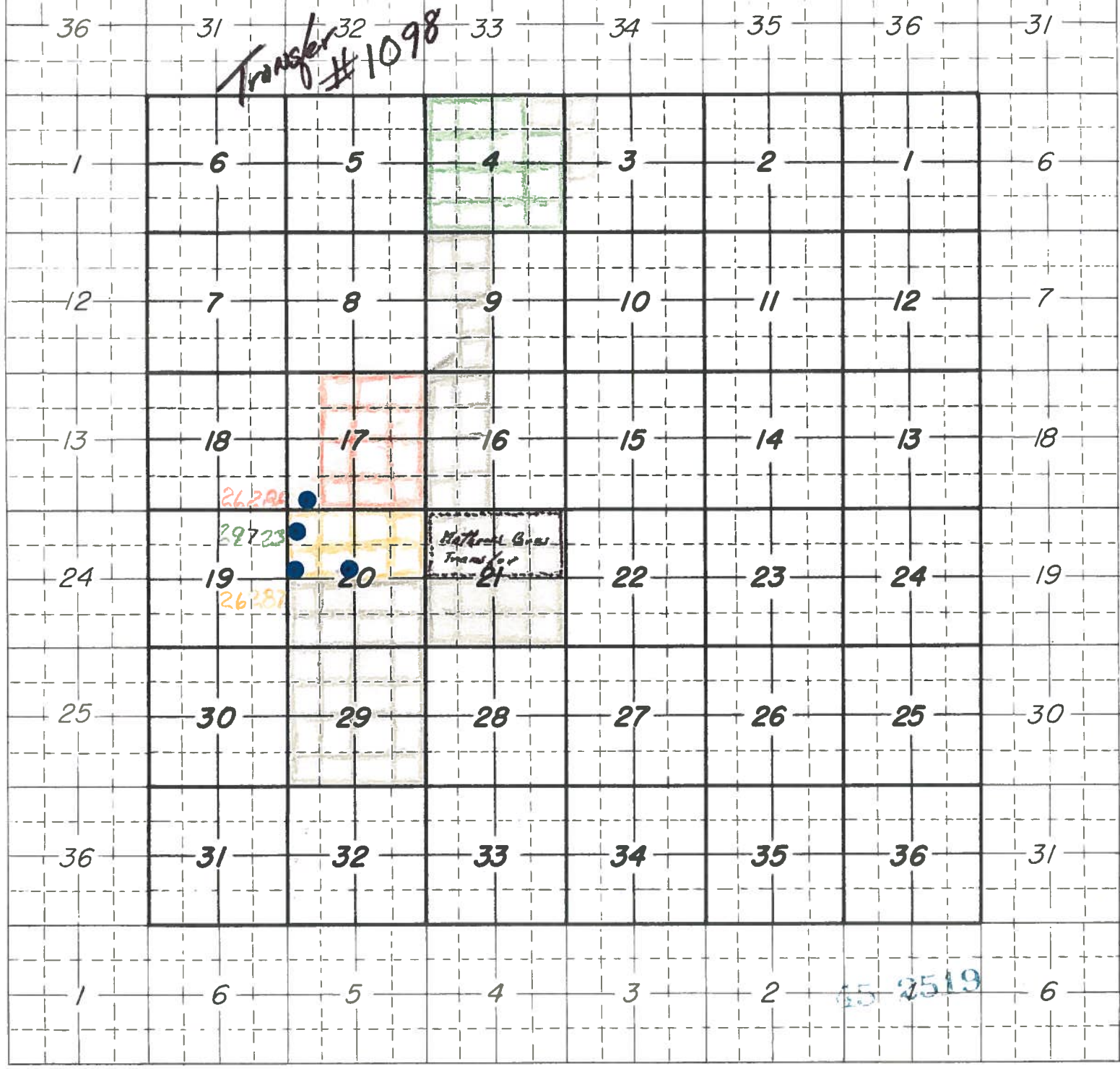


45-02519

TWP. 12 S. RANGE 2 E. COUNTY _____ SCALE: 1" = 1 MILE

Transfer #1098





45 2519



45 2519



45 2519



45 2519



45 2519

RTIN

SUN 20

11, 1968

70823

26 gpm

ARTIN

SW SP 17

2654 gpm

June 11, 1968

METER No. 70821

22 SP

Lay, Dale

Martin - Anderson Farms

Martin #3

5/21/68

45

45 2519

METER No. 70823

1986 gpm

Lay, Dale

JUNE 11, 1968

WELL

ANDERSON - MARTIN

NW NW Sec. 20

45 2519

ANDERSON - MARTIN

WELL

gpm 1627

June 11, 1968

METER No. 69666

Lay, Dale

SE NW 20

45 2519

Martin - Anderson Farms

Martin #4

5/21/68

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701



2519



Herald-Bulletin

LEY, IDAHO

OF PUBLICATION

)
) SS:
)
au _____, being first

and says that he is the
er

of Burley Herald-
wspaper published at Burley,
aforesaid, and that the paper
on therein. Deponent further
d notice attached hereto was
ding to law in the regular
Burley Herald-Bulletin for

secutive weeks, commencing

Mar. 13., 1967, and
dated Mar. 20, 1967.

d and sworn to before me this
lay of March 68, 19

Chambers Notary Public
My Commission Expires Feb. 18, 1969

RECEIVED

MAR 19 1968

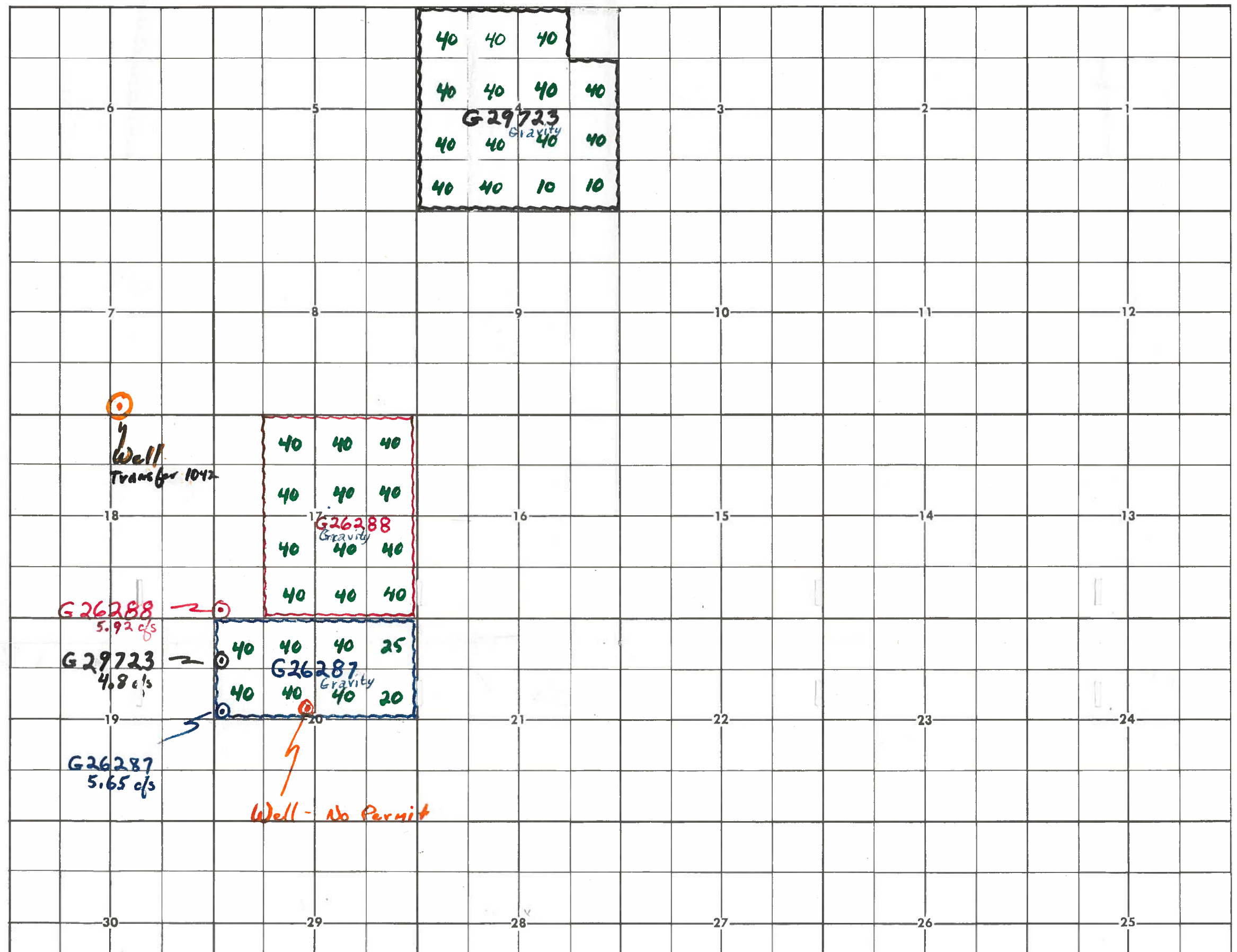
Department of Reclamation

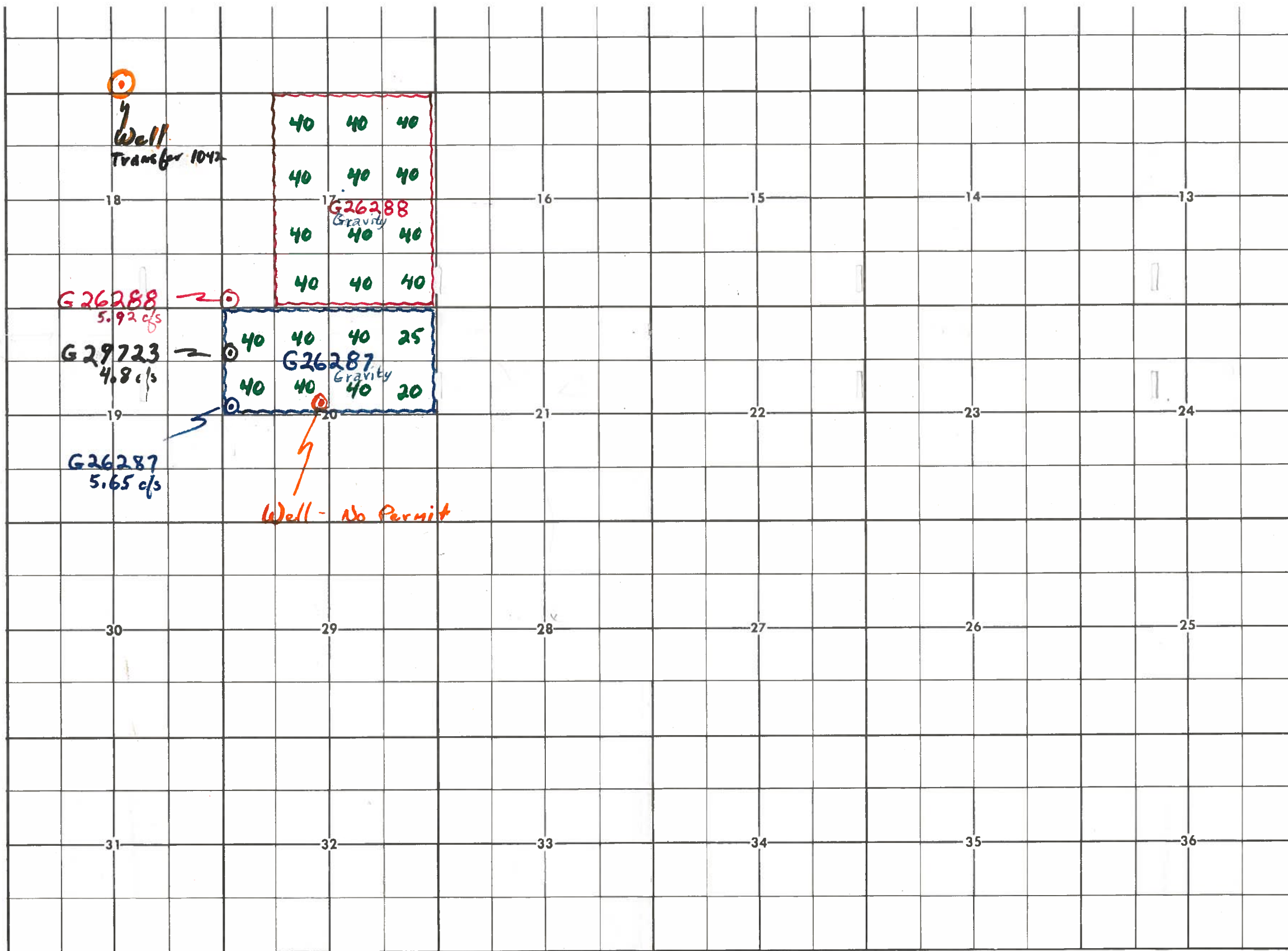
LEGAL NOTICES
67-69
**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**
Notice is hereby given that Mac
Martin of Burley, Idaho, has ap-
plied to the State Reclamation
Engineer of the State of Idaho for
a certificate authorizing him to
change the point of diversion
and/or place of use of the waters
of subterranean source as follows:
Amount: 16.37 c.f.s. Priority: E1
G-26287: 2-28-68 #2 G-26288:
3-28-68 #3 G-26283: 5-17-61;
Point of Diversion:
#1 - SW 1/4 NW 1/4, Sec. 20
#2 - SW 1/4 SW 1/4, Sec. 17
#3 - NW 1/4 NW 1/4, Sec. 20
All in Twp. 12 S., Rge.
23 E.B.M.
Place of Use: NW 1/4, Sec. 20; E 1/4, F
1/4 NW 1/4, Sec. 17; W 1/4 NE 1/4, SE 1/4
NE 1/4, W 1/4, SE 1/4, Sec. 4; all in
Twp. 12 S., Rge. 23 E.B.M.
TO BE TRANSFERRED TO
Point of Diversion: SW 1/4 SW 1/4,
Sec. 17; SW 1/4 NW 1/4, NW 1/4 NW 1/4,
SE 1/4 NW 1/4, Sec. 20, all in Twp. 12
S., Rge. 23 E.B.M.
Place of Use: NW 1/4, Sec. 20; E 1/4, F
1/4 NW 1/4, Sec. 17; W 1/4 NE 1/4, SE 1/4
NE 1/4, W 1/4, SE 1/4, Sec. 4; all in
Twp. 12 S., Rge. 23 E.B.M.
And that on the 17th day of
April, 1967, at 2:00 o'clock P.M.,
at Room 107 Statehouse, Boise,
Idaho, before the State Reclama-
tion Engineer, or his authorized
agent, the opportunity will be
given to any and all persons to
appear and present for his con-
sideration any reason or reasons
why a certificate should not be
issued authorizing such transfer.
By Keith Higginson
Deputy
State Reclamation
Engineer
Published in the Burley Herald-
Bulletin March 13, 20, 1967.

45 2519

TOWNSHIP 12 So.

RANGE 23 E.B.M.





