Asher Canyon Creek

which is a tributary of sinks

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW 1/4

of section 14 , T. 12 S., R. 25 E., B. M., County of Cassia

5. Water is to be used for Irrigation and stock water

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width none feet; height feet.

11. Ditch: Width at bottom 1.5 fee; width at water line 2.5 feet; depth of water 0.5 feet;

dimensions of flume: none

Diameter of pipe none inches; length of conduit 1.0 miles.

Average grade per mile 10 feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

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

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ Ira G. Parke
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. September 9, 1958

Returned to applicant for correction: September 9, 1958

Corrected application received: September 26, 1958

Approval of State Reclamation Engineer

The number of this permit is 27572
Recorded in Book 97 Page 27572 Approved September 29, 1958
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before November 29, 1958 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before March 29, 1959
The whole of said work to be completed on or before September 29, 1959
Beneficial use of water appropriated in accordance herewith, to be made on or before September 29, 1964

WITNESS My hand this 29th day of September, 1958

/s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, 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 29th

day of September, 1958
Countersigned:

STATE OF IDAHO

(SEAL) By /s/ JAS. H. YOUNG
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor.

REMARKS: Flood water is available in the spring and early summer months. The stream is generally dry in July, and naturally sinks in the SE $\frac{1}{4}$ Sec. 10, Twp. 12 S., Rge. 25 E.B.M. during flood season.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S.	25 E.	14																	10
		15	6	30		20													56
Total number of acres to be irrigated - -																			66

To ALL WHOM IT MAY CONCERN:

This is to certify that IRA G. PARKE, of Albion, County of Cassia, State of Idaho, the holder of Permit No. 27572, issued upon Application No. 35507 bearing date of priority of September 9, 1958, authorizing the diversion of 1.32 second feet of the waters of Asher Canyon Creek, which is tributary to sinks, County of Cassia, State of Idaho, for irrigation and stock water 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 1.32 second feet of the waters of Asher Canyon Creek, which is tributary of sinks; that the point of diversion of said waters is SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 12 South, Range 25 East, B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

66 acres - 10 acres - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, Township 12 South, Range 25 East, Boise Meridian, 56 acres.

Witness my hand this 18th day of September, A. D. 1959

s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: September 15, 1959

LICENSE ISSUED FOR 1.32 SEC. FT.
LICENSE PAID NO. 8637



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 22, 1988

RE: Transfer of Water Right No. 45-2570

Floyd &/or LeRoy Robinson
Rt. 3, Box 3634
Burley, ID 83318

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3419). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

SEP 29 1988

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TRANSFER REVIEW OF TRANSFER NO. 3419, ROBINSON

DATE: 9-16-88

CONDITIONS OF APPROVAL

<<T05>> The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).

MAINTAINED

SEP 29 1988

April 20, 1988

To whom it may concern:

The heirs to the estate of Ira C and Anna M Parke have no objection to Floyd Robinson relocating, as he desires, any or all channels for water distribution on the land he is purchasing from Ira C Parke and Anna M Parke estate.



Frederick L. Parke
Personal representative for
Anna M Parke estate

STATE OF IDAHO
COUNTY OF CASSIA

On this 20th day of April 1988,
I, the undersigned, a Notary Public in and for said State, personally
appeared Frederick L. Parke

known to me to be the
person whose name is subscribed to the foregoing instrument,
and he acknowledged to me that he executed the same for the purposes
and consideration therein expressed.

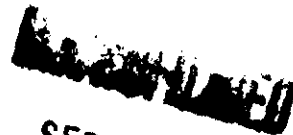
Ann Ellen Keller

Notary Public
Residing at Albion, Idaho
My commission expires 4/9/93

RECEIVED

APR 25 1988

Department of Water Resources
Southern Region Office



SEP 29 1988

RECEIVED

APR 25 1988

Department of Water Resources
Southern Region Office

PAID
SEP 29 1988

CONSOLIDATED TAX NOTICE AND RECEIPT

CASSIA COUNTY TAX COLLECTOR

1983

SHIRLEY POVLSEN, COURTHOUSE

BURLEY, ID 83318

REAL PROPERTY

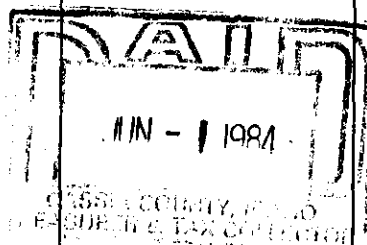
MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
21.256	38-00	RP02925-B	A 5852

NE 1/4 N1/2SE
S 15 T 12 R 25

LN 21.256

AC 240.000 PARKE, IRA C
X ROBINSON, FLOYD H
RT 3 BOX 3634
BURLEY, ID 83318

DELINQUENT CERT



TAXING DISTRICT	RATE	AMOUNT	RECEIPT
COUNTY	.001427	30.34	FULL PAYMENT
ALBION CEM	.000130	2.76	TAX 134.14
SCH DIST 151	.004590	97.58	PEN.
ALBION FIRE	.000163	3.46	SUB TOT.
ALBION HIGHWAY			INT.
			TOT.
			1ST INSTALLMENT
			TAX 67.07
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INSTALLMENT
			TAX 67.07
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL	.006310	134.14	

YOUR CANCELLED CHECK IS YOUR RECEIPT

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

RECEIVED

APR 25 1988

Deputy County Clerk
Cassia County, Idaho

CONSOLIDATED TAX NOTICE AND RECEIPT
CASSIA COUNTY TAX COLLECTOR 1983
SHIRLEY POVLSEN, COURTHOUSE
BURLEY, ID 83318 **REAL PROPERTY**

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
19,181	14-00R	P02925-A	A 5851

NENE
 S 10 T 12 R 25;
 W1/2W1/2
 LN 19,181 S 11 T 12 R 25;
 W1/2W1/2
 S 14 T 12 R 25

AC 280.000 PARKE, IRA C
 X ROBINSON, FLOYD H
 RT 3 BOX 3634
 BURLEY, ID 83318

DELINQUENT CERT.