Green : Licensed irrigated acres

~~~~~ : License boundary

⊙ : Well location

Critical Ground Water Area

Goose Creek - Rock Creek

Anderson & Martin Farms  
Anderson Bros.

43-2534  
80107

Transfer No. 3265

Water Right No. 45-2519 & T.1849

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
MAR 14 1986

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Department of Water Resources  
862-3480

Name of applicant Lambert Produce Company Phone 862-3480  
Post Office address Attn: Mike Cranney Route 1, Box 40 D Oakley, ID 83345

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. 45-2519 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant by purchase;  
a deed has been provided to the Department.

3. Source of water groundwater tributary to \_\_\_\_\_

4. Date of priority March 28, 1956

5. Water is used for the following purposes:

amount 5.65 cfs for irrigation purposes from March 1 to Nov. 1  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 5.65 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 20  
Township 12 S. Range 23 E. B.M. in Cassia County

Additional points of diversion, if any SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 20; SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 17 T. 12S R. 23E

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 | 23 E  | 20   | 25               | 40               | 40               | 20               | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 285    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 285

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No

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 5.65 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works same
- c. Describe the reasons for the proposed changes to change the place of use with  
45-4048 A  
Also to retain only one P/D for this right.

2. Change in point of diversion

Point of diversion SW ¼ NW ¼, Section 20 Township 12S  
Range 23E, B.M., Cassia County  
Additional points \_\_\_\_\_

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
None; the property formerly covered by 45-4048 A will now be irrigated  
by 45-2519 and vice versa. A

RECEIVED

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

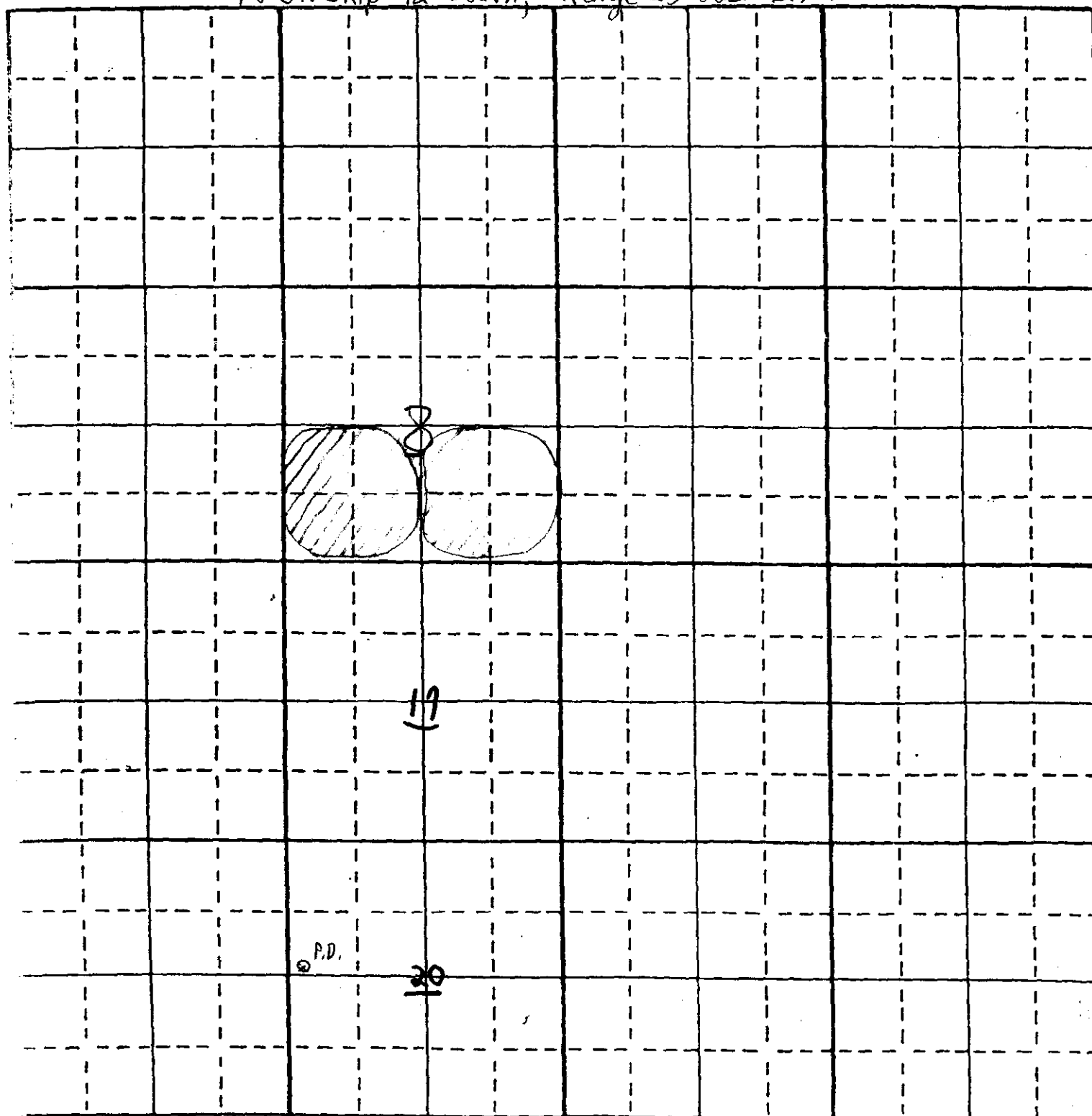
| TWP. | RANGE | SEC. | NE% |     |     |     | NW% |     |     |     | SW% |     |     |     | SE% |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% |        |
| 12 S | 23 E  | 8    |     |     |     |     |     |     |     |     | 36  | 36  | 36  | 36  | 36  | 35  | 35  | 35  | 285    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 285

4. Describe any other water rights used for the same purpose as described above. None

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.

Township 12 South, Range 23 East B.M.



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

END OF MAP

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.

Maegon W. Rebecky.  
Attorney for Lambert Producers  
 (Signature of Applicant)

Subscribed and sworn to before me this 13th day of March, 19 86

(Notary Public)

My commission expires 6-25-87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2519

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

1. Totalizing measuring devices of a type approved by the Department shall be maintained at each point of diversion.
2. No water shall be diverted directly or indirectly from the wells and used for any purpose or to irrigate other lands for which no water right exists for the use of these wells.

Witness my hand this 22nd day of August, 19 86

J. Glen Saxton  
 Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by Jim Date 3-14-86 Protest filed by None  
 Prelim. check by JA Fee 50.00  
 Receipted by mg Date 5-19-86 # 37702  
 Published in South Idaho Press  
 Pub. dates June 19, June 26  
 Watermaster recommendation requested on N/A  
 rec'd. \_\_\_\_\_

Copies of protest forwarded by \_\_\_\_\_  
 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Recommended for approval denial  
 by ADN Jim 86

**MICROFILMED**

REGISTERED

SOUTH IDAHO PRESS JUL 8 1986

BURLEY, IDAHO

DEPARTMENT OF WATER RESOURCES  
SOUTH IDAHO PRESS

OK MB  
7/8/86

AFFIDAVIT OF PUBLICATION

County of Cassia, )  
 ) ss.  
STATE OF IDAHO )  
Marge Barendregt, 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 June 19, 1986, and ending  
with the issue dated June 26, 1986.  
Marge Barendregt

Subscribed and sworn to before me  
this 7th day of July

1986  
Sally Staker Notary Public

Cost of Publication 30.80  
Notary Fee 1.50  
Total Cost 31.30

84-170  
NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT  
No. 45-2519

Notice is hereby given that LAMBERT PRO-  
DUCE COMPANY of Oakley, ID has applied  
to the Department of Water Resources for a  
change of Place of Use of groundwater. The  
right sought to be changed is evidenced by  
License No. 45-2519 and is recorded as  
follows:

Amount: 5.65 cfs  
Priority: March 28, 1956  
Point of Diversion: SW1/4NW1/4,  
SE1/4NW1/4, NW1/4NW1/4 of Sec. 20,  
SW1/4SW1/4 Sec. 17, T 12 S, R 23 E.,  
B.M., Cassia County.

The water is used for irrigation of 285  
acres within NE1/4 and NW1/4 of Sec. 20,  
T 12 S, R 23 E., B.M., Cassia County.

TO BE CHANGED AS FOLLOWS  
Amount: 5.65 cfs  
Point of Diversion: SW1/4NW1/4, Sec. 20,  
T 12 S, R 23 E., B.M., Cassia County.  
The water will be used for irrigation of 285  
acres within SW1/4 and SE1/4 of Sec. 8, T  
12 S, R 23 E., B.M., Cassia County.

Any protest against approval of the propos-  
ed change of water right application must  
be filed with the Department of Water  
Resources on or before July 7, 1986.

A. KENNETH DUNN  
Director

Published in South Idaho Press June 19 and  
26, 1986.

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

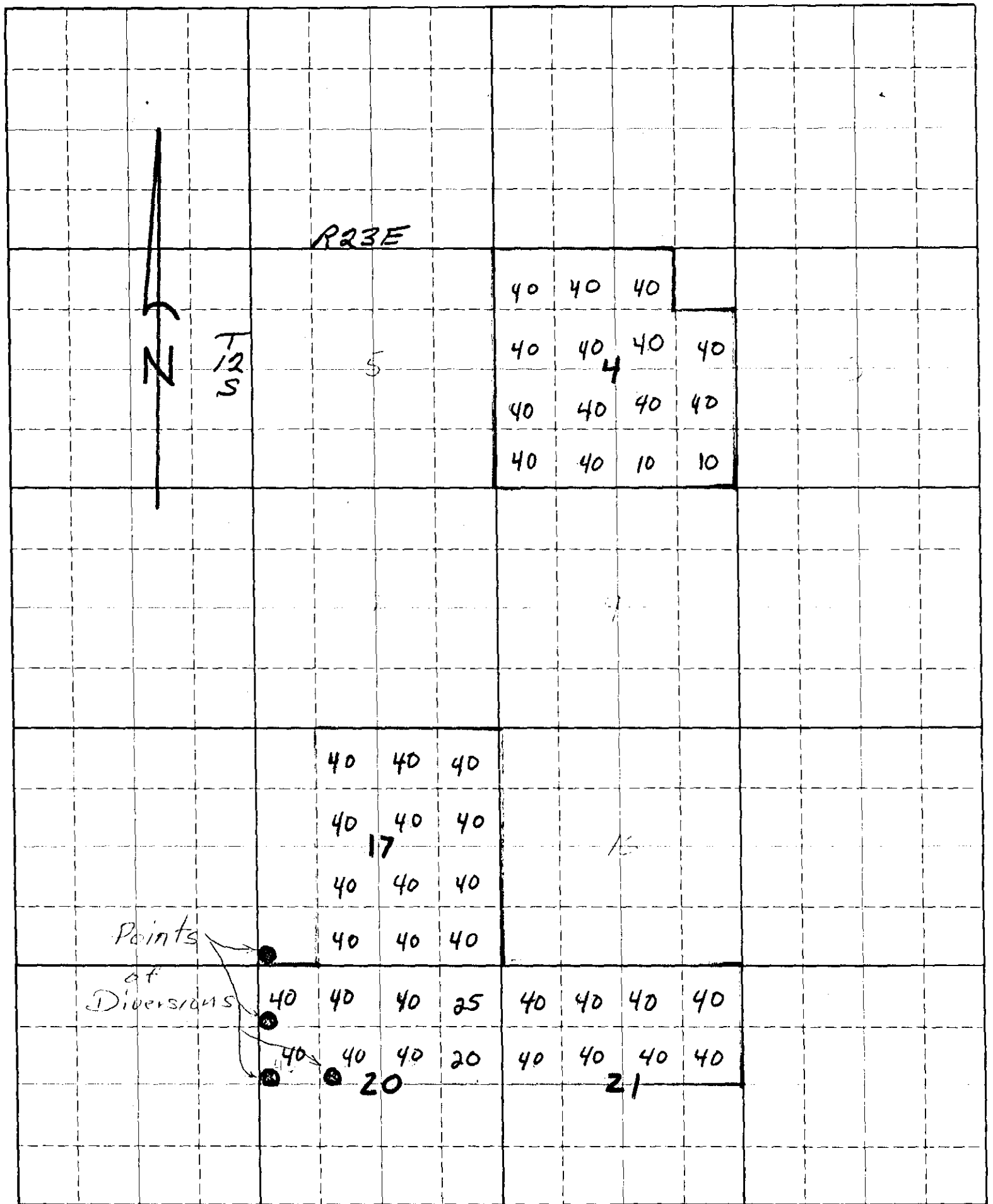
APPROVED

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

1. Name of Right Holder MARTIN & ANDERSON FARMS  
Post office address Box 626, Burley, Idaho
2. Right obtained by:  
a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_  
(Name)  
vs. \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_  
(Name of Court)  
Court, County of \_\_\_\_\_
- b. License No. X issued by the State of Idaho, Department of Reclamation.
3. Source of water Groundwater tributary to \_\_\_\_\_  
(Name of stream or source)
4. Date of Priority \_\_\_\_\_
5. Amount of water a. 20.92 c.f.s. and/or \_\_\_\_\_  
b. \_\_\_\_\_ acre feet/annum
6. Water is used for Irrigation from March 1 to November 1  
(Month, Day) (Month, Day)
7. Original location of point of diversion is See Below  $\frac{1}{4}$  of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, B.M., in Cassia County;
- Additional points of diversion, if any \_\_\_\_\_  
45-2526 - P.D. SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, Twp. 12S, Rge. 23E.  
45-2519 - P.D. SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, Twp. 12S, Rge. 23E.  
45-2653 - P.D. NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 20, Twp. 12S, Rge. 23E.  
45-2520 - P.D. SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 17, Twp. 12S, Rge. 23E.
8. Lands presently 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 $\frac{1}{4}$ |        |
| 12S  | 23E   | 21   | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 320    |
|      |       | 20   | 25               | 40               | 40               | 20               | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 285    |
|      |       | 4    |                  | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 10               | 10               | 540    |
|      |       | 17   | 40               | 40               | 40               | 40               | 40               |                  |                  | 40               | 40               |                  |                  | 40               | 40               | 40               | 40               | 40               | 480    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres presently irrigated 1,625



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

9. If applicant was not the original holder of this right explain how it was acquired: \_\_\_\_\_

### 10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: Same c.f.s. and/or \_\_\_\_\_ acre feet
- b. New point of diversion: SW 1/4 SW 1/4, Section 17, Township 12S  
\_\_\_\_\_, Range 23E, B.M. NW 1/4 NW 1/4, SW 1/4 NW 1/4, SE 1/4 NW 1/4, Sec. 20, Twp. 12S, Rge. 23E
- c. Description of method of diversion and conveyance from new points of diversion: \_\_\_\_\_  
Pump & Motor and sprinkler system  
\_\_\_\_\_  
\_\_\_\_\_
- d. Is water to be conveyed to the lands previously irrigated? Yes X No \_\_\_\_\_  
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:  
All lands being irrigated is watered from all points of diversions.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? No
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

## 11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

SAME

[illegible]

Total number of acres to be irrigated\_\_\_\_\_

- b. Do you intend to make the transfer permanent?\_\_\_\_\_
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

*Martin and Anderson*  
*By Marc Martin (Partner)*  
(signature of applicant)

Subscribed and sworn to before me this 13 day of February, 1975  
*Robert G. Hughes*  
(notary public)

My commission expires 11-20-78.

# ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 1849/ 45-2519, 45-2526  
45-2520, 45-2653  
and said application is hereby APPROVED.

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

- (1) That totalizing measuring devices of a type approved by the Department be maintained at each point of diversion.
- (2) That no water shall be diverted directly or indirectly from the wells and used for any purpose or to irrigate other lands for which no water right exists for the use of these wells.

Witness my hand this 18 day of August, 19 75.

*R. Keith Higgins*  
R. KEITH HIGGINSON, Director  
Idaho Department of Water Resources

## FOR DEPARTMENT USE ONLY

Received by GLF Date 2-13-75

Protest filed by: \_\_\_\_\_ Date \_\_\_\_\_

Prelim. check by KEF Date 2-14-75

Fee received by GLF Date 2-13-75 Fee \$ 30.00

Approved for publication by 2225

Published in So. Ida. Press Dates 2-25 & 3-4-75

Hearing held \_\_\_\_\_

Watermaster Recommendation sent \_\_\_\_\_

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

Certificate of Transfer

No. 1098

In the Matter of the Application for  
Transfer of Water Rights, Regarding  
Licenses G-26287, G-26288, and G-29723  
45-2519      45-2520      45-2653

It having been found that Anderson Brothers & Mac Martin, a partnership, of which Mr. Mac Martin is a general partner, are the holders of licensed permits G-26287 and G-26288 as follows:

Permit G-26287, license page 6167, with a priority of March 28, 1956, for 5.65 c.f.s. of water diverted from a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S, R. 23 E, B.M. to irrigate 25 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , all in Sec. 20, T. 12 S, R. 23 E, B.M., making a total of 285 acres of land.

Permit G-26288, license page 6173, with a priority of March 28, 1956, for 5.92 c.f.s. of water from a well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, T. 12 S, R. 23 E, B.M., to irrigate 40 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , all in Sec. 17, T. 12 S, R. 23 E, B.M., giving a total of 480 acres of land.

That Mr. Mac Martin holds Permit G-29723, license page 7578, described as follows: priority of May 17, 1961, for 4.8 c.f.s. of water diverted from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S, R. 23 E, B.M., to irrigate 40 acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , all in Sec. 20, T. 12 S, R. 23 E, B.M., giving a total of 540 acres of land.

The State Reclamation Engineer, having entered his memorandum decision and order, hereby certifies that the points of diversion covered by water licenses G-26287, G-26288, and G-29723 is changed as follows: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17; NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S, R. 23 E, B.M., and used to irrigate a total of 1305 acres of land as described herein: 25 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , all in Sec. 20; 40 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , all in Sec. 17; 40 acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,

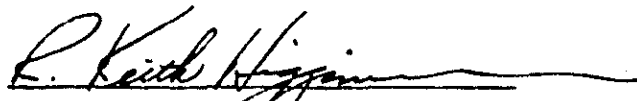
13 2519

40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , all in Sec. 4, all in T. 12 S, R. 23 E, B.M.

This certificate is issued subject to the following conditions:

- 1: That no more water may be diverted from any one or all four wells at any one time than 16.37 c.f.s.
- 2: That the owners of the water right install and maintain totalizing flow meters on each of the four wells. Such flow meters are to be subject to the inspection by the Department of Reclamation.
- 3: That no more water may be diverted from the wells than beneficially required to irrigate the 1305 acres of land above described. Pending final adjudication of the rights, such use will be limited to 4.0 acre feet of water per acre per season.
4. Under no circumstance may water be diverted, directly or indirectly from any of the four wells to irrigate other lands or for other purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation, at Boise, Idaho, this 8<sup>th</sup> day of March, 1968.

  
R. KEITH HIGGINSON  
State Reclamation Engineer

# State of Idaho

## License and Certificate of Water Right

Water License No. G-26287

Amount 5.65 c.f.s.

Water District No.

Priority March 28, 1956

THIS IS TO CERTIFY that ANDERSON BROS., a co-partnership composed of Albert Anderson, Vanness Anderson, Ray Anderson; and Mac C. Martin of Oakley and Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 28, 1956; that Permit No. G-26287 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.65 second feet, was issued thereunder on October 31, 1957, showing that said works were completed on the 12th day of July, 1957; and that on the 12th day of July, 1957, ANDERSON BROS, Mac C. Martin /s/ Mac Martin, Vanness Anderson

of Oakley and Burley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean, for the purpose of Irrigation

, under Use Permit No. G-26287 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

10 of Licenses at page 6167, on the 31<sup>st</sup> day of October, 1957;

The right hereby confirmed dates from March 28, 1956;

The Point of Diversion is located

in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec. 20, Tp. 12 S., R. 23 E., B. M. County Cassia

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 5.65 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. | 23 E. | 20   | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40                            | 25                           |
|       |       |      | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 40                            | 40                           |
|       |       |      | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 40                            | 40                           |
|       |       |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40                            | 20                           |
|       |       |      | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 40                            | 40                           |
|       |       |      | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40                            | 40                           |
|       |       |      | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40                            | 40                           |
|       |       |      | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 40                            | 40                           |
|       |       |      | Total number of acres irrigated - | - - -                         | 285                          |

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

31st day of October, 1957.

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

# State of Idaho

## License and Certificate of Water Right

Water License No. 25848

Amount .4

Water District No.

Priority July 28, 1955

THIS IS TO CERTIFY that **GLENN H. NEWKIRK**  
 of **Caldwell, Idaho**, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated **July 28, 1955**; that Permit No. 25848  
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
**.40** second feet, was issued thereunder on **June 25, 1957**, showing that said works  
 were completed on the **19th** day of **June, 1957**; and that on the **29th**  
 day of **July, 1957**, **GLENN H. NEWKIRK**

of **Caldwell**, State of **Idaho**, made proof to the satisfaction of the  
**State Reclamation Engineer** of Idaho, of the right to use the waters of **un-named stream**  
 , a tributary of **Boise River**, for the purpose of **Irrigation**  
 , under Use Permit No. 25848 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  
**10** of Licenses at page **6168**, on the **31st** day of **October, 1957**;  
 The right hereby confirmed dates from **July 28, 1955**;

The Point of Diversion is located

in the **SE 1/4 NE 1/4, Sec. 2, Tp. 4 N., R. 4 W., B. M.** County **Canyon**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
 not exceed **.4** cubic feet per second.

Description and location of use:

| Twp.                              | Range | Sec. | Forty-acre Tract               | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-----------------------------------|-------|------|--------------------------------|----------------------------------|---------------------------------|
| 4 N.                              | 4 W.  | 2    | SE 1/4 NE 1/4<br>SW 1/4 NE 1/4 | 15<br>5                          | 18<br>2                         |
| Total number of acres irrigated - |       |      |                                | - - - -                          | 20                              |

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  
**31st** day of **October, 1957**.

(SEAL)

/s/ **Mark R. Kulp**  
 State Reclamation Engineer.

# Application For Transfer of Water Right

STATE OF IDAHO

County of Cassia

} ss.

Mac Martin dba Anderson Brothers & Mac Martin, being first duly sworn, deposes and says:

That his name is Mac Martin; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Box 638, Burley, Idaho

That he is the owner and using a certain water right, bearing date of priority of 5-17-61 for 16.37 cubic feet per second of the waters of subterranean

County of Cassia, State of Idaho, decreed to

by decree of Judge \_\_\_\_\_ of the \_\_\_\_\_ Judicial District of the State of Idaho, in and for the county of \_\_\_\_\_, in the case of \_\_\_\_\_

vs. \_\_\_\_\_, said decree bearing date of \_\_\_\_\_

(or obtained by virtue of License No. #1-6-26287 #2-6-26288, issued by the State Department of Reclamation of the State of Idaho, dated #1-3-28-56 #2-3-28-56 #3-5-17-61, 19\_\_\_\_, bearing date of priority, 19\_\_\_\_)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. \_\_\_\_\_ in the County of \_\_\_\_\_ and State of Idaho, to-wit: land list: N1/2, Sec. 20; E1/2, NW1/4, Sec. 17; W1/2NE1/4, SE1/4NE1/4, W1/2, SE1/4, Sec. 4,

T. 12 S, R. 23 E, B.M.

\_\_\_\_\_ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. general partner

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the \_\_\_\_\_ of Section NW1/4-20, Township 12S, Range 20E, B. M., and conducted to the above described lands through \_\_\_\_\_

as per map herewith and of this affidavit made a part.

## CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of none cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Cassia and State of Idaho, to-wit: N1/2, Sec. 20; E1/2, NW1/4, Sec. 17; W1/2NE1/4, SE1/4NE1/4, W1/2, SE1/4, Sec. 4, T. 12 S, R. 23 E, B.M.

That reasons for desiring to make such transfer are as follows: to make the licensed water of the four wells appurtenant to all of the lands of the three licensed permits listed. The water of the three permits are comingled in a sprinkler system.

45-2519

That he intends to divert and convey said.....16.37.....second feet of water to the tract  
of land last above described in the following manner and as per map accompanying this application:  
.....enclosed sprinkler system.....

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant  
should secure written consent of other owners or users to removal from its original carrier and file  
such consent with this affidavit.

#### CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described  
SW1/4NW1/4, Sec. 20, SW1/4SW1/4, Sec. 17, NW1/4NW1/4, Sec. 20 and  
to a point located in SE 1/4 of NW 1/4 of Section 20, Township 12 S, Range 23 E,  
and thereafter conduct same to the above described land through the.....ditch,  
as per map appended.

That his reasons for desiring to make such change are as follows: to regain the original  
amount of licensed water allowed under permits G-26287, G-26288, and G-29723

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and  
that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of  
Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place  
of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

*Mac Martin*

Applicant.

Subscribed and sworn to before me this 16<sup>th</sup> day of FEBRUARY, 1967.

*W. J. Russell Smith*

Notary Public.

#### APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....

Where is the diversion point located?.....

Through what ditch is it now conducted?.....

How much land is now irrigated by the water sought to be transferred?.....

Give the description:.....

What is the total amount of water in inches, or second feet, dedicated to said land?.....

What kind of crops are being raised?.....

How much water per acre is now required to irrigate said land?.....

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

Give location of new point of diversion, if change is to be made.....

Through what ditch will it be conducted after transfer? .....

How much water will be required per acre to irrigate the land to which this water is transferred?.....

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.....

Signed.....  
Applicant.

STATE OF IDAHO, }  
County of..... } ss.

I, ....., Watermaster of.....  
Water District No....., County of....., State of Idaho, whose postoffice address  
is....., have read or heard read the foregoing affidavit and petition  
of....., and, of my own knowledge, believe the same to be true  
as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;  
and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer  
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of  
transfer prayed for) for the following reasons:.....

Watermaster, District No.....

Dated at....., Idaho, this.....day of....., 19.....

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

45-2519 from #1098

Application No. G- 34178  
Permit No. G- 26287  
District No.

NIELSON & NIELSON  
BOX 367  
BURLEY, IDAHO

1. Name of Applicant: ANDERSON BROS., a co-partnership composed of Albert Anderson, Vanness Anderson and Ray Anderson; and Mac C. Martin.  
Postoffice address: Oakley & Burley County: Cassia State: Idaho
2. Quantity of water claimed: 320 inches
  - (a) Rate of withdrawal in cubic feet per second. 6.4 or Idaho  
Miners' inches 320 or gallons per minute.
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 20,  
Twp. 12 So. , Rge. 23 E. , B.M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Pump and the irrigation ditches on lands of applicants
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used? No.  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is three 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. Land is now entirely arid.
  - (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) (cubic feet per second, inches or gallons per minute) is for new lands.



Permit No. G-26287  
Certificate of Completion of Works

✓  
TO ALL WHOM IT MAY CONCERN:

This is to certify that ANDERSON BROS., a co-partnership composed of Albert Anderson, Vanness Anderson, Ray Anderson; and Mac C. Martin of Oakley & Burley, County of Cassia, and State of Idaho, the holders of Permit No. G-26287, issued upon Application No. G-34178 bearing date of priority of March 28, 1956, authorizing the diversion of 6.4 second feet of the waters of subterranean flow from a well County of Cassia, State of Idaho, for Irrigation purposes, have 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 5.65 second feet of the waters of subterranean flow from a well that the point of diversion of said waters SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 20, Township 12 South, Range 23 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N $\frac{1}{2}$  of Section 20, Township 12 South, Range 23 East, B.M. Proof of Completion of Works made: July 12, 1957

Witness my hand this 31st day of October, A.D. 1957

/s/ Mark R. Kulp  
State Reclamation Engineer

Proof of Completion of Works made: July 12, 1957  
Certificate of Completion of Works issued: October 31, 1957.

LICENSE ISSUED FOR 5.65 SEC. FT.

Trans. # 1098  
Page-6167

# Application For Transfer of Water Right

STATE OF IDAHO

County of Cassia

ss.

Mac Martin dba Anderson Brothers & Mac Martin, being first duly sworn, deposes and says:

That his name is Mac Martin; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Box 638, Burley, Idaho

That he is the owner and using a certain water right, bearing date of priority of 5-17-61 for 16.37 cubic feet per second of the waters of subterranean

County of Cassia, State of Idaho, decreed to

by decree of Judge \_\_\_\_\_ of the \_\_\_\_\_ Judicial District of the State of Idaho, in and for the county of \_\_\_\_\_, in the case of \_\_\_\_\_

vs. \_\_\_\_\_, said decree bearing date of \_\_\_\_\_

(or obtained by virtue of License No. #3-3-29723, issued by the State Department of Reclamation of the State of Idaho, dated 10-31-57, 19\_\_\_\_, bearing date of 5-17-61, 19\_\_\_\_)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. \_\_\_\_\_ in the County of \_\_\_\_\_ and State of Idaho, to-wit: land list: N1/2, Sec. 20; E1/2, NW1/4, Sec. 17; W1/2NE1/4, SE1/4NE1/4, W1/2, SE1/4, Sec. 4, T. 12 S, R. 23 E, B.M.

\_\_\_\_\_ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. general partner

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the \_\_\_\_\_ of Section N1/2NW1/4, Township 12S, Range 23E, B. M., and conducted to the above described lands through \_\_\_\_\_

as per map herewith and of this affidavit made a part.

## CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of none cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Cassia and State of Idaho, to-wit: N1/2, Sec. 20; E1/2, NW1/4, Sec. 17; W1/2NE1/4, SE1/4NE1/4, W1/2, SE1/4, Sec. 4, T. 12 S, R. 23 E, B.M.

That reasons for desiring to make such transfer are as follows: to make the licensed water of the four wells appurtenant to all of the lands of the three licensed permits listed. The water of the three permits are comingled in a sprinkler system.

45 2519

That he intends to divert and convey said.....16.37.....second feet of water to the tract  
of land last above described in the following manner and as per map accompanying this application:  
.....enclosed sprinkler system.....

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant  
should secure written consent of other owners or users to removal from its original carrier and file  
such consent with this affidavit.

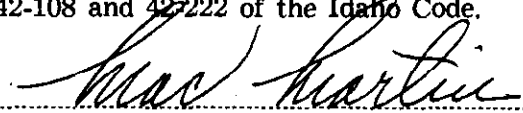
#### CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described  
SW1/4NW1/4, Sec. 20, SW1/4SW1/4, Sec. 17, NW1/4NW1/4, Sec. 20 and  
to a point located in SE 1/4 of NW 1/4 of Section.....20....., Township.....12 S....., Range.....23 E.....,  
and thereafter conduct same to the above described land through the.....ditch,  
as per map appended.

That his reasons for desiring to make such change are as follows:.....to regain the original  
amount of licensed water allowed under permits G-26287, G-26288, and G-29723.....

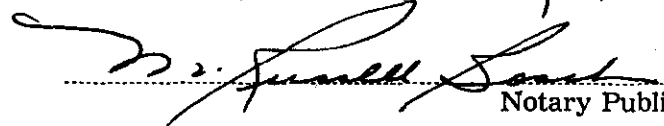
Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and  
that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of  
Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place  
of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.



Applicant.

Subscribed and sworn to before me this.....16<sup>th</sup>.....day of.....FEBRUARY....., 1967.....



Notary Public.

#### APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?.....

Where is the diversion point located?.....

Through what ditch is it now conducted?.....

How much land is now irrigated by the water sought to be transferred?.....

Give the description:.....

What is the total amount of water in inches, or second feet, dedicated to said land?.....  
What kind of crops are being raised?.....  
How much water per acre is now required to irrigate said land?.....  
What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....  
.....  
.....

Give location of new point of diversion, if change is to be made.....  
Through what ditch will it be conducted after transfer?.....  
How much water will be required per acre to irrigate the land to which this water is transferred?.....  
.....  
Do you claim any other water right for the land from which you seek to abandon the use of this water?  
If so, give amount, date and source.....  
Is there any other water right for the land to which you seek to make this transfer? If so, give amount,  
date and source.....

Signed.....  
Applicant.

STATE OF IDAHO, }  
County of..... } ss.

I, ....., Watermaster of.....  
Water District No....., County of....., State of Idaho, whose postoffice address  
is....., have read or heard read the foregoing affidavit and petition  
of....., and, of my own knowledge, believe the same to be true  
as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;  
and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer  
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of  
transfer prayed for) for the following reasons:.....  
.....  
.....  
.....

Watermaster, District No.....

Dated at....., Idaho, this..... day of....., 19.....

State of Idaho  
License and Certificate of Water Right

Water License No. G-26287 Amount 5.65 c.f.s.  
Water District No. Priority March 28, 1956

THIS IS TO CERTIFY that ANDERSON BROS., a co-partnership composed of Albert Anderson, Vanness Anderson, Ray Anderson; and Mac C. Martin of Oakley and Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 28, 19 56 ; that Permit No. G-26287 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.65 second feet, was issued thereunder on October 31, 19 57 , showing that said works were completed on the 12th day of July, 19 57 ; and that on the 12th day of July, 19 57 , ANDERSON BROS, Mac C. Martin /s/ Mac Martin, Vanness Anderson

of Oakley and Burley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean, for the purpose of Irrigation, under Use Permit No. G-26287 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 10 of Licenses at page 6167, on the 31st day of October, 1957 ; The right hereby confirmed dates from March 28, 19 56 ;

The Point of Diversion is located in the SW 1/4 NW 1/4, Sec. 20, Tp. 12 S., R. 23 E., B. M. County Cassia 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 5.65 cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                      | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|---------------------------------------|----------------------------------|---------------------------------|
| 12 S. | 23 E. | 20   | NE $\frac{1}{4}$ NE $\frac{1}{4}$     | 40                               | 25                              |
|       |       |      | NW $\frac{1}{4}$ NE $\frac{1}{4}$     | 40                               | 40                              |
|       |       |      | SW $\frac{1}{4}$ NE $\frac{1}{4}$     | 40                               | 40                              |
|       |       |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$     | 40                               | 20                              |
|       |       |      | NE $\frac{1}{4}$ NW $\frac{1}{4}$     | 40                               | 40                              |
|       |       |      | NW $\frac{1}{4}$ NW $\frac{1}{4}$     | 40                               | 40                              |
|       |       |      | SW $\frac{1}{4}$ NW $\frac{1}{4}$     | 40                               | 40                              |
|       |       |      | SE $\frac{1}{4}$ NW $\frac{1}{4}$     | 40                               | 40                              |
|       |       |      | Total number of acres irrigated - - - |                                  |                                 |

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 31st day of October, 19 57 . /s/ Mark R. Kulp State Reclamation Engineer.

(SEAL)

# State of Idaho License and Certificate of Water Right

Water License No. 25848

Amount .4

Water District No.

Priority July 28, 1955

THIS IS TO CERTIFY that **GLENN H. NEWKIRK**  
of **Caldwell, Idaho**, made application for a permit to appropriate the  
public waters of the State of Idaho, dated **July 28, 1955**; that Permit No. **25848**  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
**.40** second feet, was issued thereunder on **June 25, 1957**, showing that said works  
were completed on the **19th** day of **June, 1957**; and that on the **29th**  
day of **July, 1957**, **GLENN H. NEWKIRK**

of **Caldwell**, State of **Idaho**, made proof to the satisfaction of the  
**State Reclamation Engineer** of Idaho, of the right to use the waters of **un-named stream**  
, a tributary of **Boise River**, for the purpose of **Irrigation**  
, under Use Permit No. **25848** 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  
**10** of Licenses at page **6168**, on the **31st** day of **October, 1957**;

The right hereby confirmed dates from **July 28, 1955**;

The Point of Diversion is located

in the **SE 1/4 NE 1/4, Sec. 2, Tp. 4 N., R. 4 W., B. M. County Canyon**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed **.4** cubic feet per second.

Description and location of use:

| Twp.                                    | Range | Sec. | Forty-acre Tract               | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-----------------------------------------|-------|------|--------------------------------|----------------------------------|---------------------------------|
| 4 N.                                    | 4 W.  | 2    | SE 1/4 NE 1/4<br>SW 1/4 NE 1/4 | 15<br>5                          | 18<br>2                         |
| Total number of acres irrigated - - - - |       |      |                                | 20                               |                                 |

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  
**31st** day of **October, 1957**.

/s/ **Mark R. Kulp**  
State Reclamation Engineer.

(SEAL)



ate 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

August 26, 1986

RE: Water Right Nos. 45-2519/4048D

Lambert Produce Co.  
Attn: Mike Cranney  
Rt. 1, Box 40D  
Oakley, ID 83345

Gentlemen:

Enclosed are copies of the approved Applications for Transfer of the above referenced water rights (Transfer Nos. 3265, 3266). Be sure to note any conditions of approval as listed on the final page of each transfer.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosures

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. P. Stanton

1. Right number 45-2519 Applicant Lambert Produce Co.
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
- AL } b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- OK ☒ 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).
- N/A c. ☒ Check description of point(s) of diversion.

OK ☒ Check description of place of use.

OK ☒ Check map (shows p.d. and p.u. after transfer).

OK ☒ Check for correct signature, notarization, and fee.