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
COUNTY	.001427	27.38	FULL PAYMENT
ALBION CEM	.000130	2.50	TAX 117.92
SCH DIST 151	.004590	88.04	PEN.
ALBION HIGHWAY			SUB TOT.
			INT.
			TOT.
			1ST INSTALLMENT
			TAX 58.96
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INSTALLMENT
			TAX 58.96
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL	.006147	117.92	

PAID
 JUN - 1 1984
 CASSIA COUNTY, IDAHO
 COUNTY CLERK

SEP 29 1988

YOUR CANCELLED CHECK IS YOUR RECEIPT

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

CONSOLIDATED TAX NOTICE AND RECEIPT
CASSIA COUNTY TAX COLLECTOR 1983
SHIRLEY POVLSEN, COURTHOUSE
BURLEY, ID 83318 **REAL PROPERTY**

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
32,182	14-00R	P02885	A 5782

W1/2, S1/2SE
 S 2 T 12 R 25

LN 32,182

AC 401.270 PARKE, IRA C
 X ROBINSON, FLOYD H
 RT 3 BOX 3634
 BURLEY, ID 83318

DELINQUENT CERT.

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
COUNTY	.001427	45.92	FULL PAYMENT
ALBION CEM	.000130	4.18	TAX 197.82
SCH DIST 151	.004590	147.72	PEN.
ALBION HIGHWAY			SUB TOT.
			INT.
			TOT.
			1ST INSTALLMENT
			TAX 98.91
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INSTALLMENT
			TAX 98.91
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL	.006147	197.82	

PAID
 JUN - 1 1984
 CASSIA COUNTY, IDAHO
 TREASURER & TAX COLLECTOR

YOUR CANCELLED CHECK IS YOUR RECEIPT

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Apr-1988

Floyd Robinson
Rt. 3 Box 3634
Burley, Idaho 83318

RE: Application for Transfer 45-2570

Dear Mr. Robinson:

Our office is nearing completion of processing of your application for transfer. Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land which the water is being removed and/or a notarized statement from any lien holder on the property. Since your application indicates that the property has a lien we will need such a statement included in the file along with copies of deeds, tax records, ect. which evidence your ownership of the property. Our office will hold your application until the above requested documents are received.

If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Resource Engineer

RECEIVED

SEP 29 1988

RECEIVED

FEB 29 1988

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 45-2570

RECOMMENDATION OF WATERMASTER

I, ALBERT P. SMITH, watermaster of ALBION,
of Water District No. 45-F, County of CASSIA, State of Idaho,
whose address is BOX 484

have read the attached copy of the application for transfer of water right for FLOYD
AND LEROY ROBINSON, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: NONE

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at ALBION, Idaho, this 26 day of JUL 19 88.

Albert P. Smith
(signature)

SEP 29 1988

Please use reverse side if needed.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 45-2570

Notice is hereby given that Floyd &/or LeRoy Robinson of Burley, ID has applied to the Department of Water Resources for a change of place of use and point of diversion for surface water rights.

The right sought to be changed is evidenced by License No. 45-2570 and is recorded as follows:

Amount: 1.32 cfs

Priority: September 9, 1958

Point of Diversion: SW1/4NE1/4, Sec. 14, T12S, R25E

Used for irrigation of 66 acres and stockwater within SW1/4NW1/4, Sec. 14, T12S, R25E; E1/2NE1/4, NW1/4NE1/4, Sec. 15, T12S, R25E.

TO BE CHANGED AS FOLLOWS

Amount: No change

Point of Diversion: NE1/4SW1/4NW1/4, Sec. 14, T12S, R25E, Cassia County; 1/8 mile upstream from Powell Spring.

Used for irrigation of 66 acres and stockwater within S1/2NE1/4, NW1/4SE1/4, Sec. 15, T12S, R25E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before March 21, 1988.

R. Keith Higginson, Director

Published in South Idaho Press on 3/3 & 3/10/88

MICROFILMED

SEP 29 1988

88-144

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 45-2570**

Notice is hereby given that Floyd and-or
LeRoy Robinson of Burley, ID. has applied to the
Department of Water Resources for a change of
place of use and point of diversion for surface
water rights.

The right sought to be changed is evidenced
by License No. 45-2570 and is recorded as
follows:

Amount: 1.32 cfs

Priority: September 9, 1958

Point of Diversion: SW1-4NE1-4, Sec. 14,
T12S, R25E

Used for irrigation of 66 acres and
stockwater within SW1-4NW1-4, Sec. 14, T12S,
R25E; E1-2NE1-4, NW1-4NE1-4, Sec. 15, T12S,
R25E.

TO BE CHANGED AS FOLLOWS

Amount: No change

Point of Diversion: NE1-4SW1-4NW1-4, Sec.
14, T12S, R25E, Cassia County; one eighth mile
upstream from Powell Spring.

Used for irrigation of 66 acres and
stockwater within S1-2NE1-4, NW1-4SE1-4,
Sec. 15, T12S, R25E.

Any protest against approval of the proposed
change of water right application must be filed
with the Department of Water Resources,
Southern Region, 2148 4th Avenue East, Twin
Falls, ID. 83301 on or before March 21, 1988.