OK ☒ Check proof of ownership of right &/or land from which water is transferred. already on file

OK ☒ Check for expansion in use of right. Comments \_\_\_\_\_

no expansion

OK ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 45-4048A (is being transferred to other lands)

OK ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? \_\_\_\_\_

FINAL PROCESSING REVIEW BY: ADN

1. Watermaster recommendation requested on N/A Received on \_\_\_\_\_
2. Is transfer published correctly? <sup>MB</sup> ☒ Yes ☐ No
3. Protest received? <sup>7/8/86</sup> ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions\* OK USE SAME CONDITIONS USED

FOR APPROVAL OF TRANSFER 1849

4. By ADN Date 7/15/86

Jim 7-24-86

Department of Water Resources

\* All uses within Watermaster Districts require special conditions.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 45-2519

Notice is hereby given that LAMBERT PRODUCE COMPANY of Oakley, ID has applied to the Department of Water Resources for a change of Place of Use of groundwater. The right sought to be changed is evidenced by License No. 45-2519 and is recorded as follows:

Amount: 5.65 cfs

Priority: March 28, 1956

Point of Diversion: SW1/4NW1/4, SE1/4NW1/4, NW1/4NW1/4 of Sec. 20; SW1/4SW1/4 Sec. 17, T 12 S, R 23 E., B.M., Cassia County.

The water is used for irrigation of 285 acres within NE1/4 and NW1/4 of Sec. 20, T 12 S, R 23 E., B.M., Cassia County.

TO BE CHANGED AS FOLLOWS

Amount: 5.65 cfs

Point of Diversion: SW1/4NW1/4, Sec. 20, T 12 S, R 23 E, B.M., Cassia County.

The water will be used for irrigation of 285 acres within SW1/4 and SE1/4 of Sec. 8, T 12 S, R 23 E., B.M., Cassia County.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources on or before July 7, 1986.

A. KENNETH DUNN  
Director

Published in South Idaho Idaho Press on June 19 and June 26.

RECEIVED  
JUN 21 1986



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
*SOUTHERN REGION*

John V. Evans  
Governor

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

A. Kenneth Dunn  
Director

June 10, 1986

South Idaho Press  
Box 190  
Burley, ID 83318

Re: 45-2519

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 A. Baldwin  
Sec/Office Coord.

Encl:





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

June 9, 1986

Moffatt, Thomas, Barrett & Blanton  
P.O. Box 829  
Boise, ID 83701

Re: Application for Transfer-Lambert Produce Co. (45-4048-A)

Gentlemen:

45-2519  
45-2657

The Department of Water Resources acknowledges receipt of the application for Transfer, on behalf of your client.

This office is currently in the process of advertising the application in the South Idaho Press. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When the transfer is approved, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your receipt no. 37702 for the amount of \$150.00.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

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

LOH:mb

RECEIVED

STATE OF IDAHO  
Department of Water Resources

No 37702

Boise, Idaho, May 19, 1956

RECEIVED FROM Woffatt, Thomas, Linn of Boise \$ 150<sup>00</sup>  
One hundred fifty and no/100 DOLLARS  
(Fairbairn Produce Co.) CR 65779 92-6/241

|                        |    |              |
|------------------------|----|--------------|
| FOR                    |    |              |
| <u>Transfers</u>       | \$ |              |
| <u>45-4048 B, C, D</u> | \$ | <u>50</u> —  |
| <u>45-2657</u>         | \$ | <u>50</u> —  |
| <u>45-2519</u>         | \$ | <u>50</u> —  |
| TOTAL - - -            | \$ | <u>150</u> — |

Roberta Gerritt



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

August 29, 1985

RE: License Nos. 45-2066, 45-2109, 45-2519 (Trans. 1849), 45-2520, (Trans. 1849)  
45-2526 (Trans. 1849), 45-2567, 45-2579 (Trans. 3139), 45-2611,  
45-2613, 45-2614, 45-2620, 45-2629, 45-2630 (Trans. 3141),  
45-2642, 45-2657, 45-2668 & 45-2254A (Trans. 3134)

Lambert Produce, Inc.  
Attn: Mr. Chris Drakos  
P.O. Box 793  
Blackfoot, ID 83221

Gentlemen:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Licenses.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right license.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the Licenses for your records.

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

Sincerely,

KAY WALKER  
Chief Clerk

KW:sc  
Enclosures

**MICROFILMED**

LAW OFFICE

MOFFATT, THOMAS, BARRETT & BLANTON

CHARTERED

FIRST SECURITY BUILDING

P. O. BOX 829

BOISE, IDAHO 83701

WILLIS C. MOFFATT  
(1907-1980)

OFFICE ADMINISTRATOR  
DONNA K. BROWN

TELEPHONE  
(208) 345-2334

TELECOPIER  
(208) 345-2340

EUGENE C. THOMAS  
JOHN W. BARRETT  
J. CHARLES BLANTON  
R. B. ROCK  
RICHARD C. FIELDS  
RICHARD E. HALL  
MYRON D. GABBERT, JR.  
PAUL S. STREET  
DONALD J. FARLEY  
LOREN C. IPSEN  
T. N. AMBROSE  
LARRY C. HUNTER  
PHILLIP S. OBERRECHT  
JEFFREY A. STROTHER  
GLENN M. CHRISTENSEN  
MARK S. PRUSYNSKI  
MORGAN W. RICHARDS, JR.  
MICHAEL G. MCPHEE

STEPHEN R. THOMAS  
JON S. GORSKI  
ROBERT C. GRISHAM  
GERALD T. HUSCH  
DONALD D. SAINT-JUST  
THOMAS C. MANNSCHRECK  
THOMAS V. MUNSON  
KIRK R. HELVIE  
RAYMOND D. POWERS  
THOMAS C. MORRIS  
CANDY WAGAHOFF DALE  
ROBERT B. LUCE  
MICHAEL E. THOMAS  
DOUGLAS M. CONDE  
STEVEN V. CAMPBELL  
LARRY D. SPURGEON  
KRISTI EMIG-MARK  
MARK B. PERRY

August 5, 1985

RECEIVED  
AUG 7 1985

Department of Water Resources  
450 West State  
Statehouse Mail  
Boise, Idaho 83720

Department of Water Resources

Re: Lambert Produce, Inc.  
MTB&B File No. 14-262

Gentlemen:

Enclosed please find copies of relevant deeds which transfer water rights from First Security Bank of Idaho, N.A. to Lambert Produce, Inc. This transfer is as a result of the purchase of part of First Security Bank's real property in Cassia County, Idaho by Lambert Produce, Inc. Any future correspondence regarding the water rights set out in the two documents should be addressed to:

Lambert Produce, Inc.  
Attention: Mr. Chris Drakos  
Post Office Box 793  
Blackfoot, Idaho 83221

Thank you for your assistance.

Sincerely,

*Woody*  
Morgan W. Richards, Jr.

MWR/lc

Enclosures

cc w/o encl.: Mr. Chris Drakos

MICROFILMED

QUITCLAIM DEED

FOR VALUE RECEIVED, FIRST SECURITY BANK OF IDAHO, N.A.,  
herein "Grantor," hereby quitclaims to LAMBERT PRODUCE COMPANY,  
herein "Grantees," whose current address is Post Office Box 793,  
Blackfoot, Idaho, all of Grantor's right, title and interest in  
and to the following described water rights, copies of which are  
attached hereto and incorporated herein by reference:

|         |         |
|---------|---------|
| 45-0166 | 45-2611 |
| 45-0168 | 45-2613 |
| 45-0169 | 45-2614 |
| 45-0695 | 45-2620 |
| 45-0696 | 45-2629 |
| 45-0698 | 45-2630 |
| 45-0701 | 45-2642 |
| 45-2066 | 45-2657 |
| 45-2109 | 45-2668 |
| 45-2519 | 45-4009 |
| 45-2520 | 45-4011 |
| 45-2526 | 45-4013 |
| 45-2567 | 45-4048 |
| 45-2579 | 45-7379 |

AND that portion of License No. 45-2254 which has not previously  
been obligated for transfer to Vanco, Inc. and also an unnumbered  
permit for appropriation of water from Land Creek and Willow Creek.

No warranty is given by Seller as to any water rights  
transferred hereby or as to the quality of any water. Any other  
water rights not specifically transferred herein, including but  
not limited to other licenses and claims, are retained by the  
Seller.

DATED this 9<sup>th</sup> day of April, 1985.

FIRST SECURITY BANK OF IDAHO, N.A.

By

J. LaMar Giles  
Senior Vice-president

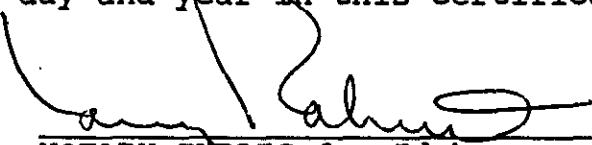
STATE OF IDAHO )

County of Cassia )

ss.

On this 9<sup>th</sup> day of April, 1985, before me, a notary public in and for said county and state, personally appeared J. LAMAR GILES, known to me to be the Senior Vice-president of FIRST SECURITY BANK OF IDAHO, N.A., the corporation named in the above instrument and acknowledged to me that he executed the same on behalf of such corporation.

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

  
\_\_\_\_\_  
NOTARY PUBLIC for Idaho

Residing at Burley Idaho

My Commission Expires: 6-30-85

SUPPLEMENTAL AGREEMENT

WHEREAS on April 9, 1985, FIRST SECURITY BANK OF IDAHO, N.A., ("First Security") and LAMBERT PRODUCE, INC., ("Lambert") entered into a Real Estate Purchase and Sale Agreement ("Agreement"); and

WHEREAS certain terms of the transaction and agreement between First Security and Lambert should be added and/or clarified; and

WHEREAS First Security desires to assign to Lambert all of its right to obtain easements from Vanco, Inc., ("Vanco") for pipelines or ditches to transport irrigation water; and

WHEREAS First Security desires to quitclaim to Lambert all of its rights in certain additional water rights; and

WHEREAS First Security has advised Lambert of Vanco's right to approximately 3.91 c.f.s of water from First Security and Jackson W. Allred ("Allred"); and

WHEREAS Allred has applied to the Idaho Department of Water Resources to transfer License 45-2352 to Vanco and First Security has applied to the Idaho Department of Water Resources to transfer a portion of License 45-2254 to Vanco; and

WHEREAS to facilitate the transfer of the aforementioned water rights, the place of use for certain water rights has been or will need to be reduced or transferred by First Security and/or Allred; therefore

Based upon the consideration received by First Security and Lambert in the original Agreement and also independently based upon the consideration recited herein the parties agree as follows:

1. First Security hereby assigns to Lambert all of its

right and interest in obtaining easements for transportation of irrigation water from Vanco; and

2. First Security quitclaims all of its right, title and interest in and to water rights 45-4000, 45-4001, 45-4002, 45-4005, 45-4006, 45-4007, 45-4008 and 45-4014; and

3. First Security assigns and Lambert accepts any obligation or responsibility that First Security owes to Vanco to complete the transfer of approximately 3.91 c.f.s. of water to Vanco:

DATED this 11<sup>TH</sup> day of April, 1985.

FIRST SECURITY BANK OF IDAHO,  
N.A.,

By J. LaMar Giles J MWR  
J. LaMar Giles,  
Senior Vice President

LAMBERT PRODUCE, INC.

By Chris Drakos  
Chris Drakos,  
President

**MICROFILMED**

167339

QUITCLAIM DEED

FOR VALUE RECEIVED, ORLAND E. BATEMAN and MARY G. BATEMAN, husband and wife, ~~Bank of Idaho, N.A., 1111 Broadway, Boise, Idaho 83725~~ ~~Pay 7060, note 1111111111~~ all right, title and interest in and to ~~the above property~~ a copy of which is attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto First Security Bank of Idaho, N.A., its successors and assigns forever.

DATED this 8<sup>TH</sup> day of February, 1985.

Orland E. Bateman  
Orland E. Bateman

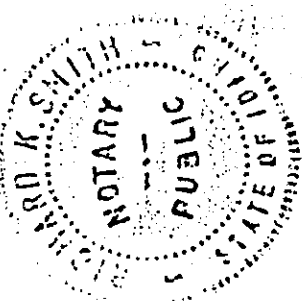
Mary G. Bateman  
Mary G. Bateman

STATE OF IDAHO )  
                  ) ss.  
County of        )

On this 8<sup>TH</sup> day of February, 1985, before me, a notary public in and for said county and state, personally appeared ORLAND E. BATEMAN and MARY G. BATEMAN, husband and wife, known to me to be the persons whose names are subscribed to the within Quitclaim Deed, 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 in this certificate first above written.

[Signature]  
Notary Public for Idaho  
Residing at



**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

August 3, 1983

RE: License Nos. 36-2412 (Transfer No. 2299), 36-2665, 36-7119, 36-7157, 36-7304, 36-7366, 36-7402, 36-7480, 36-7561, 37-7001, 37-7019, 37-7315, 37-7316, 37-7363, 37-7470, 45-2016, 45-2018, 45-2019, 45-2020, 45-2028, 45-2029, 45-2031, 45-2050, 45-2053, 45-2066, 45-2109, 45-2254 (Transfer No. 2590), 45-2299, 45-2351 (Transfer No. 2329), 45-2490, 45-2494, 45-2512, 45-2519 (Transfer No. 1849), 45-2520 (Transfer No. 1849), 45-2526 (Transfer No. 1849), 45-2556, 45-2567 (Pending Transfer No. 2332), 45-2579, 45-2611, 45-2613, 45-2614, 45-2620, 45-2628, 45-2629, 45-2630, 45-2642, 45-2657, 45-2668 (Pending Transfer No. 2332), and 45-2688

First Security Bank of Idaho  
ATTN: Mr. LaMar Giles  
P.O. Box 7069  
Boise, ID 83730

Dear Mr. Giles:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Licenses.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right license.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the Licenses for your records.

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

Sincerely,

ROBYN CARLSON  
Chief Clerk

RC:kw  
Enclosures

OK to process  
Re 8/2/83

ASSIGNMENT OF WATER RIGHTS

The undersigned (hereinafter "Grantor"), for good and valuable consideration, receipt of which is hereby acknowledged, does hereby sell, assign, transfer, grant, convey and warrant to FIRST SECURITY BANK OF IDAHO, N.A. (hereinafter "Grantee"), all right, title and interest in the licenses, decrees, adjudications, claims, permits, written agreements and stock in water companies, listed in Exhibit J attached hereto and incorporated by reference, along with any and all interest the Grantor may have, acquire, claim or otherwise hold over any other unspecified public waters of the State of Idaho (hereinafter "Water Rights") which have been or are now used and applied to beneficial purposes upon the real property described in Exhibits A and C attached hereto and incorporated by reference.

Grantor warrants that it has performed all acts and made all filings necessary to maintain in full force and effect all of the Exhibit J Water Rights, and that there are no written or oral agreements which adversely affect or change the aforementioned Water Rights.

Grantor further covenants and warrants that a notice of claim has been or will be filed prior to June 30, 1983, pursuant to Idaho Code Section 42-243 by Grantor for the benefit of Grantee for all unspecified public waters of the State of Idaho which have been or are now used and applied to beneficial purposes upon the real property described in Exhibits A and C attached hereto and by this reference incorporated herein.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary effective January 31, 1983.

ALBERT ANDERSON AND SONS COMPANY

By 151  
President

ATTEST:

151  
Assistant Secretary

STATE OF IDAHO )

County of Cassia ) ss.

On this 17th day of May, 1983, before me, a notary public in and for said county and state, personally appeared Wm. A. Anderson and Wm. A. Parsons, known to me to be the President and Assistant Secretary, respectively, of ALBERT ANDERSON AND SONS COMPANY, the corporation named in the above instrument, and acknowledged to me that they executed the same on behalf of such corporation.

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

151  
NOTARY PUBLIC for Idaho  
Residing at \_\_\_\_\_, Idaho

WATER RIGHTS

EXHIBIT J

Licenses and Permits

36-2412                      37-7363                      45-2066                      45-2579  
36-2665                      37-7470                      45-2109                      45-2611  
36-7119                      ✓37-7480                      45-2254                      45-2613  
36-7157                      37-7531                      45-2299                      45-2614  
36-7304                      37-7806                      45-2351                      45-2620  
36-7366                      45-2016                      45-2490                      45-2628  
36-7402                      45-2018                      45-2494                      45-2629  
36-7480                      45-2019                      45-2512                      45-2630  
36-7561                      45-2020                      45-2519                      45-2642  
✓36-7877                      45-2028                      45-2520                      45-2657  
37-7001                      45-2029                      45-2526                      45-2668  
37-7019                      45-2031                      ~~45-2547~~                      45-2688  
37-7315                      45-2050                      45-2556                      45-7379  
37-7316                      45-2053                      45-2567

Decrees and Adjudications

45-0166                      45-0170                      45-0514                      45-0698  
45-0168                      45-0171                      45-0695                      45-0701  
45-0169                      ~~45-0425~~                      45-0696                      45-0702

Claims

45-4000                      45-4006                      45-4011                      45-4023  
45-4001                      45-4007                      45-4013                      45-4026  
45-4002                      45-4008                      45-4014                      45-4048  
45-4005                      45-4009

Agreements

1. "99 YEAR LEASE" dated April 1, 1954, between Albert Anderson and Sons Company and Parley C. Clark, Clarence A. Elquist and Dallon Elquist.

2. "AGREEMENT" dated April 3, 1963, between Albert Anderson and Sons Company and Parley C. Clark, Clarence A. Elquist, Bertha Elquist, Dallon C. Elquist and Norma Jean Elquist.

Stock in Water Companies

| <u>Name of<br/>Company</u> | <u>Number of<br/>Shares</u> |
|----------------------------|-----------------------------|
| Oakley Canal Co.           | 1,167.02                    |
| Northside Canal Co.        | 1,006.02                    |

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

---

TRANSFER NO. 1849

SEE CORRESPONDENCE IN 45-2653

August 20, 1975

Re: Permit Nos. 1585/45-2526 (A), 1098/45-2519 (A), 45-2520 (A),  
45-2653 (A)

Martin & Anderson Farms  
Box 626  
Burley, ID 83318

Gentlemen:

Enclosed is a copy of your approved Application for Transfer. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:rb

Enc.

RECEIVED  
AUG 22 1975  
WATER RIGHTS DIVISION

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

In the Matter of the Application for )  
Transfer of Water Rights, Regarding )  
Licenses G-26287, G-26288, and G-29723 )

ORDER GRANTING  
TRANSFER NO. 1098

It having been found that Anderson Brothers & Mac Martin, a partnership of which Mr. Mac Martin is a general partner, are the holders of licensed permits G-26287 and G-26288 as follows:

Permit G-26287, license page 6167 with a priority of March 28, 1956, for 5.65 c.f.s. of water diverted from a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E, B.M. to irrigate 25 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , all in Sec. 20, T. 12 S, R. 23 E, B.M., making a total of 285 acres of land.

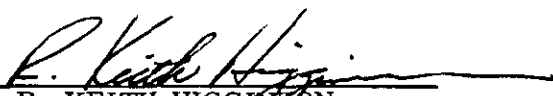
Permit G-26288, license page 6173, with a priority of March 28, 1956, for 5.92 c.f.s. of water from a well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, T. 12 S, R. 23 E, B.M., to irrigate 40 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , all in Sec. 17, T. 12 S, R. 23 E, B.M., giving a total of 480 acres of land.

That Mr. Mac Martin holds Permit G-29723, license page 7378, described as follows: priority of May 17, 1961, for 4.8 c.f.s. of water diverted from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S, R. 23 E, B.M., to irrigate 40 acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , all in Sec. 4, T. 12 S, R. 23 E, B.M. giving a total of 540 acres of land.

The State Reclamation Engineer having entered his memorandum decision, it is therefore hereby ordered that the points of diversion and place of use of water covered by licensed permits G-26287, G-26288, and G-29723 be changed so that no more than a total of 16.37 second feet of water may be diverted at any one time from any, each, or all of four wells located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S, R. 23 E, B.M., and used to irrigate a total of 1305 acres of land as described above. Under no circumstances may water be diverted, directly or indirectly from any of the four wells to irrigate other lands or for other purposes.

It is further ordered that the owners install and maintain totalizing flow meters on all four wells to enable a determination of the quantity diverted at any one time. Such flow meters are to be subject to inspection by the Department. No more water may be diverted from the wells than the irrigation requirements of the 1305 acres of land. Pending final adjudication of the rights, such use will be limited to 4.0 acre feet of water per acre per season.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation, at Boise, Idaho, this 16<sup>th</sup> day of February, 1968.

  
R. KEITH HIGGINSON  
State Reclamation Engineer

45 2519



0192 97

A. KENNETH DUNN  
ASSISTANT DIRECTOR, ENGINEERING

STATE OF IDAHO  
DEPARTMENT OF WATER  
ADMINISTRATION

ANNEX 2, STATEHOUSE  
BOISE, IDAHO 83707  
PHONE 384-2215



0192 97

A. KENNETH DUNN  
ASSISTANT DIRECTOR, ENGINEERING

STATE OF IDAHO  
DEPARTMENT OF WATER  
ADMINISTRATION

ANNEX 2, STATEHOUSE  
BOISE, IDAHO 83707  
PHONE 384-2215



0192 97

A. KENNETH DUNN  
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PHONE 384-2215



0192 97

A. KENNETH DUNN  
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STATE OF IDAHO  
DEPARTMENT OF WATER  
ADMINISTRATION

ANNEX 2, STATEHOUSE  
BOISE, IDAHO 83707  
PHONE 384-2215

# 69666 10" well 4  
254691 Reading  
Not on

Power meter no. 5379 x 80 (KWH)  
3-393x  
Kn 4.9 65 2519

Mac Martin meter # 12" 70821  
Reading 207684  
9-9-70  
6:20 P.M.  
Dunn & Harrison  
65 2519

Meter not working

12" 70825 Well # 2  
Reading 423715 65 2519  
9-9-70 not running

Power meter # 2948 x 80 (KWH)  
T 2990x 40 268 689 Kn 4.8

Well # 3  
Reading 311116  
meter # 12" 70823  
not working  
6:30 P.M.  
9-9-70

65 2519

Mac Martin

Reading taken on 9-9-70 by: A.K. Dunn  
R.K. Higginson

Well #1 Flow meter # 70821 12"

reading 207684

meter not in working order

Power meter box Locked

Well #2 Flow meter # 70825 12"

reading 423715 not running

Power meter T 2590x 40 268 697 kWh 4.8

2448 x 80 (KWH)

Well #3 Flow meter # 70823 12"

reading 311116

meter not in working order

Power meter box Locked

Well #4 Flow meter # 69666 10"

reading 254691 not running

Power meter 3-293x kWh 4.8

5379 x 80 (KWH)

By:  
A.K. Dunn

NWNW-20 (41)

1969 Season

SWNW-20 (2) (42) 12 S 23 E

SE NW-20 (390)

SE SE-17 (46)

### Mac Martin Wells

46 — 340 dem - 1, 343, 840 KWH

44 — 264 dem - 846,400 KWH

42 — 352 dem - 1, 274, 080 KWH

390 — 257 dem 736, 480 KWH

45 2519

W

## Mac MARTIN Wells

| well                                 | Kwhrs     | Open | Kw  | hrs  | acre-ft.<br><del>hrs</del> |
|--------------------------------------|-----------|------|-----|------|----------------------------|
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ 17 | 1,343,840 | 2656 | 340 | 3951 | 1932                       |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 | 846,400   | 1386 | 264 | 3207 | 1155                       |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 | 1,274,080 | 2806 | 352 | 3620 | 1924                       |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 | 736,480   | 1627 | 252 | 2923 | 874                        |
| Total                                |           |      |     |      | <u>5885</u>                |

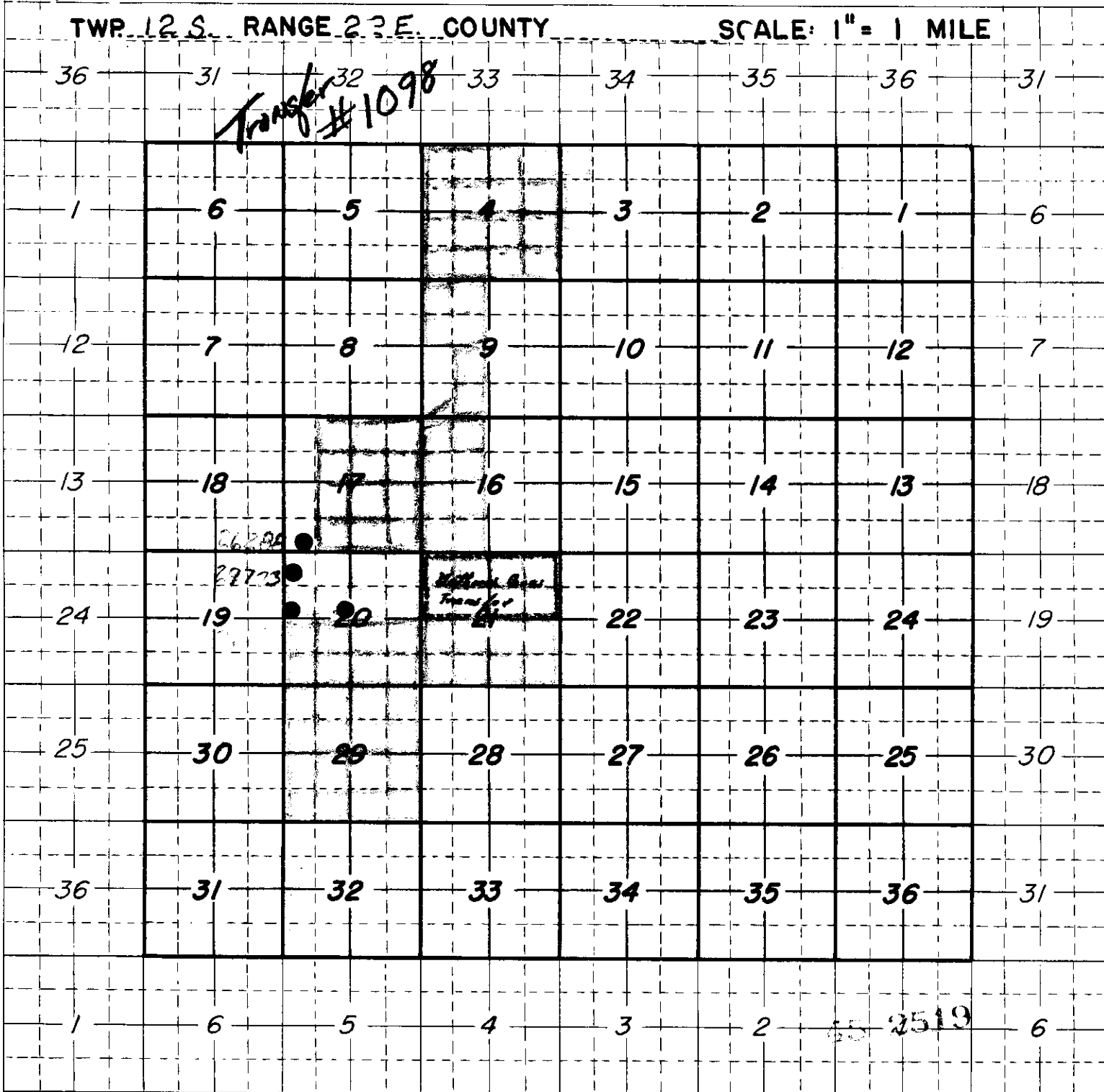
Allowed under transfer = 5220 acre-ft  
 + 1280  
6500

45 2519

TWP. 12 S. RANGE 23 E. COUNTY

SCALE: 1" = 1 MILE

*Transfer #1098*



*Transfer bill # 1098*  
*mac. Martin*  
*transfer*

August 30, 1968

Mac Martin  
Box 368  
Burley, Idaho 83318

Dear Mr. Martin:

My recent letter to you requested that you cease using the 4th well on your property until such time as the meters on all 4 wells were in proper working order. I appreciate the fact that on the day following the order when I visited the wells you had complied. However from my observations it appears that you are doing exactly what you claimed you were not doing when the transfer was approved last year. We found that your other 3 wells were operating at what appeared to be full capacity. This was following an extended period of rain when obviously the water was not required to irrigate the land to which it was appurtenant. The only purpose that I could see for running the wells at that time was to create waste water to run into your sump to be used on other lands not having a right in your 4 wells. You indicated to us last year that this was not the case, but this is apparently not so. It was for this reason that we asked that the meters be installed so that a record could be made of the total amount of water pumped from the wells to enable us to determine whether or not you were diverting more water than actually required to irrigate the lands for which you hold rights.

We have also asked that you supply us with information concerning the total number of days that each well was operated each year prior to the installation of the meters. We feel that this information is necessary for us to determine what further course of action we should take concerning this matter. Your cooperation in this regard will be appreciated.

Very truly yours,

R. KEITH HIGGINSON  
State Reclamation Engineer

15 2519

RKH:mr

cc: Adonis H. Nielson

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

1

CERTIFIED NO.

20192

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

INSURED NO.

SHOW WHERE DELIVERED (only if requested)

DATE DELIVERED

AUG 22 1961

65 2519

655-16-71848-10 GPO

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

1

CERTIFIED NO.

20193

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

INSURED NO.

SHOW WHERE DELIVERED (only if requested)

DATE DELIVERED

AUG 22 1961

65 2519

655-16-71848-10 GPO

65-16-71548-10  
POD Form 3811 Apr. 1967

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300

45 2519

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

POSTMARK OF  
DELIVERING OFFICE  
AUG 22 1968  
RETURN  
TO

NAME OF SENDER  
West of Exclamation  
STREET AND NO. OR P.O. BOX  
Annex 2 - Statehouse  
POST OFFICE, STATE, AND ZIP CODE  
Baker, Idaho

65-16-71548-10  
POD Form 3811 Apr. 1967

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300

45 2519

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

POSTMARK OF  
DELIVERING OFFICE  
AUG 22 1968  
RETURN  
TO

NAME OF SENDER  
West of Exclamation  
STREET AND NO. OR P.O. BOX  
Annex 2 - Statehouse  
POST OFFICE, STATE, AND ZIP CODE  
Baker, Idaho

NAME AND ADDRESS OF SENDER

*Dept. of Information*

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

| NUMBER OF ARTICLE                       | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS           | POSTAGE                                      | FEE       | DUE SENDER IF C. O. D.                                                                                                                                                                                                                                                                                                                    | ENDORSEMENT <sup>1</sup> | R. R. FEE | S. D. FEE | S. H. FEE <sup>2</sup> | RESTRICTED DELIVERY FEE<br>REMARKS |
|-----------------------------------------|--------------------------------------------------------------|----------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------|-----------|------------------------|------------------------------------|
| 1                                       | <i>30192 mac martin, 2031 Burton Ave, Burley, Ida</i>        | <i>.06</i>                                   | <i>30</i> |                                                                                                                                                                                                                                                                                                                                           |                          | <i>10</i> |           |                        | <i>Transfr no 1098</i>             |
| 2                                       | <i>30193 nelson + nelson, Attn R.H. nelson - Burley, Ida</i> | <i>.06</i>                                   | <i>30</i> |                                                                                                                                                                                                                                                                                                                                           |                          | <i>10</i> |           |                        | <i>" "</i>                         |
| 3                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 4                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 5                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 6                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 7                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 8                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 9                                       |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 10                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 11                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 12                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 13                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 14                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 15                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 16                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 17                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 18                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 19                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| 20                                      |                                                              |                                              |           |                                                                                                                                                                                                                                                                                                                                           |                          |           |           |                        |                                    |
| TOTAL NUMBER OF PIECES LISTED BY SENDER | TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE <i>2</i>      | POSTMASTER, PER (Name of receiving employee) |           | <sup>1</sup> Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."<br><sup>2</sup> Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service. |                          |           |           |                        |                                    |



45 2519

POD Form 3877-A—July 1958

August 21, 1968

Mac Martin  
2031 Burton Avenue  
Burley, Idaho 83318

Dear Mr. Martin:

A representative of the Department of Reclamation inspected the four wells involved in Transfer No. 1098 on August 16, 1968. He found that the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 17, Township 12 South, Range 23 East, B. M. and the well in SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20, Township 12 South, Range 23 East, B. M. were producing 1650 and 1900 gallons per minute respectively. However, the well in NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 20 were operating but that the meters were either inoperable or were not working properly.

As you are aware, the order granting the transfer which allowed you to utilize the 4th well was issued upon the condition that you install and maintain adequate measuring devices. It appears to this office that you are in violation of that condition of the order.

You are therefore ordered to cease using the well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20, Township 12 South, Range 23 East, B. M., as an additional point of diversion, until all meters required under the order are operating properly.

Very truly yours,

R. KEITH HIGGINSON  
State Reclamation Engineer

RKH:CSA:kh

cc. A. H. Nielson  
Nielson & Nielson  
Attorneys at Law  
Burley, Idaho

45 2519

made in the field

June 17, 1968

Mack Martin  
2031 Burton Avenue  
Burley, Idaho 83318

Dear Mr. Martin:

Mr. Loy Johnson and Mr. Dale Ralston of our office had the opportunity of visiting the 4 wells on your property on June 11, 1968. We are pleased to find what we feel is a very satisfactory meter arrangement on each of the wells. We would appreciate your either supplying us with, or allowing us to have made, keys for the locks on the meters so that we might have ready access to them.

For your information I thought I might just list the discharges of the wells. The furthest north well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17 was producing 2656 gpm. We have one small question on that well. There appears to be a discharge pipe between the meter and the motor that would allow for discharge of the water by bypassing the meter. Perhaps you could clarify the use of this line.

The next well south in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20 was producing 1986 gpm. The well furthest south located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20 was producing 2886 gpm. It is interesting to note that these 3 wells, which are the originals, combined on June 11th were producing 16.7 c.f.s. The water rights issued on them allow the production of 16.37 c.f.s. Therefore it would appear that the discharge has not decreased as you had felt that perhaps it had.

The other well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 20 was producing 1627 gpm. This brings the total discharge from the 4 wells to 20.34 c.f.s.. This would appear to indicate that 3.97 c.f.s. will need to be covered by a transfer of water right onto the well. The transfer proposed by Matthews Brothers is for 4.55 c.f.s. We have men in the field this week helping to complete some of the necessary field work so that that transfer can be processed.

Very truly yours,

Jack A. Barnett  
Deputy State Reclamation Engineer

JAB:mr

cc. Albert Anderson

45 2511

45 248 22 19

45 2519

# CLAIM BY RAILROAD

RAILROAD GRANT PRIOR TO TERRITORY  
AND COMMON LAW DOCTRINE IN EFFECT  
(1866 - APPROPRIATION DOCTRINE)

June 17, 1968

COPY  
Mack Martin  
2031 Burton Avenue  
Burley, Idaho 83318

Dear Mr. Martin:

Mr. Loy Johnson and Mr. Dale Halston of our office had the opportunity of visiting the 4 wells on your property on June 11, 1968. We are pleased to find what we feel is a very satisfactory meter arrangement on each of the wells. We would appreciate your either supplying us with, or allowing us to have made, keys for the locks on the meters so that we might have ready access to them.

For your information I thought I might just list the discharges of the wells. The furthest north well in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 17 was producing 2656 gpm. We have one small question on that well. There appears to be a discharge pipe between the meter and the motor that would allow for discharge of the water by bypassing the meter. Perhaps you could clarify the use of this line.

The next well south in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec. 20 was producing 1986 gpm. The well furthest south, located in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec. 20 was producing 2886 gpm. It is interesting to note that these 3 wells, which are the originals, combined on June 11th were producing 16.7 c.f.s. The water rights issued on them allow the production of 16.37 c.f.s. Therefore it would appear that the discharge has not decreased as you had felt that perhaps it had.

The other well located in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 20 was producing 1627 gpm. This brings the total discharge from the 4 wells to 20.34 c.f.s.. This would appear to indicate that 3.97 c.f.s. will need to be covered by a transfer of water right onto the well. The transfer proposed by Matthews Brothers is for 4.55 c.f.s. We have men in the field this week helping to complete some of the necessary field work so that that transfer can be processed.