-s-R. Keith Higginson, Director

Published in the South Idaho Press on
March 3 and 10, 1988

RECEIVED

MAR 3 1988

**Department of Water Resources
Southern Region Office**

*Legal
OK MB
3/3/88*

*MB
3/3/88 -
Called So. Id. Press
about odd quarter
section symbol*

RECEIVED

RECEIVED

SEP 29 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 24, 1988

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

South Idaho Press
Box 190
Burley, ID 83318

Re: Notice of Proposed Change, 45-2570

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

SEP 29 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 24, 1988

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Albert Smith, Watermaster
Water District #45-F
Box 484
Albion, ID 83311

Re: Application for Transfer of Water Right No. 45-2570

Dear Mr. Smith:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosures



SEP 29 1988

STAFF ANALYSIS SUPPLEMENT

1) Water District 45F Basin # 45

2) Local Description: (of one P/O)

☐

At the above street address

☐ miles N/S and miles E/W
of (City or landmark).☒Other (describe) 1/8 mile upstream from Powell Spring

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. P. Stanton

1. Right number 45-2570 Applicant ROBINSON, Floyd &/or LeRoy
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. requested ✓
 - h. ☒ Check for expansion in use of right. Comments no expansion ✓
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) none
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No ✓
If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

1. Watermaster recommendation requested on 2/24/88 Received on 2/29/88
2. Is transfer published correctly? ☒ Yes ☐ No ✓
3. Protest received? ☐ Yes ☒ No ✓

RECOMMENDED ACTION

- ✓ 1. ☒ Approve
2. ☐ Deny
3. Conditions* NOT WITHIN A WATER DIST.
ROI, ROZ, ROF ✓

4. By ADM Date 4/25/88 APR 27 1988

JIM 9-15-88

Department of Water Resources

* All uses within Watermaster Districts require special conditions.

XXXXXXXXXX

January 9, 1967

RE: Permit No. ~~27~~572

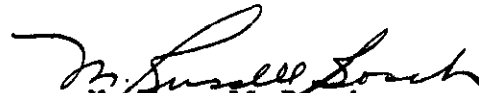
Ira C. Parke
Box 42
Albion, Idaho

Dear Mr. Parke:

Enclosed is the License and Certificate of Water Right
on the above
numbered permit.

Also enclosed is departmental receipt No. 33513 in
the amount of \$8.00 covering the fees.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:mr

Enc. license, receipt

27572

State of Idaho
DEPARTMENT OF RECLAMATION
Boise, Idaho

November 8, 1966

Re: Permit No. 27572

RECEIVED
NOV 17 1966

Department of Reclamation

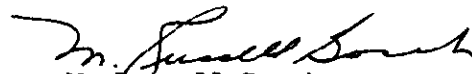
Ira C. Park^e
Box 42
Albion, Idaho

Dear Mr. Park:^e

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 27572 shows the dam is capable of conveying 66 miner's inches, or 1.32 c.f.s. of water for the irrigation of 66 acres.

Upon receipt of the statutory fee of \$ 8.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of September 9, 1958 to the use of 1.32 second feet of surface water with the point of diversion in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14 for irrigation of 66 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 12 S, R. 25 E, B.M.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:nw

27572

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27572

REPORT ON PROOF OF Beneficial Use

Ira C. Park
Box 42
Albion, Idaho

27572

R 25 E

T
12
5

TO ALBION

15

30 8

22 4

PD.

14

40
26
66

Subdivisions - 4

AREA - 66A

Allow Q 1.32e for 66 acres

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

Permit No. 27572This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Ira C. Park2. Source of water supply: Asher Canyon Creek3. Location of point of diversion: Is in the SW¹/₄ NE¹/₄ of Section 14T. 12S R. 25E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Earthen dam 8'-9' high at center of structure, 80' L x 8' W on crest. 3:1 upstream 1:1 downstream slope. No outlet in bottom. Spillway. Estimate .2 AF capacity 3' freeboard. Spillway on west side 4' B x 8' Top x 3' deep. Ditch 3' bottom x 6' top x 2' deep. (fast gradient.) (Estimate 1 sq mile drainage area.)

5. Water is used for: Irrigation and stock water6. 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):

SW¹/₄ NW¹/₄, Sec. 14, 12S-25E; E¹/₂ NE¹/₄, NW¹/₄ NE¹/₄, Sec. 15, 12S-25E, making a total of 66 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?

Remarks: Mr Ira Park along

The dam acts as a retention pond for stock water.

The BLM has driven a 6" GIP up through the dam into a spring area which is in bottom of Reservoir and has a plastic pipe to stock troughs 150' below dam.

Dam dry at time of examination only has early spring run off. Works capable of handling 4 times amount filed on.

This examination was made on the 29th day of September, 1966

(Signed)

Larry Johnson

Examiner.

27572

Ira C. Park ✓
Box 142
Albion, Idaho

Permit No. 27572

Examination for Beneficial Use

County Cassia

Quantity: 1.32 Sec. 14 T. 12S R. 25E

Source: Asher Canyon Creek

P.D.: 3WNE Sec 14-T12S-R25E

Use: Irrigation of 100 acres

Filed: 9 Sept 1954

Due: 20 Sept 1954

Extension:

Protest:

Completion of Works: 15 Sept 1954

Other Rights: None

Made: Sept 1, 1954

Priority: Sept 9, 1954

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.

Ira C. Park ✓ Note
Box 12
Blanton, Idaho
Permit No. 27572

Examination for Beneficial Use

County Cassia

Quantity: 1.32 Sec. 14 T. 12S. R. 25E

Source: Asher Canyon Creek

P.D.: 2WNE Sec 14-T12S-R25E

Use: Irrigation & Stock water

Filed: 9 September 1958

Dec: 29 September 1964

Extension: —

Protest: —

Completion of Works: 15 September 59

Other Rights: None

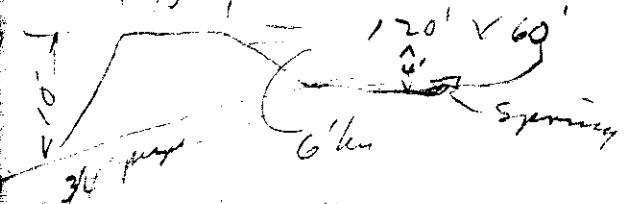
Made: Sept. 8, 1964

Priority: Sept. 9, 1958

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.

Division dam
in a steep canyon



to trough 250' North of dam

ditch 2' deep
to width 3 ft.
top 6'

ditch washed out on
downside 75' below dam
B.L.M. ground.

Not a dam, but a
ditch, B.L.M. ground

July 28 - 1965

No roads to this area, all
were washed out this Spring.
May have roads Sept.-65,
or Horse back.