Very truly yours,

Jack A. Barnett  
Deputy State Reclamation Engineer

45 210

JAB:mr

cc. Albert Anderson

May 16, 1968

Ennis Matthews  
Oakley, Idaho 83346

Dear Mr. Matthews:

C  
O  
P  
Y

Water Permits G-26346 and G-26349 are in the names of Ennis and Mable Matthews. It was my impression the land involved in either or both of these permits was now in the corn bank and that it was your intention to transfer all or a portion of the water rights to a well in Sec. 20 on the Martin-Anderson farms. This would allow for the irrigation of lands in Sec. 21 during the 1968 irrigation season. When the possibility of this was first discussed it was realized that the licenses had not been issued on these rights and that additional advertising was necessary before the licenses could be issued. Because of the time involved we realized that this could not all be accomplished and the transfers filed and approved prior to some of the 1968 irrigation needs. We therefore felt that if we were to allow this irrigation in Sec. 21 that the paper work must be followed with utmost diligence. I am therefore writing this letter to remind you that the licenses can be issued on May 21st, and immediately we could and would receive the transfer applications. Copies of the transfer applications are enclosed herein. It may be that you will find it easier for us to assist you in preparing them than to try to complete them in Burley and forward them to our office. If this is your choice you may wish to have Mable Matthews sign one of the forms blank if she is not going to visit our office. Mr. Don McEldowney of our office will be available on the 20th or 21st to assist you.

For your information we received papers from Herman Bedke relating to the Tobin well. It appears that everything is in order and that we can readvertise the proofs of beneficial use including your newer well at Bridge. Field examinations of the Tobin well and your well at Bridge will follow later in the irrigation season.

Very truly yours,

45 2511

Jack A. Barnett  
Deputy State Reclamation Engineer

JAB:mr

Enc. transfer application forms 2

May 16, 1968

Mac Martin  
Box 638  
Burley, Idaho 83318

Dear Mr. Martin:

C  
O  
P  
Y  
The right to use the newer well in question near the center of Sec. 20 on the Mac Martin farms has been authorized by Transfer No. 1098. In connection with the authorization of this and the approval of the transfer the state engineer ordered that measuring devices be placed on this and the 3 other wells in question. I am sure that you are aware of this requirement, and your letter of May 14 conveyed to us the fact that you are attempting to have measuring devices installed. Because of the critical nature of this ground water area we cannot authorize the pumping and use of water from the well in question until the provisions of the approval of the transfer have been met. Our field examination on May 13th disclosed that the well is in use, and we must insist that this use be discontinued until the measuring device is installed. We anticipate being in the area on May 21st and will make a point of checking the use of the well and the installation of the measuring device.

The question of the use of the water from this well on lands under lease from Matthews Brothers has been the subject of previous discussion. As I remember two alternatives were suggested. The first was that you allow certain lands in Sec. 20 to remain idle so that you might irrigate the newer more productive lands in Sec. 21. The second alternative was for additional water rights to be transferred onto the well. At the time of our last discussion it was my impression that further negotiations were made between yourself and the Matthews Brothers and that it was tentatively agreed upon that the Matthews Brothers would transfer rights they hold in the general area onto that well. Matthews Brothers had indicated that all or a portion of rights under Permits G-26346 and G-26349 would be used to accomplish this. These particular rights need some additional paper work before the licenses could be issued

Mac Martin - page 2

C  
finalising the right as it was originally used on the Matthews property. Once these licenses have been issued on the rights in question transfer applications should be filed. Because of the time required to accomplish this we realized that the transfers could not be finalised before irrigation water was needed on the lands in Sec. 21. We felt that to allow irrigation on these lands under this arrangement in the forthcoming irrigation season that the transfers should be filed and processed with diligence. The licenses for these rights can be issued on May 21st and transfer applications could immediately be received and processed. Although it appears that the responsibility lies with Matthews Brothers to accomplish this I am informing you by this letter of the situation so that you might be aware of the arrangements as to irrigation of the lands directly involved.

O  
We were sorry to hear of the unfortunate accident that Hal Matthews was involved in. We are hoping that this does not delay any of the paper work involved in accomplishing what is required. At first glance it would appear that it would not as the water rights are in the names of Ennis and Mable Matthews and they can sign the necessary documents. I am transmitting a letter to Ennis today with transfer forms to expedite this.

P  
Very truly yours,

Jack A. Barnett  
Deputy State Reclamation Engineer

Y  
JAB:mr

cc. Adonis Nielson

May 14, 1968

RECEIVED

MAY 15 1968

Department of Reclamation

Mr. Jack Barnett  
Department of Reclamation  
State of Idaho  
107 State House  
Boise, Idaho

Re: Anderson & Martin Farms

Dear Mr. Barnett:

Mr Adonis Nielson has informed me that you called regarding the placing of measuring devises on the wells. These devises for the wells were ordered from Layne-Bowler Pump Company of Twin Falls, Idaho, a short time after our conference in Boise with you. They have been at the office in Twin Falls for some time. I have requested that they be placed on the pumps several times and the Layne-Bowler men tell me they will.

Under the circumstances, it is not my fault that the wells are not now being measured. I will do all I can to get these instruments installed promptly.

Very truly yours,

ANDERSON & MARTING FARMS

By:

*J. H. Nielson*  
*for Max Martin*

2511

See plats of lands in G-29723

October 23, 1967

Nielson and Nielson  
Attorneys at Law  
Burley, Idaho  
Attn: A. H. Nielson

Dear Mr. Nielson:

Following our meeting at the Ponderosa on October 12th, I am enclosing heroin a copy of a map prepared to illustrate the water rights associated with the Anderson & Martin Farms. As we discussed in our meeting there is a transfer application pending to allow for the diversion of water covered under three licenses from 4 wells instead of 3 wells, as the rights are now on file.

On the enclosed map I have indicated the location of the well under License G-26288 and have indicated the lands to be irrigated from that well, according to the license, in red. The well under License G-29723 has also been located on the plat and the area to be irrigated noted in green. The well covered by Permit G-26287 is also noted on the plat and colored in orange. The fourth blue dot indicates the well that was drilled without apparent water right within the Critical Ground Water Area. You will also note on the plat that there are areas lightly shaded in grey. These areas indicate lands that we have observed being irrigated in the past from these wells. We are unable to find a right on file that would allow for the irrigation of these lands from these wells.

It is our intention to proceed with the granting of the transfer application. This transfer application would make all the wells appurtenant to all of the land that has been licensed under the permits. As a condition of that approval we would require meters to be placed on the 4 wells to insure that records will be kept and measurements can be made that will allow us to verify that the diversion of the water from the 4 wells does not exceed the amount authorized in the licensing of the 3 original wells. At the same time we anticipate issuing an order to prevent the irrigation of the lands shaded in grey from these wells. Before we proceed with the issuing of these approvals and orders we wanted to double check and make sure we have not overlooked something in the rights of these lands or the use of the water that the

45 2519

Page 2 - A. H. Nielson

applicants are entitled to use.

In a way of a summary, we find that License G-26288 has been licensed for 5.9 c.f.s. from a well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, T.12 S., R. 23 E., to irrigate 480 acres in Section 17. License G-29723 has been licensed for 4.8 c.f.s. to be pumped from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E., to irrigate 540 acres in Section 4. License No. G-26287 has been licensed for 5.67 c.f.s. to be pumped from a well in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E., to irrigate 285 acres of land in Sec. 20.

We will withhold any action on this matter for ten days to allow you an opportunity to reply if there is something that appears to be incorrect in our understanding of the water rights associated with the property. If we have not heard from you by November 3rd, we will proceed with this matter as outlined. The applicant has received a copy of this letter and a copy of the map so that he might be also advised of our intentions.

Very truly yours,

JACK A. BARNETT, Deputy  
State Reclamation Engineer

JAB:ew

Enclosure

cc: Martin & Anderson Farms  
Box 269  
Burley, Idaho 83318

45 2519

1. G-26287 —

License issued  
10-31-57

U.

P. 6167

5.65  
Priority: 3/28/56

2. G-26288 —

10-31-57

U.

P. 6173

5.92  
Priority: 3/28/56

3. G-29723 —

8-7-62

U.

P. 7378

4.8  
Priority 5/17/61

5.65

5.92

4.80

---

16.37 OK.

45 2519

#2-B-26288

P/D. SWSW<sup>4</sup>, Sec 17, 12S. 23E.

#1-B-26287 - P/D.

SWNW<sup>4</sup>, Sec 20, 12S, 29E

#3-B-29723

P/D. NWNW<sup>4</sup>, Sec 20, 12S.  
23E.

---

New P/D.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Mac Martin of Burley, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of subterranean source as follows:

Amount: 16.37 c.f.s. Priority: #1 - G-26287: 3-28-56;

#2 - G-26288: 3-28-56; #3 - G-29723: 5-17-61;

Point of Diversion: #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20  
#2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17  
#3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20

All in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4; all in Twp. 12 S., Rge. 23 E.B.M.

TO BE TRANSFERRED TO

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, all in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , <sup>E $\frac{1}{2}$ W $\frac{1}{2}$</sup> ~~NW $\frac{1}{4}$~~ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4, all in Twp. 12 S., Rge. 23 E.B.M.

And that on the ~~17th~~ <sup>17th</sup> day of ~~April~~ <sup>April</sup>, 1967, at 2:00 o'clock P.M., at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorize agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. KEITH HIGGINSON  
State Reclamation Engineer

45 2519

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Mac Martin of Burley, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of subterranean source as follows: Amount: 16.37 c.f.s. Priority:

#1 G-26287: 3-28-56; #2 G-26288: 3-28-56; #3 G-29723: 5-17-61;

Point of Diversion: #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20,  
#2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17,  
#3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20,  
All in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4;  
all in Twp. 12 S., Rge. 23 E.B.M.

TO BE TRANSFERRED TO

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, all in  
Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , NW $\frac{1}{4}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4,  
all in Twp. 12 S., Rge. 23 E.B.M.

And that on the 14<sup>th</sup> day of April, 1967, at 2:00 o'clock P.M.,  
at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer,  
or his authorized agent, the opportunity will be given to any and all persons  
to appear and present for his consideration any reason or reasons why a  
certificate should not be issued authorizing such transfer.

R. KEITH HIGGINSON  
State Reclamation Engineer

MEMORANDUM

TO: DON WATTS

FROM: JACK BARNETT

SUBJECT: Anderson Brothers Water Rights

Adonis Nielson and one of the Anderson Brothers visited the office on April 17, 1967 with regard to a well in Section 7, T. 13 S., R. 23 E., B.M. This is the well of which we had previously questioned the legality, and had written a letter to Anderson Brothers. We later discovered that there was a transfer on file that combined the rights on 2 additional wells and included the third point of diversion located in Section 7. The transfer has been numbered 1042 and it affects Permits No. G-27017 and G-22355. G-27017 has been licensed for 6 c.f.s. and G-22355 has been licensed for 3.2 c.f.s. allowing a total production of 9.2 c.f.s. from the 3 wells. It would appear that the transfer allowed an enlargement of the total number of acres irrigated, but it also appears that we are stuck with our approval of the transfer and will have to allow it.

Mr. Anderson indicated that the 3 wells produce approximately 100 inches more than can be covered by the 2 rights and he wishes to transfer additional rights to this well in Section 7. They were in because they were concerned that we might attempt to stop the pumping of the well in Section 7 during this forthcoming season before they had an opportunity to affect a transfer of additional rights. From what Mr. Anderson said it also appears that water is being pumped south from wells in Sections 13 and 14, T. 13 S., R. 22 E., B.M. to additional lands that are not covered by the transfer.

Mr. Anderson said that he has a well that is located in the SW1/4, Sec. 25, T. 12 S., R. 22 E., B.M. that does not have a filing on it. The well was drilled approximately 15 years ago and at one time produced as much as 160 inches but that production has fallen off.

It was determined that we would not attempt to stop the pumping of the well in Section 7 during the forthcoming irrigation season if they would proceed as soon as possible to file a claim on the well in Section 25 and then a transfer to move a portion of that right to the well in Section 7. When they are doing this they should also make sure that they are not enlarging the acreage and that the transfer allows for the irrigation of the acreage that the water is physically being placed on.

Mr. Anderson also indicated that there is an additional well in either the SW/4SW/4, Sec. 2 or the NW/4NW/4, Sec. 11, T. 13 S., R. 22 E., B.M. This well has dropped in production and perhaps he might wish to transfer a portion of this right to another well. He said that he was certain that there was a filing in our office as he can remember the inspection, and it was required because the land was acquired under a Desert Land Entry. Don McEldowney searched our files both by name and location and could not find a right. Mr. Anderson assured us that he would obtain the number of the water right and forward the information to us.

When they are making transfers such as the one they are proposing, particularly in the critical ground water area, it seems essential that we make some actual measurements of the discharge of the wells. Mr. Anderson has agreed to allow us to do this at any time. I think that it would be worthwhile for you or for someone from this office to measure the discharge from these wells the next time you are in the Burley area for proof inspections and place a record of these measurements in the water right filing in anticipation of the forthcoming transfer. I would also appreciate it if you would keep tabulations on these wells and these rights at the time the claim and transfer are filed particularly after the first of June.

I have written a letter to Mr. Nielson to remind him of this. You will find a copy of the letter attached. Please make sure that claim forms are sent to Anderson Brothers as soon as they are available.

April 19, 1967

RE: Anderson Brothers Water Rights

C  
Adonis Nielson  
Attorney at Law  
Burley, Idaho 83318

Dear Mr. Nielson:

O  
I appreciated your visit on April 17 to discuss the water filings of the Anderson Brothers. We have particular concern with a very productive well in Section 7 of Township 13 South, Range 23 East. This well has been covered by a transfer application which amends Permit Nos. G-27017 and G-22355. I am taking this opportunity to write to you to clarify our understanding in the office.

P  
Y  
The three wells under Transfer No. 1042 produce a total of 100 inches of water more than the rights will allow. We have agreed that the department will take no action to stop the pumping of the well in Section 7 provided that immediate action is taken to transfer additional rights owned by Anderson Brothers to the well. The most feasible way to accomplish this appears to be by filing a use claim on a well located in Section 25, T. 12 S., R. 22 East. Following the filing of the claim a transfer should be filed that would affect the points of diversion and perhaps the place of use of the water right claim. The actual filing of the claim cannot be accomplished until June 1 when the law relating to the filing of claims goes into effect. We will mail claim forms to you as soon as they are ready.

There is another well located in either Section 2 or Section 11 of Township 13 South, Range 22 East on which Mr. Anderson indicated he was certain a filing had been made. We would appreciate your securing the water right number so that we can clarify our records.

45 2519

Adonis Nielson - page 2

We will have personnel in the field in the next month or so to measure the discharge from the wells in question.

We appreciate your cooperation in the matter and if you have any questions concerning it please do not hesitate to write or call.

Very truly yours,

Jack A. Barnett  
Deputy State Reclamation Engineer

JAB:mr

C  
O  
P  
Y

45.2511

67-65 LEGAL NOTICES

**NOTICE OF PROPOSED  
TRANSFER OF WATER RIGHT**

Notice is hereby given that Mac Martin of Burley, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of subterranean source as follows:  
Amount: 16.37 c.f.s Priority: #1 - G-26287; 3-28-56; #2 - G-26288; 3-28-56; #3 - G-29723; 5-17-61;

Point of Diversion:

- #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20
- #2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17
- #3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20
- All in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4; all in Twp. 12 S., Rge. 23 E.B.M.

**TO BE TRANSFERRED TO**

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, all in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4, all in Twp. 12 S., Rge. 23 E.B.M.

And that on the 17th day of April, 1967, at 2:00 o'clock P.M., at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. Keith Higginson  
By Jack Barrett, Deputy  
State Reclamation  
Engineer

Published in the Burley Record-Bulletin March 13, 20, 1967.

March 7, 1967

Bob:

This is the copy of the publication notice in connection with the Mac Martin transfer. Don McD. helped with the legal description, and this was approved by Jack Barnett before being mailed out with Margaret Roth's publication notice regarding the Matthews Brothers.

Peggy

45 2519

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

March 7, 1967

Re: Mac Martin  
Transfer of Water Right

Burley Herald Bulletin,  
Burley, Idaho. 83318

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **April 17, 1967** the date set for hearing; the expense of the publication is to be paid by the applicant **Mac Martin** of **Box 638, Burley, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

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

Very truly yours,

**R. KEITH HIGGINSON**  
State Reclamation Engineer  
By

**ROBERT W. HAMILTON**  
Supervisor of Water Distribution

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

Encl.

45 2519

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

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6173  
7378

Point of Diversion: #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20  
#2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17  
#3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20

All in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4; all in Twp. 12 S., Rge. 23 E.B.M.

TO BE TRANSFERRED TO

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, all in Twp. 12 S., Rge. 23 E.B.M.

Place of Use: N $\frac{1}{2}$ , Sec. 20; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 17; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 4, all in Twp. 12 S., Rge. 23 E.B.M.

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45 2519

R. KEITH HIGGINSON  
State Reclamation Engineer

(The above was approved by Jack Barnett, Asst. State Reclamation Engineer)

*Return to 29723*

October 23, 1967

C  
Nielson and Nielson  
Attorneys at Law  
Burley, Idaho  
Attn: A. H. Nielson

Dear Mr. Nielson:

O  
Following our meeting at the Ponderosa on October 12th, I am enclosing herein a copy of a map prepared to illustrate the water rights associated with the Anderson & Martin Farms. As we discussed in our meeting there is a transfer application pending to allow for the diversion of water covered under three licenses from 4 wells instead of 3 wells, as the rights are now on file.

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Y  
On the enclosed map I have indicated the location of the well under License G-26288 and have indicated the lands to be irrigated from that well, according to the license, in red. The well under License G-29723 has also been located on the plat and the area to be irrigated noted in green. The well covered by Permit G-26287 is also noted on the plat and colored in orange. The fourth blue dot indicates the well that was drilled without apparent water right within the Critical Ground Water Area. You will also note on the plat that there are areas lightly shaded in grey. These areas indicate lands that we have observed being irrigated in the past from these wells. We are unable to find a right on file that would allow for the irrigation of these lands from these wells.

It is our intention to proceed with the granting of the transfer application. This transfer application would make all the wells appurtenant to all of the land that has been licensed under the permits. As a condition of that approval we would require meters to be placed on the 4 wells to insure that records will be kept and measurements can be made that will allow us to verify that the diversion of the water from the 4 wells does not exceed the amount authorized in the licensing of the 3 original wells. At the same time we anticipate issuing an order to prevent the irrigation of the lands shaded in grey from these wells. Before we proceed with the issuing of these approvals and orders we wanted to double check and make sure we have not overlooked something in the rights of these lands or the use of the water that the

75 2519

Page 2 - A. H. Nielson

applicants are entitled to use.

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In a way of a summary, we find that License G-26288 has been licensed for 5.9 c.f.s. from a well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, T.12 S., R. 23 E., to irrigate 480 acres in Section 17. License G-29723 has been licensed for 4.8 c.f.s. to be pumped from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E., to irrigate 540 acres in Section 4, License No. G-26287 has been licensed for 5.67 c.f.s. to be pumped from a well in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E., to irrigate 285 acres of land in Sec. 20.

We will withhold any action on this matter for ten days to allow you an opportunity to reply if there is something that appears to be incorrect in our understanding of the water rights associated with the property. If we have not heard from you by November 3rd, we will proceed with this matter as outlined. The applicant has received a copy of this letter and a copy of the map so that he might be also advised of our intentions.

Very truly yours,

JACK A. BARNETT, Deputy  
State Reclamation Engineer

JAB:ew

Enclosure

cc: Martin & Anderson Farms  
Box 269  
Burley, Idaho 83318

45 2519

See Plat NO G-27017

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
107 STATE HOUSE  
BOISE, IDAHO 83701

October 30, 1967

Mr. A. H. Nielson  
Nielson & Nielson  
Attorneys at Law  
Burley, Idaho

Dear Mr. Nielson:

As I promised in our recent phone conversation, I am forwarding to you details relating to the water rights on file in the name of Anderson Brothers, around Section 7, T. 12 S., R. 23 E. You will recall that this is the site of a well that was drilled in the Critical Ground Water Area without a permit.

By transfer two rights were combined and this well has been authorized as one of 3 points of diversion under the 2 rights. The enclosed plat perhaps will help to illustrate the rights as we understand them.

The well in question in Section 7 is located by the red dot as close as we can tell. Section 7 and all of the sections in this tier are only a half mile wide and this leads to confusion in land descriptions. The rights that were combined by the transfer are evidenced by licenses and permits Nos. G-27017 and G-22355. On the plat I have indicated in green the areas that were originally licensed to be irrigated under Permit G-27017. The well produced 6.0 c.f.s. and is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 14, T. 12 S., R. 22 E. The water was used for the irrigation of 640 acres. The land licensed under G-22355 is indicated in red. This license allows for the diversion of 3.2 c.f.s. of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 13, T. 12 S., R. 22 E., to irrigate 480 acres. The transfer application provides for the irrigation of all of the land inside of the irregular blue line from all 3 wells. The production from the 3 wells is not to exceed 9.2 c.f.s. It is our understanding that the 3 wells may produce as much as 11.0 c.f.s.

Earlier this year in our meeting here in the office, Mr. Anderson stated that he might wish to transfer a portion of a water right, established 15 years or more ago, from a well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 25, T. 12 S. R. 22 E. Mr. Anderson did not give the total amount of acres that this well might have irrigated, but indicated at one time the production was around 3.2 c.f.s. Right to the use of water from this well could be placed on record

45 2519

Page 2 - Continued - A. H. Nielson

by filing of a claim in our office and I have enclosed several claim forms for your files.

You indicated that there are two other rights which might be involved in some future transfer. It has been stated that production of water has declined since the establishing of the rights associated with a well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 2, T. 13 S., R. 22 E. The first, License and Permit No. 21766, I have indicated in orange, and it is licensed for 3.0 second feet to irrigate 150 acres. The second Permit and License, which is in blue, has been given the No. 21767, and is for 2.2 second feet to irrigate 110 acres.

You will find also enclosed a copy of a well log for the well drilled in Section 7. You indicated that there is a feeling by your client that the water is coming from a source different from the water in other wells in the Critical Ground-Water Area. The earth material encountered and the water levels observed are what would be expected in this locality from what we have learned from other well logs and know of the hydrology of the area. We would be happy to discuss this point with you in the future.

Very briefly, I would like to mention another item we discussed over the phone. There has been action recently on a water application in the name of Matthew Brothers that may be of interest to you or your clients. They purchased a permit that has not been developed from Mr. Grover Ward to drill a well in the canyon above the new well of the North Oakly Water Company. They had attempted to amend that permit to allow the diversion of this water from two wells, many miles to the north, one existing, and one to be drilled. The existing well is owned and operated by Anderson-Martin Farms and has been the subject of our previous correspondence. Because of the hydrology of the area and the distance involved this amendment has been denied. If there is additional information concerning this you may need, please feel free to call on us.

Following my recent letter about the water rights on the Anderson-Martin Farms we received a phone call from Mr. Anderson. He ask if we would give him an opportunity to go over the use of water in the field. We have agreed to do this and expect to visit both the land included in the Anderson-Martin Farms and the Anderson farm around Section 7. We are intending to do this on the afternoon of the 14th, or the morning of the 15th of November. We will firm up the exact time as our plans for that week become more definite.

45 2519

Page 3 - A. H. Nielson

Therefore the deadline in our last letter before we intended to act on some of these matters is extended . Anderson Brothers have been sent a copy of this letter for their files.

Very truly yours,

  
JACK A. BARNETT, Deputy  
State Reclamation Engineer

JAB:ew

cc: Anderson & Martin  
Oakley, Idaho

45 2519

M E M O

Re: Transfer of G-26287, G-26288 and G-29723

In order to protect other water rights in the area, a temporary duty of water should be set with respect to the lands involved in the Mac Martin (Anderson Bros.) transfer.

The most water demanding crop for the area is Alfalfa grass with a net irrigation requirement of 21.15 inches per annum. A minimum field efficiency for the area would be 60 per cent and a distribution efficiency of 75 per cent.

$$\frac{21.15}{60 \times 75} = 46.8'' \text{ or } 48 \text{ inches of water per annum.}$$

So the duty of water could be considered to be 4 acre feet of water per acre of lands irrigated.

Data taken from Irrigation Guide for Southern & Southeastern Idaho. SCS USDA 1967.

45 2540

March 11, 1968

C  
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Re: Application for Transfer

Mac Martin  
Box 638  
Burley, Idaho 83318

Dear Mr. Martin:

We are prepared to issue a certificate of transfer in the game of Anderson Brothers & Mac Martin as soon as we receive an affidavit of publication from the Herald-Bulletin, now The World of Idaho, and a \$1.00 transfer recording fee.

Please submit the affidavit and fee promptly.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:dj

45 2519

# The Burley Herald-Bulletin

BURLEY, IDAHO

## AFFIDAVIT OF PUBLICATION

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

Gary L. Fernau \_\_\_\_\_, being first

duly sworn, deposes and says that he is the  
General 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

Two \_\_\_\_\_ consecutive weeks, commencing

with the issue dated Mar. 13, 1967, and

ending with the issue dated Mar. 20, 1967.

*Gary L. Fernau*  
Subscribed and sworn to before me this  
15 day of March, 1968

*Ruth Chambers* Notary Public

My Commission Expires Feb. 18, 1969

Cost of Publication \_\_\_\_\_

Notary fee \_\_\_\_\_

Total Cost \_\_\_\_\_

RECEIVED

MAR 19 1968

Department of Reclamation

Burley Herald-Bulletin

# The Burley Herald-Bulletin

BURLEY, IDAHO

## AFFIDAVIT OF PUBLICATION

County of Cassia, )

) ss:

STATE OF IDAHO )

, being first

duly sworn, deposes and says that he is the  
owner 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

consecutive weeks, commencing

with the issue dated April 11, 1967, and  
ending with the issue dated April 17, 1967.

Subscribed and sworn to before me this

15 day of April, 1967

Notary Public

Cost of Publication

Notary fee

Total Cost

NOTICE OF PROPOSED  
TRANSFER OF WATER RIGHT  
Notice is hereby given that Mac  
Martin of Burley, Idaho, has ap-  
plied to the State Reclamation  
Engineer of the State of Idaho for  
a certificate authorizing him to  
change the point of diversion  
and or place of use of the waters  
of subterranean source as follows:  
Amount: 16.37 c.f.s. Priority: #1 -  
G-26287; 3-28-56; #2 - G-26288;  
3-28-56; #3 - G-29723; 5-17-61;  
Point of Diversion:  
#1 - SW 1/4 NW 1/4, Sec. 20,  
#2 - SW 1/4 SW 1/4, Sec. 17,  
#3 - NW 1/4 NW 1/4, Sec. 20,  
All in Twp. 12 S., Rge.  
23 E.B.M.  
Place of Use: N 1/4, Sec. 20; E 1/4, E  
SW 1/4, Sec. 17; W 1/4 NE 1/4, SE 1/4  
NE 1/4, W 1/4, SE 1/4, Sec. 4; all in  
Twp. 12 S., Rge. 23 E.B.M.  
TO BE TRANSFERRED TO:  
Point of Diversion: SW 1/4 SW 1/4,  
Sec. 17; SW 1/4 NW 1/4, NW 1/4 NW 1/4,  
SE 1/4 NW 1/4, Sec. 20, all in Twp. 12  
S., Rge. 23 E.B.M.  
Place of Use: N 1/4, Sec. 20; E 1/4,  
E 1/4 W 1/4, Sec. 17; W 1/4 NE 1/4, SE  
1/4 NE 1/4, W 1/4, SE 1/4, Sec. 4, all in  
Twp. 12 S., Rge. 23 E.B.M.  
And that on the 17th day of  
April, 1967, at 2:00 o'clock P.M.,  
at Room 107 Statehouse, Boise,  
Idaho, before the State Reclama-  
tion Engineer, or his authorized  
agent, the opportunity will be  
given to any and all persons to  
appear and present for him, con-  
sideration any reason or reasons  
why a certificate should not be  
issued authorizing such transfer.

E. Keith Higginson  
By Jack Barrett, Deputy  
State Reclamation  
Engineer

Published in the Burley Herald-  
Bulletin May 11, 1967

NIELSON, NIELSON & NIELSON  
ATTORNEYS AND COUNSELORS AT LAW  
P. O. BOX 367  
BURLEY, IDAHO 83318

ADONIS H. NIELSON  
NORMAN H. NIELSON  
GORDON S. NIELSON

AREA CODE 208  
TELEPHONE 678-5574

March 18, 1968

Donald W. McEldowney  
Department of Reclamation  
State of Idaho  
107 State House  
Boise, Idaho 83701

Re: Application for Transfer - Mac Martin

Dear McEldowney:

Complying with your request set forth in your letter of March 11, 1968, we are sending an affidavit of publication and a check for \$1.00 for transfer recording fee.

Please accept our thanks for all your aid in these rather complicated transfer matters.

Very truly yours,

NIELSON, NIELSON & NIELSON



A. H. Nielson

AHN:nw  
Enlc.

RECEIVED  
MAR 19 1968  
Department of Reclamation

45 2519

BEFORE THE STATE RECLAMATION ENGINEER  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER OF WATER RIGHTS, )  
REGARDING LICENSES G-26287, G-26288, )  
AND G-29723. )

MEMORANDUM DECISION

On February 16, 1967, Mr. Mac Martin, Box 638, Burley, Idaho, applied to the Department of Reclamation to transfer the place of use and points of diversion of water under licensed Permits G-26287, G-26288, and G-29723. Mr. Martin stated in his application that he wanted to accomplish the transfer in order to regain the original production of the wells covered by the above three Permits. The change in place of use would enable the applicant to irrigate all the original lands with water from the three original points of diversion and one added new point of diversion.

An inspection indicated that there may be some decrease in the discharge of the three wells, but the extent of the decrease does not seem to be great; however, it was not determined. All three wells and the lands covered under the licensed Permits are located with a "critical ground-water area" so designated by the State Reclamation Engineer on January 16, 1962. The irrigation system presently installed could be better utilized if the applicants were able to commingle the waters for use on all of the lands under the permits.

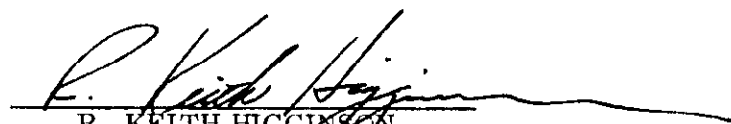