Boy suggests waiting until
fall, also.

DWMC

1M April 1962

September 18, 1964

Re: Permit No 27572
Ira C. Park

Ira C. Park
Box 42
Albion, Idaho

Dear Mr. Park: 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 27572

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

et
EPR:

27572

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 27572

* * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

* * * * *

DEPOSITION OF HOLDER

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

Ira C. Park, Box 112, (cattleman) Albion, Idaho 83311

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:

not applicable

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; 27572 - September 29, 1958 - September 9, 1958

Ques. 4. State source of water supply: ASHER CANYON CREEK
Give location of point of diversion, showing subdivision, section, township and range:
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T.12 S., Rge, 25 E.B.M.,

Ques. 5. Describe your works of diversion: Ditch

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 1.32 cu.ft.; Give name of canal or ditch or other works by which water is conducted to such place of use: ditch

_____ ; if a well, state depth of well none; depth and size of casing:

none; depth to water none; if pump is used,

state discharge of pump: none; tell how it was measured or determined: none

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

operating pressure: none

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

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 $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$,

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 12, S., R. 25 E. B. M. (66 acres)

State nature of all improvements which have been made as a direct result of said use:

irrigation and stock water

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: none

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

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

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:

not applicable

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: 1915 Time used since first use:

Ques. 11. Describe all other water rights appurtenant to same place of use:
none

(sign) Lisa L. Parker

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

Albion, County of Cassia

State of Idaho, on this 8th day of September, A.D. 19 64.

[Signature]

Notary Public, residing in Albion, Idaho.

My Commission expires: June 5, 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

SEP 17 1907
Department of Reclamation

PERMIT NO. 27572

Proof of Application of Water to Beneficial Use
Deposition of Witness

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

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

Ans. W. J. Powell, Burley, Idaho, Retired

Ques. 2. Are you acquainted with Ira C. Park, the holder of Permit No. 27572? How long have you known him and where does he reside?

Ans. Yes, 67 years,

Albion, Idaho

Ques. 3. Have you read or heard read said Permit No. 27572, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Asher Canyon Creek - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T 12. S. Rge. 25 E.B.M. (ditch)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.32 cu. ft.

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

Ans. Irrigation and stock water. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,

Sec. 15, T. 12 S., R. 25 E. B. M., (66 acres)

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

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.

Ans. meadowland 1.32 cu. ft.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. none

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have witnessed the application for many years for the total amount requested by actucally being on premises

(Signed)

W. J. Powell

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 Albion, County of Cassia, State of Idaho, on this 8th day of September, A. D. 19 64.

Edmonson
Notary Public.
residing in Albion, Idaho

My commission expires June 5, 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

SEP 18 1964

Department of Reclamation

PERMIT NO. 27572

Proof of Application of Water to Beneficial Use
Deposition of Witness

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

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

Ans. Doyle E. Butler, Albion, Idaho, watermaster - Age X

Ques. 2. Are you acquainted with Ira C. Park, the holder of Permit No. 27572? How long have you known him and where does he reside?

Ans. Yes, 45 years X
Albion, Idaho

Ques. 3. Have you read or heard read said Permit No. 27572, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Asher Canyon Creek - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 12 S. Rge. 25 E.B.M. (ditch)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.32 cu. ft.

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

Ans. Irrigation and stock water. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 15, T. 12 S., R. 25 E. B. M. (66 acres)

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none ✓

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.

Ans. meadowland 1.32 cu. ft.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. none ✓

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have witnessed the application for many years for the total amount
requested by actually being on premises

(Signed)

Doyle B. Butler

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 Albion, County of Cassia, State of Idaho, on this 8th day of September, A. D. 19 64.

Edmonson

Notary Public
residing in Albion, Idaho

My commission expires June 5, 1967

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

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 August 3, 1964, and ending with the issue dated August 24, 1964.

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

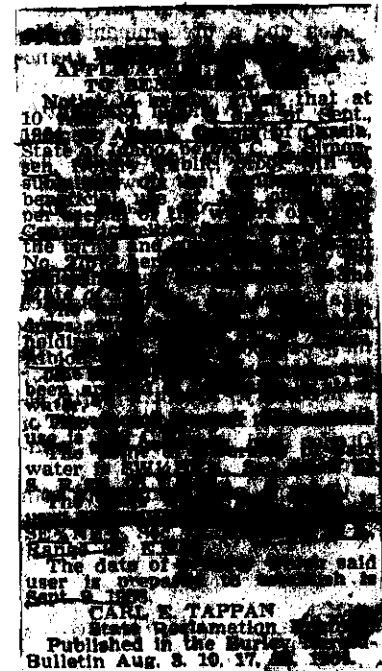
26th day of August, 1964

Carl E. Tappan Notary Public

Cost of Publication 17.55

Notary Fee 2.50

Total Cost 20.05



The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

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four (4) consecutive weeks, commencing with the issue dated August 3, 1964, and ending with the issue dated August 24, 1964.

Subscribed and sworn to before me this

26th day of August, 1964

Carl E. Tappan Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost 2.00

64-213

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 8 day of Sept., 1964, at Albion, County of Cassia, State of Idaho, before C. E. Simonson, Notary Public, proof will be submitted of the application to beneficial use of 132 cubic feet per second of the waters of Asher Canyon creek in accordance with the terms and conditions of Permit No. 27572 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Ira C. Parke, Albion, Idaho, Box 42.

The use to which said water has been applied is irrigation & stock water.

The amount applied to beneficial use is 132 C.F.S.

The point of diversion of said water is SW1/4 NE1/4 Sec. 14, T 12 S, R SE 25 E.B.M.

The place where said water is used is SW1/4 NW1/4 Sec. 14, NE1/4 SE1/4 NE1/4 Sec. 15, Township 12 S, Range 25 E.B.M.

The date of priority which said user is prepared to establish is Sept. 9 1958.

CARL E. TAPPAN
State Reclamation Engineer
Published in the Burley Herald-Bulletin Aug. 3, 10, 17, 24, 1964.

August 4, 1964

Re: Permit No. 27572
Ira C. Parke

Burley Bulletin
Burley, Idaho

Gentlemen:

On July 27th we mailed you a Notice of Publication on the above numbered permit, requesting a copy or tear sheet as soon as possible.

We would appreciate receiving this copy as soon as possible after first publication.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

H. PETRI
State Water Rights Clerk

HP:ew

27572

Re: Permit No. 27572

July 27, 1964

Mr. Ira C. Parks,
Box 42,
Albion, Idaho.

Dear Mr. Parks:

This acknowledges the Notice of Proof of ~~Completion of Works and~~ Application of water to Beneficial Use under Permit No. 27572. The proofs are to be made at 10:00 o'clock A.M., on the 8th day of September, 1964, before C. E. Simonsen, Albion, Idaho, Notary Public.

As of this date, we have mailed the Notice to the Burley 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

27572

Re: Permit No. 27572
Ira C. Parke

Date: July 27, 1964

Burley Bulletin,
Burley, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to September 8, 1964 the date set for proof; the expense of the publication is to be paid by the applicant Ira C. Parke of Box 42, Albion, 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

RECEIVED
JUL 27 1964NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10 A.M. on the 8 day of Sept., 1964,
at Albion, County of Cassia, State of Idaho, before
C. E. Simonson, Notary Public, proof will be submitted of the
application to beneficial use of 1.32 c.f.s cubic feet per second of the waters of
Asher canyon creek in accordance with the terms and conditions of
Permit No. 27572 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit _____

Ira C. Parke, Albion, Idaho Box 42

The use to which said water has been applied is irrigation & stock water

The amount applied to beneficial use is 1.32 c.f.s.

The point of diversion of said water is SW 1/4 NE 1/4, Sec. 14, T. 12S.,

Range 25 E. B. M.

The place where said water is used (LEGAL DESCRIPTION) _____

SW 1/4 NW 1/4, Sec. 14; N 1/2 NE 1/4, SE 1/4 NE 1/4, Sec. 15,
Township 12S., Range 25 E. B. M.

The date of priority which said user is prepared to establish is Sept. 29, 1958

CARL E. TAPPAN
[Signature]
State Reclamation Engineer

27572

RECEIVED

JUL 27 1967

Department

27572

Notice of the Time and Place for
submitting proof of the use of water for
irrigation and stock water from Asher
canyon creek, Albion, Idaho.

Notice is hereby given that
Tuesday the 8th. day of September, 1964
at 10 a. m. of said day, at the S. L. Evans
Bank Building, Albion, Idaho has been
appointed as the time and place for
submitting proof of the use of 1.32 C. F. S.
of water from Asher canyon creek,
Albion, Idaho for irrigation and
stock water.

Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14
Twp. 12 S., Range 25 E. B. M.

Use of water: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14;
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15 Twp. 12 S.
Range 25 E. B. M.

Ira C. Parke
Albion, Idaho

Box 42

27572

RECEIVED
JUL 27 1964

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 24, 1964
(P. O.) Albion, 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 Burley Bulletin of Burley, Idaho, Cassia Co. published in the county in which the works are situated.

Ira C. Parke
Albion, Idaho Box 42

(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

27572

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 27572

Date:
July 1, 1964

Ira C. Parke
Box 42
Albion, Idaho

Dear Mr. Parke:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 27572 is due not later than **Sept. 29, 1964**. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof 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.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated -- by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

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, and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,


CARL E. TAPPAN
State Reclamation Engineer

Enc. Form 10 and 11

27572

Permit No. 27572STATE OF IDAHO
Department of ReclamationRECEIVED
SEP 16 1959
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

SS.

County of Cassia

Ira C. Parke, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 27572, and that his postoffice address is Albion State of IdahoSecond: That the name of the stream from which said water is to be diverted is AsherCanyon CreekThird: That the point of diversion of said water is in the SW 1/4 NE 1/4 of Section 14, Twp. 12 S., Rge. 25 E. B.M. Cassia County.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 29, 1959.Fifth: That the use for which said water is intended is irrigation and stock

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam.....feet, length of dam at top.....feet, length of dam at bottom.....feet. Material used in construction.....

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width none feet, height.....feet.(d) ~~Conduit~~ ditch width at bottom 1.5 feet, width at water line 2.5
(State whether ditch, flume or pipe)feet, depth of water 0.5 feet; diameter of pipe.....inches, average grade per mile is 1.0 feet. Length of conduit is 1.0 miles.

Seventh: That said works are capable of conducting to the place of intended use.....

1.32 second feet of water.Eighth: That water appropriated under said permit is available for 66acres of land described as follows: 10 acres SW 1/4 NW 1/4 Sec. 14; N 1/2 NE 1/4SE 1/4 NE 1/4 Sec. 15 Twp. 12 S., Rge. 25 E. B.M.56 acres in Sec. 15

Ninth: Remarks: That.....

Ira C. Parke

(Sign Here)

Subscribed and sworn to before me this 15th day of September, 1959My commission expires 5/14/63

Notary Public.

27572

September 18, 1959

Re: Permit No. 27572

Mr. Ira C. Parke
Albion, Idaho

Dear Mr. Parke:

We enclose Certificate of Completion of works
issued on Permit No. 27572.

We also enclose departmental receipt No. 29774
in the amount of \$5.00 covering fees.

Very truly yours,

Geo. N. Carter
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

Enc. 1
Enc. certificate
receipt

27572
RT

Permit 27572

November 28, 1960

Mr. Leo Bell,
Box 86,
Albion, Idaho.

Dear Mr. Bell:

We have your letter of November 15th explaining your controversy with Mr. Parks over the waters from springs situated in the Asher Canyon drainage area. As you write in the first paragraph of your letter, this Department has no authority to write or state legal opinions. However, we can tell you what we think of a common layman's point of view. Quoting from the statutes: "it is clear from provisions of statute that water of natural springs is public water and subject to valid appropriation to beneficial use," and it is also stated by our statutes "continued and un-interrupted use of water for a period of more than five years constitutes valid appropriation."

From the foregoing, attested by your letter explaining the situation as it were, we would consider you had made a valid filing on the waters of the two springs in the Asher Canyon drainage area by putting the water of said springs to beneficial use for irrigation purposes for the required statutory period of time.

Providing that Mr. Parks does not concede to your direct appropriation and use, you have the alternative of going to court and establishing your right of use. We would think that you could get a summary supplemental adjudication decree (see Idaho Code 41-1405), to the R. L. Wood, et al, vs. William Stokes et al, decreeing the waters of Marsh Creek and tributaries, by applying to the court for a supplemental adjudication on the waters of the two springs and for any water that you claim in Asher Canyon and Cow Gulch drainage areas. This would determine the rights to this water once and for all.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pak

27572

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

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

July 1, 1959

Re: Permit No. 27572

Mr. Ira C. Parke
Albion, Idaho

Dear Sir:

Under the terms of your permit No. 27572 you are required to complete your diversion works on or before Sept. 29, 1959. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

GEO. N. CARTER

STATE RECLAMATION ENGINEER

Enc. Form 6

27572

May 26, 1959

Re: Permit No. 1888 - Mrs. Frankie Butler
" " 27572 - Ira Parke

Mr. Leo Bell
Box 86
Albion, Idaho

Dear Mr. Bell:

Mr. Parke filed an application, Sept. 9, 1958, for 1.32 c.f.s. of water from Asher Canyon Creek with point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, to irrigate 66 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, and N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, Twp. 12 S., Rge. 25 E. Permit No. 27572 was issued to Mr. Parke on approval of his application. Comparing your description of the location of the spring with the point of diversion on Mr. Parke's permit, it seems that Mr. Parke would be diverting above the spring you mention.

Permit No. 1888, filed February 27, 1906, is only a use right. Mrs. Butler completed proof of completion of works, however proof of beneficial use of the water was never completed. The amount of water claimed was 1.6 c.f.s. for irrigation of 80 acres in the NE $\frac{1}{4}$, Sec. 9, T. 12 S., R. 25 E. The only way you could obtain a water right of record with a date of priority and amount of water that would compare with Permit No. 1888 would be by court action in the District Court.

Your use right is evidently older than Mr. Parke's permit right and if such is the case you would be entitled by prior right, to the water you have been using beneficially. Right to first use of water is dependent upon the priority of such right and has been affirmed by all court actions. The Courts have also affirmed that when the amount of available water is over the amount of the prior right, then the junior right should receive water for beneficial use and also that when the prior right water cannot be used beneficially, the water shall not be diverted but remain in the stream for use by the junior right.

General usage in this state has been to irrigate as early as

27572

Page Two - Continued - Leo Ball

possible, with due regard to prior rights. This department cannot change the irrigation season which has been set by Court Decree.

Your water right probably could not be improved by filing for a permit unless you want to increase the amount of water and area of land irrigated.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

Albion, Idaho
May 16, 1959

RECEIVED
MAY 19 1959
Department of Reclamation

State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Sir:

I was advised today by our watermaster that Mr. Ira Parke is in the process of filing on a spring located with its headwaters in Section 14 Tws. 12S. Range 25 E.B.M. Also some water of said spring raise in Section 15 Tws. 12S. Range 25 E.B.M.

This water has been used for the past 29 years on land owned by my father in Sec. 9 Tws. 12S. Range 25 E.B.M. Also by people who owned said property prior to our purchase in 1929. This water has been used for irrigation purposes. It has been used as a tributary to Cows Gulch water decreed to said land on April 3, 1907 by your department. Permit No. 1888 issued upon Application No. 2575, calling for delivery of 1.6 second feet of water.

Although we have not filed on spring as a separate unit we feel we are entitled to use of same because of prior usage. Water from this spring is dumped into Cows Gulch water in the NW 1/4 of the NE 1/4 Section 15 Tws. 12S Range 25 E.B.M. It is diverted from channel by a dam and delivered to Cows Gulch by ditch constructed and continuously used for past 30 years or more. This is the only land this water has been used on. (The land owned and operated by Albert Bell.)

If water in said spring needs to be filed on, we would like an application from your department to file on same. Also we wish to file protest to any prior application made for use of said water.

According to a recent court decision, there is only one decree in this irrigation district calling for use of water between Jan. 1 and April 1. As we have always used water during March when available, is it possible to file on water for use during the period from Jan. 1 to April 1? If so, please send necessary forms.

Thanking you for your assistance,

Sincerely Yours,

Leo Bell

Albert Bell
By Leo Bell
Albion Idaho
Box 86

27572

March 2, 1959

Re: Permit No. 27572

Mr. Ira C. Parke
Box 42
Albion, Idaho

Dear Mr. Parke:

Your permit No. 27572 filed September 9, 1958, claims 1.32 c.f.s. from Asher Canyon Creek. Point of diversion in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 12 S., R. 25 E. B. M., for irrigation and stock water in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 12 S., R. 25 E. B. M.

You requested one year to prove completion of works, which proof is due September 29, 1959.

Very truly yours,

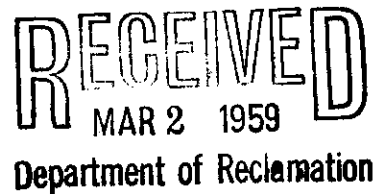
GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

27572 7/1

Albion, Idaho
Feb. 26 - 1959

Dept. of Reclamation
Boise, Idaho



Dear Sirs: - I have to cross a
forty acre piece of ground belonging
to the B. L. M. in order to irrigate
my ground.

They have ask me to get a
statement from you verifying my
permit, before they will give me a
right of way to build a ditch.

my permit no. is: 27572, recorded in book
97, page 27572, approved Sept. 29, 1958.

yours truly,
Irac. Parke
Albion, Idaho
Box 42

October 13, 1958

Re: Permit No. 27572

Mr. Ira C. Parke
Box 42
Albion, Idaho

Dear Mr. Parke:

We enclose Permit No. 27572, 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. 29295, which was issued covering payment in the amount of \$5.25, for the filing fee of the above mentioned permit, together with your township map.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR/A/lw
Encls. (3)

27572

Dear Sir: - The two sketch
maps were not returned to me.
I am sending a new check.

I hope I have filled out
the application correctly this
time.

yours truly

Ira C. Parke
Albion, Idaho

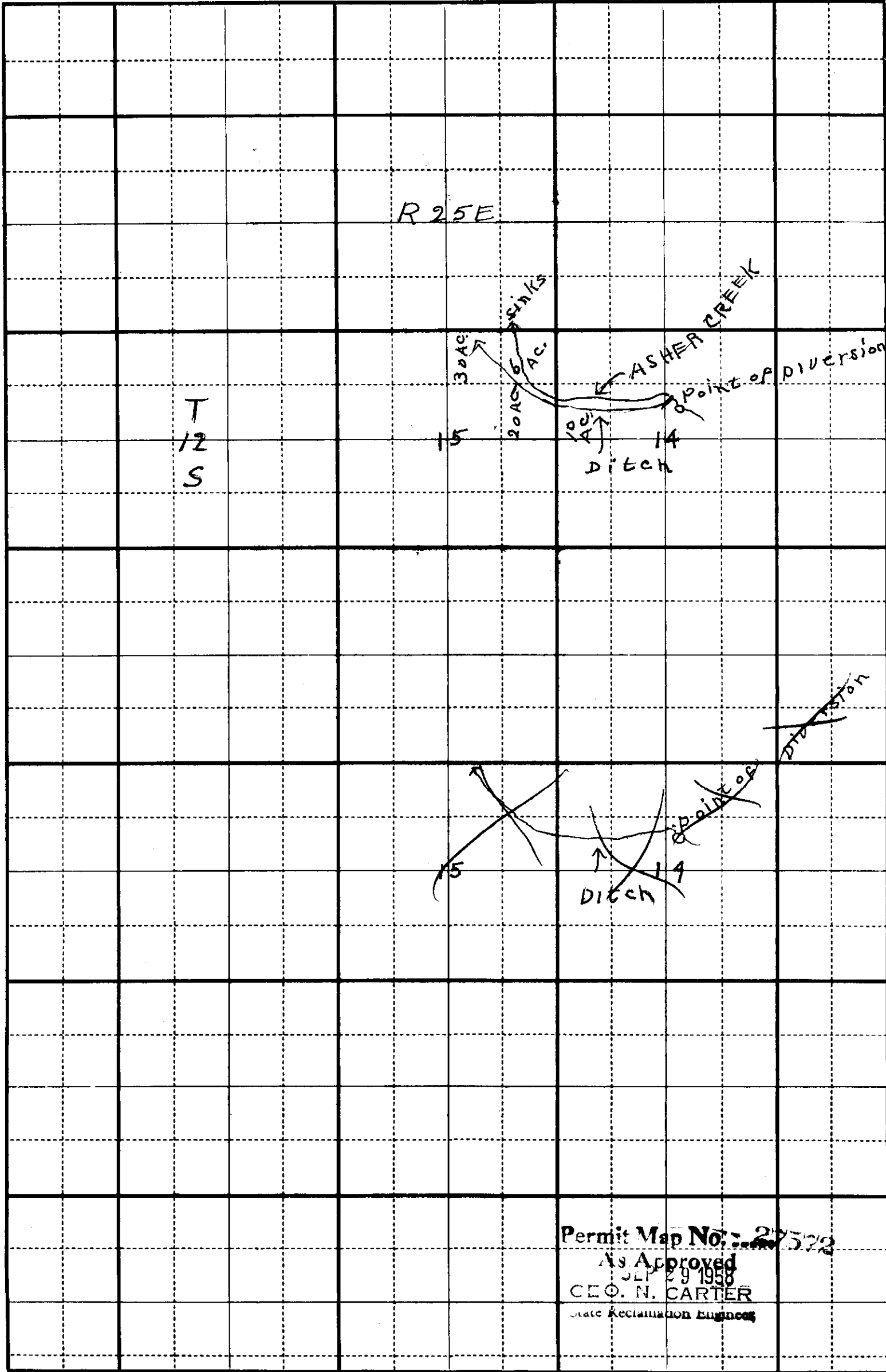
Box 42

RECEIVED
SEP 19 1958
Department of Reclamation

27572

NAME OF APPLICANT Ira T. Parke

Form No. 0



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

27572

Albion, Idaho
Sept. 24-1958

Geo. W. Carter
State Reclamation Engineer
Boise, Idaho.

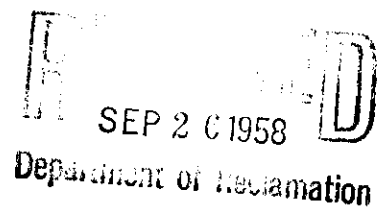
Dear Sir; I am sending you my
map the county gave me.

I have tried to map out the
sections I want to irrigate.

I don't understand how to put in
the n.e, n.w, s.e, s.w, part of it, would
you please do that for me.

I thank you kindly for your
patience with me.

Ira C. Parke
Albion, Idaho
BX42



27572

September 19, 1958

Mr. Ira C. Parke
Box 42
Albion, Idaho

Dear Mr. Parke:

We enclose a new form for application for Permit to appropriate the public waters of the State of Idaho--completed in pencil, with one map completed and one map in blank form. On the map, the heavy lines are the boundaries of each section and the section number is written in the center of each section, with the number of acres to irrigate shown within each "40", designating the 40-acre subdivisions we believe you mean to irrigate. In case the map is wrong, you may show the correct location on the blank map form. We note that on your original maps you may have used the heavy lines as centers of the sections. In that case you would be irrigating the lands checked on your land list (question 14 of application) except the land in Section 14 would be the SW $\frac{1}{4}$ NW $\frac{1}{4}$ instead of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ which you have checked.

On the application, question 2, quantity of water claimed must be a definite amount and we have shown 1.0 cubic feet per second which is equal to 50 inches of water. Question 3, source of water supply is shown as Asher Canyon Creek. You are evidently diverting the water below where the spring enters the main channel and the spring water would be part of the water in Asher Canyon. Question 11, Ditch: length of conduit would be the length of your ditch or one mile. Question 12, we show one year to complete construction of works and 5 additional years to prove beneficial use. The proof of completion of works can be made at any time within a year after the application is approved and proof of beneficial use can be made after the maximum use of the water has been accomplished and at any time before the additional 5 years have lapsed. Question 14, lands to be irrigated are shown as appear on the map (pencil). If the map is changed, we will correct the list according to your map.

The fee for filing on one cubic foot per second or 50 inches of water is \$5.00. Fifty inches is the maximum amount of water which can be approved for 50 acres of land. If you wish to increase the amount of water, the amount of land would have to be increased accordingly. You may file on up to 100 inches or two cubic feet per second to irrigate up to 100 acres of land--the fee for any amount of water between 50 inches and 100 inches would be \$5.25.

27572

Mr. Ira C. Parke
Page 2

September 19, 1958

C
O
P
Y

We return your check for \$5.50 as we believe the amount of available water and irrigable ground is considerably less than some amount between 100 and 150 inches of water or acres of irrigable land from this water source.

We hope that this will clear up all questions in your mind and we can process the application properly after your approval of the application we have in pencil, to which any corrections may be added, is received. Do not forget to sign the pencilled application on third page as applicant, if it meets with your approval and be sure that the filing fee is remitted with the application.

Very truly yours,

Geo. N. Carter
State Reclamation Engineer

RT/nls
Enc. Applications for Permit
Check - \$5.50 -

September 9, 1958

RE: Application for Permit

Mr. Ira C. Parke
Albion, Idaho

Dear Mr. Parke:

The Application for Permit to Appropriate the Public Waters of the State of Idaho was received today.

We are returning this Application and check for \$5.00 because several questions had not been answered. To assist in making a correct Application we are enclosing a partly filled in form and ask that you complete the items marked with a question mark (?). When you have added up the total acreage to be irrigated you can estimate how much the filing fee will be. For example, if you intend to irrigate the entire tract shown on the sketch maps your fee will be \$9.25 based on the formula of \$5.00 for the first cubic foot per second (c.f.s.) and .25¢ for each additional c.f.s. or fraction thereof. Therefore:

Entire area: 880 acres in 22 - 40's. Maximum allowable water: one miner's inch per acre: 880 inches or 17.6 c.f.s.

Fee: First c.f.s.	\$5.00
.25¢ for each additional c.f.s. or fraction	<u>4.25</u>

Total filing fee \$9.25

Be sure to return the two sketch maps and a new check for the correct fee with the signed Application as soon as possible to avoid further delay.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

HP:er

27572

May 26, 1958

RE: Application for Permit

Mr. Ira C. Park
Box 42
Albion, Idaho

Dear Mr. Parks:

In reply to your letter of May 20th, we enclose a form "Application for Permit to appropriate the Public Waters of the State of Idaho, together with a pamphlet which gives regulations and instructions, also, sketch maps in duplicate, which are required to accompany the application. The maps are to be drawn by "cross-hatch" or color showing the lands to be irrigated by 40-acre sub-divisions, section number township, range, and, clearly show the point of diversion (the point where the water is taken from the stream, spring & etc.).

After this application is approved and signed by the Governor and Secretary of State, it will be returned to you as a "Use Permit".

To complete the water right, two proofs are required. First: Proof of Completion of Works. The time necessary for making this proof is to be indicated under Question 12, the maximum time allowed is five (5) years. Second: Proof of Beneficial Use, which is the final proof and is made when the water has been completely applied to irrigation or to what ever purpose it is used. The time required for making this proof is in addition to the time required for Completion of Works, indicate under Question 13, The maximum time allowed is six (6) years.

When returning the application to this office, be sure to include the sketch maps in duplicate, and the filing fee. Also, make sure you have your complete address on the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:vm
Enclosures 4

27572

RECEIVED

MAY 21 1958

DEPT. OF HIGHWAYS

State Engineer

Boise, Idaho

Albion, Idaho
May 20 - 1958

405					

Dear Sir: There is a spring
on a forty acres of ground
that I own, I should like to
file on it. Would you please
send me an application form?

Yours truly,

Ira C. Park
Albion, Idaho
Box 42

RECEIVED

MAY 23 1958

Department of Reclamation

REFER FOR	Action	Inf.
St. Hwy. Engr.		
Legal Advisor		
Sec. to Board		
Asst. Hwy. Engr.		
Eng. & Traff. Eng.		
Sec. Roads. Eng.		
Urban Engr.		
Survey & Plans Eng.		
Chf. of Agent		
Const. Eng.		
Misc. Eng.		
Adm. Officer		
Dist. No.		

27572

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10 A.M. on the 8 day of Sept., 1964, at Albion, County of Cassia, State of Idaho, before C. E. Simonson, Notary Public, proof will be submitted of the application to beneficial use of 1.32 cubic feet per second of the waters of Asher Canyon creek in accordance with the terms and conditions of Permit No. 27572 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Ira C. Parke, Albion, Idaho, Box 42.

~~The use to which~~ said water has been applied is irrigation & stock water.

The amount applied to beneficial use is 1.32 C.F.S.

The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T 12 S., R SE. 25 E.B.M.

The place where said water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, Township 12 S., Range 25 E.B.M.

The date of priority which said user is prepared to establish is Sept. 9, 1958.

CARL E. TAPPAN

State Reclamation Engineer

Published in the Burley Herald-Bulletin Aug. 3, 10, 17, 24, 1964.