The State Reclamation Engineer finds that the application for transfer of water rights should be approved with restrictions and conditions to protect other water rights in the critical ground-water basin. The total land irrigated should not be increased over the original 1,305 acres covered by the above three licensed permits. Totalizing flow meters, should be installed on the three licensed wells and on the new well being added and the combined flow from all four points of diversion should not exceed 16.37 cubic feet per second at any one time and the total amount of water withdrawn during any one irrigation season

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CAG: (4)

should not exceed that amount reasonably required to irrigate the 1,305 acres of land. Pending final adjudication of these water rights, this amount is set at 4.0 acre feet of water per acre of land.

Dated this 16<sup>TH</sup> day of February, 1968.

  
R. KEITH HIGGINSON  
State Reclamation Engineer

March 21, 1968

Re: Application for Transfer  
Anderson Bros; Mac Martin

A. H. Nielson  
Nielson, Nielson & Nielson  
Attorneys and Counselors At Law  
P. O. Box 367  
Burley, Idaho 83318

Dear Mr. Nielson:

Enclosed please find Memorandum Decision, Certificate of Transfer of Water Right No. 1098, Order Granting Transfer No. 1098, and Departmental Receipt No. 659 for \$1.00, all in connection with the application for transfer of water right of Anderson Brothers and Mac Martin.

If anything further is needed, please contact us.

Very truly yours,

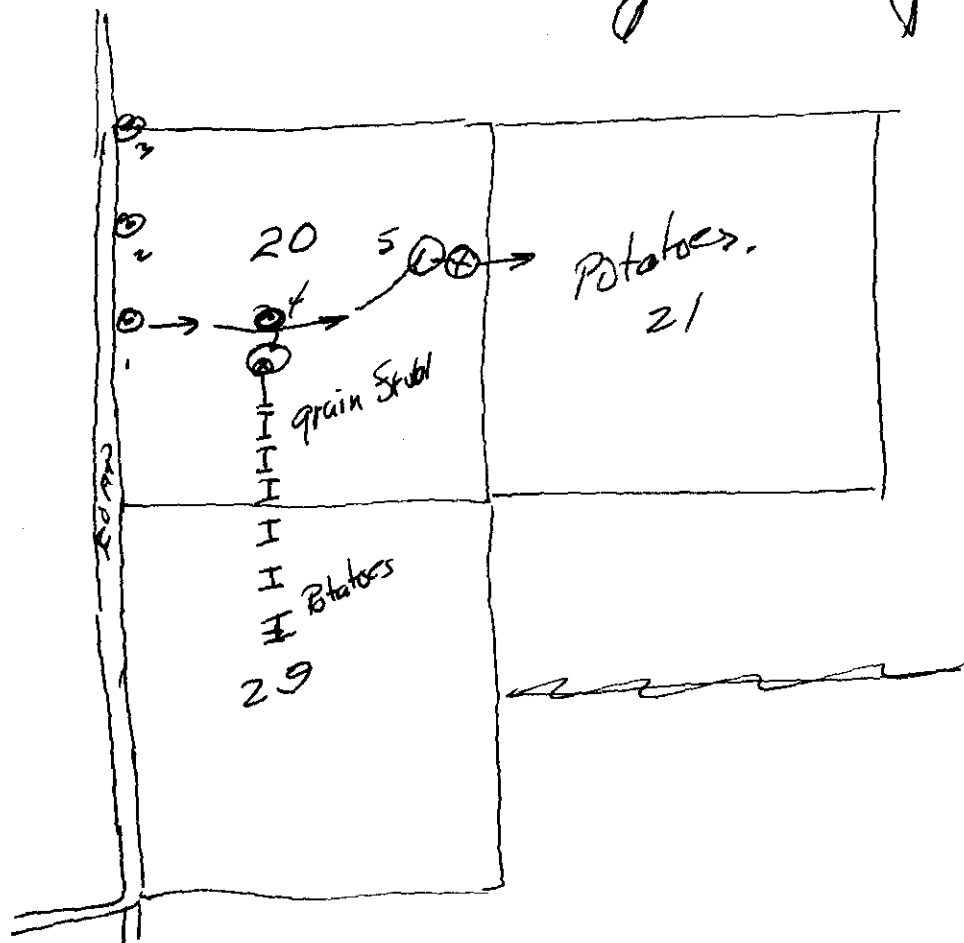
Donald W. McEldowney  
Appropriation Examiner

DWM:dj

Enc: Memorandum Decision  
Cert. of Transfer No. 1098  
Order No. 1098  
Receipt for \$1.00

45 2519

75 hp. hay Chopping Operation



pump 1 (well) was pumping into ditch going east. & irrigating land in sec 20. pump 4 (well) was pumping into sump to south of well 4. that water being used to irrigate potatoes by sprinklers in sec 29 by  $\approx 16"$  mainline pump 5 evidently has been used to irrigate potatoes in sec 21 by using water from wells 1 & 4 through ditch to sump.

NIELSON & NIELSON  
ATTORNEYS AND COUNSELORS AT LAW  
BURLEY, IDAHO

A. H. NIELSON  
N. H. NIELSON

January 25, 1967

RECEIVED  
JAN 26 1967  
TELEPHONE  
678-5574  
Department of Reclamation

Department of Reclamation  
State of Idaho  
107 State House  
Boise, Idaho 83701

Re: Permits Nos. G-26287, G-26288, G-29723  
Andersons & Martin Farms

Gentlemen:

In the above matter we are sending Application for Amendment of Points of Diversion.

This matter has been discussed with your department several times orally. If there is any additional information you need, we will be pleased to supply what information we have. We believe the application is self-explanatory, that the three wells of the applicant have lost water, that it is necessary that another well be used in order to supply the water that has been lost.

Very truly yours,

NIELSON & NIELSON



A. H. Nielson

15 2519

January 5, 1967

Hal Matthews  
50 W 650 S  
Burley, Idaho

Dear Mr. Matthews:

Mr. Bosch indicates that you were in our office to discuss certain of your water rights in the Raft River Valley area on December 30. He also indicates that you would like to discuss some of these matters with the State Reclamation Engineer on January 13. Mr. Higginson has been able to arrange to have his schedule free at 3:00 P.M. on the 13th, and hopes that this is a time that is convenient for you. If it is not we would appreciate correspondence from you.

Very truly yours,

Jack A. Barnett  
Assistant State Reclamation Engineer

JAB:mr

45 2519

November 28, 1966

C  
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Y

Hal Matthews  
30 W 630 S  
Burley, Idaho

Dear Mr. Matthews:

Reference is made to our letter of October 26, 1966 in which we inquired as to the water right associated with a newly constructed well in Section 18, Township 15 South, Range 26 East, B.M. To date we have not received a reply to that letter, and we would appreciate your immediate attention to the matter.

Because the area has been designated a critical ground water area we will not be able to allow you to pump water from that well until you have clarified the right under which you are pumping. Your immediate attention might prevent any inconvenience to you in the forthcoming irrigation season. If we can be of assistance to you, either myself or Mr. Loy Johnson of our office will be happy to go over your rights with you in our office.

Very truly yours,

Jack A. Barnett  
Assistant State Reclamation Engineer

JAB:mr

45 2519

October 26, 1966

Hal Matthews  
50 W 650 S  
Burley, Idaho

Dear Mr. Matthews:

We have been advised that a well has recently been constructed in the NE $\frac{1}{4}$ , Sec. 18, T. 15 S., R. 26 E., B.M. for the Matthews Brothers farms. A preliminary check of our records fails to reveal to us a clear understanding of the water right involved under which the well was drilled.

We would appreciate being advised of the water right under which you drilled the well and of the lands upon which the water will be used. Would you please reply within 10 days, on or before November 6 so that we can clarify our records and advise other water users who have been inquiring as to the water right associated with the well.

Very truly yours,

Jack A. Barnett  
Assistant State Reclamation Engineer

JAB:mr

October 26, 1966

A. H. Nielson  
Attorney at Law  
Box 367  
Burley, Idaho

Dear Mr. Nielson:

We are in receipt of your letter of October 14 concerning the W. Floyd Knight property in the Raft River Valley. We have checked our records and have not found a transfer application or other document that would allow Matthews Brothers to divert the water appurtenant to the Knight property from a new well or any other points of diversion other than those under the original application.

We are presently corresponding with the Matthews Brothers to determine the nature and extent of the water right they feel they have on the newly drilled well. We will keep you advised as additional information becomes available to us.

Very truly yours,

Jack A. Barnett  
Assistant State Reclamation Engineer

JAB:mr

45 2519

October 29, 1966

A. H. Nielson  
Attorney at Law  
Box 367  
Burley, Idaho

Dear Mr. Nielson:

We are in receipt of your letter of October 5 concerning two wells that have been drilled by Anderson Brothers and Anderson and Martin.

It appears that these two wells were constructed without proper filings in our office, and because of the designation of the valley as a critical ground water area we do not feel that we can allow diversion of water from these wells in the future until proper filings are on file and have been approved. If the flow of the wells has diminished since the water rights were established it would seem proper to allow a transfer application to recover the amount of water lost. The diversion from the old wells and the new ones would have to be limited to the total amount of water diverted at the time the water rights were established. The irrigation from these wells would also have to be limited to the same lands and the same amount of land as described in the water rights. If you are in Boise, as you suggest in your letter, we would appreciate your dropping in and discussing the matter with us. I intend to be in the Burley area during the first week of November and I will try and arrange my schedule so that I can stop by your office and discuss this and other matters.

Very truly yours,

Jack A. Barnett  
Assistant State Reclamation Engineer

JAB:mr

45 2519

NIELSON & NIELSON  
ATTORNEYS AND COUNSELORS AT LAW  
BURLEY, IDAHO

A. H. NIELSON  
N. H. NIELSON

TELEPHONE  
678-5574

October 5, 1966

RECEIVED  
OCT 6 1966

Department of Reclamation  
State of Idaho  
107 State House  
Boise Idaho

Department of Reclamation

Attention: Jack A. Barnett,  
Assistant State Reclamation Engineer

Dear Mr. Barnett:

We are the attorneys for Anderson Bros. and for Andersons & Martin and the letter written to Albert Anderson & Sons by you, dated September 27, 1966, has been brought to our office.

Anderson Bros. drilled the well in Section 7, Twp. 12 S., Rge 22; E. B. M. and Andersons & Martin drilled the well in Section 20, Twp. 12 S., Rge 23, E.B.M. There is not an application approval for either of these wells. It is the contention of both parties that their other wells have lost considerable water and that these wells are replacement for the water lost in the other wells.

I would like to discuss the matter with you, and if you are in our locality within the next few weeks we would like to give you the reasons our clients have for the wells. Maybe, we will be in Boise in a short time and will then confer with you.

Very truly yours,

NIELSON & NIELSON



A. H. Nielson

AHN:nb

45 2519

G-26287

June 17, 1968

Mack Martin  
2031 Burton Avenue  
Burley, Idaho 83318

Dear Mr. Martin:

Mr. Loy Johnson and Mr. Dale Ralston of our office had the opportunity of visiting the 4 wells on your property on June 11, 1968. We are pleased to find what we feel is a very satisfactory meter arrangement on each of the wells. We would appreciate your either supplying us with, or allowing us to have made, keys for the locks on the meters so that we might have ready access to them.

For your information I thought I might just list the discharges of the wells. The furthest north well in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 17 was producing 2656 gpm. We have one small question on that well. There appears to be a discharge pipe between the meter and the motor that would allow for discharge of the water by bypassing the meter. Perhaps you could clarify the use of this line.

The next well south in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec. 20 was producing 1986 gpm. The well furthest south, located in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec. 20 was producing 2886 gpm. It is interesting to note that these 3 wells, which are the originals, combined on June 11th were producing 16.7 c.f.s. The water rights issued on them allow the production of 16.37 c.f.s. Therefore it would appear that the discharge has not decreased as you had felt that perhaps it had.

The other well located in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 20 was producing 1627 gpm. This brings the total discharge from the 4 wells to 20.34 c.f.s.. This would appear to indicate that 3.97 c.f.s. will need to be covered by a transfer of water right onto the well. The transfer proposed by Matthews Brothers is for 4.55 c.f.s. We have men in the field this week helping to complete some of the necessary field work so that that transfer can be processed.

Very truly yours,

Jack A. Barnett  
Deputy State Reclamation Engineer

JAB:mr

cc. Albert Anderson

45-2519  
26287

See plats of lands in G-29723

October 23, 1967

C  
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Nielson and Nielson  
Attorneys at Law  
Burley, Idaho  
Attn: A. H. Nielson

Dear Mr. Nielson:

Following our meeting at the Ponderosa on October 12th, I am enclosing herein a copy of a map prepared to illustrate the water rights associated with the Anderson & Martin Farms. As we discussed in our meeting there is a transfer application pending to allow for the diversion of water covered under three licenses from 4 wells instead of 3 wells, as the rights are now on file.

On the enclosed map I have indicated the location of the well under License G-26288 and have indicated the lands to be irrigated from that well, according to the license, in red. The well under License G-29723 has also been located on the plat and the area to be irrigated noted in green. The well covered by Permit G-26287 is also noted on the plat and colored in orange. The fourth blue dot indicates the well that was drilled without apparent water right within the Critical Ground Water Area. You will also note on the plat that there are areas lightly shaded in grey. These areas indicate lands that we have observed being irrigated in the past from these wells. We are unable to find a right on file that would allow for the irrigation of these lands from these wells.

It is our intention to proceed with the granting of the transfer application. This transfer application would make all the wells appurtenant to all of the land that has been licensed under the permits. As a condition of that approval we would require meters to be placed on the 4 wells to insure that records will be kept and measurements can be made that will allow us to verify that the diversion of the water from the 4 wells does not exceed the amount authorized in the licensing of the 3 original wells. At the same time we anticipate issuing an order to prevent the irrigation of the lands shaded in grey from these wells. Before we proceed with the issuing of these approvals and orders we wanted to double check and make sure we have not overlooked something in the rights of these lands or the use of the water that the

S 26287

Page 2 - A. H. Nielson

applicants are entitled to use.

In a way of a summary, we find that License G-26288 has been licensed for 5.9 c.f.s. from a well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, T.12 S., R. 23 E., to irrigate 480 acres in Section 17. License G-29723 has been licensed for 4.8 c.f.s. to be pumped from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E., to irrigate 540 acres in Section 4, License No. G-26287 has been licensed for 5.67 c.f.s. to be pumped from a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 12 S., R. 23 E., to irrigate 285 acres of land in Sec. 20.

We will withhold any action on this matter for ten days to allow you an opportunity to reply if there is something that appears to be incorrect in our understanding of the water rights associated with the property. If we have not heard from you by November 3rd, we will proceed with this matter as outlined. The applicant has received a copy of this letter and a copy of the map so that he might be also advised of our intentions.

Very truly yours,

JACK A. BARNETT, Deputy  
State Reclamation Engineer

JAB:ew

Enclosure

cc: Martin & Anderson Farms  
Box 269  
Burley, Idaho 83318

G26287

August 18, 1967

RE: Permits G-26287, G-26288 and G-29723

Joe G. Hackney  
313 Shoshone Street  
Twin Falls, Idaho 83301

Dear Mr. Hackney:

In reference to your letter of August 17, I can locate only three permits from the information given in your letter. They are as follows:

G-26287 - priority of 3/28/56 for NE $\frac{1}{4}$ , Sec. 20  
for 5.65 c.f.s.

G-26288 - priority of 3/28/56 for E $\frac{1}{2}$ , E $\frac{1}{4}$ ,  
Sec. 17 for 5.92 c.f.s.

G-28723 - priority of 5/17/61 for NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 4 for 4.8 c.f.s.

There are several other permits owned by various people covering the lands described in your letter but not assigned to Martin and Anderson.

Very truly yours,

M. RUSSELL BOSCH  
Office Manager

MRB:ejw

G26288  
8  
G26287

**Hackney Agency**  
313 SHOSHONE ST. NORTH  
TWIN FALLS, IDAHO  
83301

August 17, 1967

State Bureau of Reclamation  
State House  
Boise, Idaho

**RECEIVED**  
JG 18 1967

Department of Reclamation

Dear Sir:

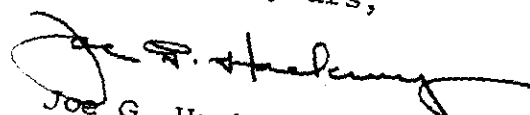
Would you please send me the data on the four permits covering the Martin-Anderson farm property which is located in Sections 4, 5, 8, 9, 16, 17, and 20 in Township 13 South, Range 23 E.B.M., County of Cassia, State of Idaho.

I would like the permit numbers, date of license, and the amount of water licensed.

Enclosed is a self addressed, stamped envelope for your convience.

Mr. Mac Martin has authorized that I get this information in order for an appraisal report to be made.

Very truly yours,

  
Joe G. Hackney

JGH:dm  
Enclosure

Its possible that the township is 12 &  
rather than 13.

B26287

R928  
29350  
5134  
5937  
4991

G28424  
G29523  
G29723  
G26288  
G26287

October 31, 1957

Re: Permit No. G-26287  
Anderson Bros., Mac C. Martin

Mr. Mac C. Martin  
2031 Burton Avenue  
Burley, Idaho

Dear Mr. Martin:

Enclosed is the Certificate of Completion of Works and the License and Certificate of Water Right issued under Permit No. G-26287 confirming the right with priority of March 28, 1956, to the use of 5.65 second feet of subterranean water with the point of diversion in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, for irrigation of 285 acres in the N $\frac{1}{2}$  of Section 20, Township 12 South, Range 23 East, B.M.

Enclosed also is departmental receipt No. G-2960 for \$21.00, issued as receipt of the five dollar fee for the Certificate of Completion of Works and sixteen dollars for the License fee.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls  
Enc.

826287

September 27, 1957

Re: Permit No. G-26287  
Anderson Brothers

Mr. Mac C. Martin  
2031 Burton Avenue  
Burley, Idaho

Dear Mr. Martin:

Our field engineer's report on the inspection of the completion of construction work and application of water to beneficial use under the terms of Permit No. G-26287, Anderson Bros., a co-partnership composed of Albert Anderson, Vanness Anderson, Ray Anderson and Mac C. Martin of Oakley and Burley, Idaho, shows that the well is capable of conveying 287½ miner's inches (5.65 c.f.s.) of water for irrigation of 285 acres. This permit is now entitled to a Certificate of Completion of Works and the License and Certificate of Water Right.

Upon receipt of the statutory fees, total of \$21.00, we will issue in the name of Anderson Brothers et al, the Certificate of Completion of Works (for which the fee is five dollars) and the License (sixteen dollars--based at the rate of two dollars for each 40-acre subdivision) confirming the right with priority of March 28, 1956, to the use of 5.56 second feet of subterranean water, with the point of diversion in the SW¼NW¼ of Section 20, for irrigation of 285 acres in the N½ of Section 20, Township 12 South, Range 23 East, B.M.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls

D26287

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

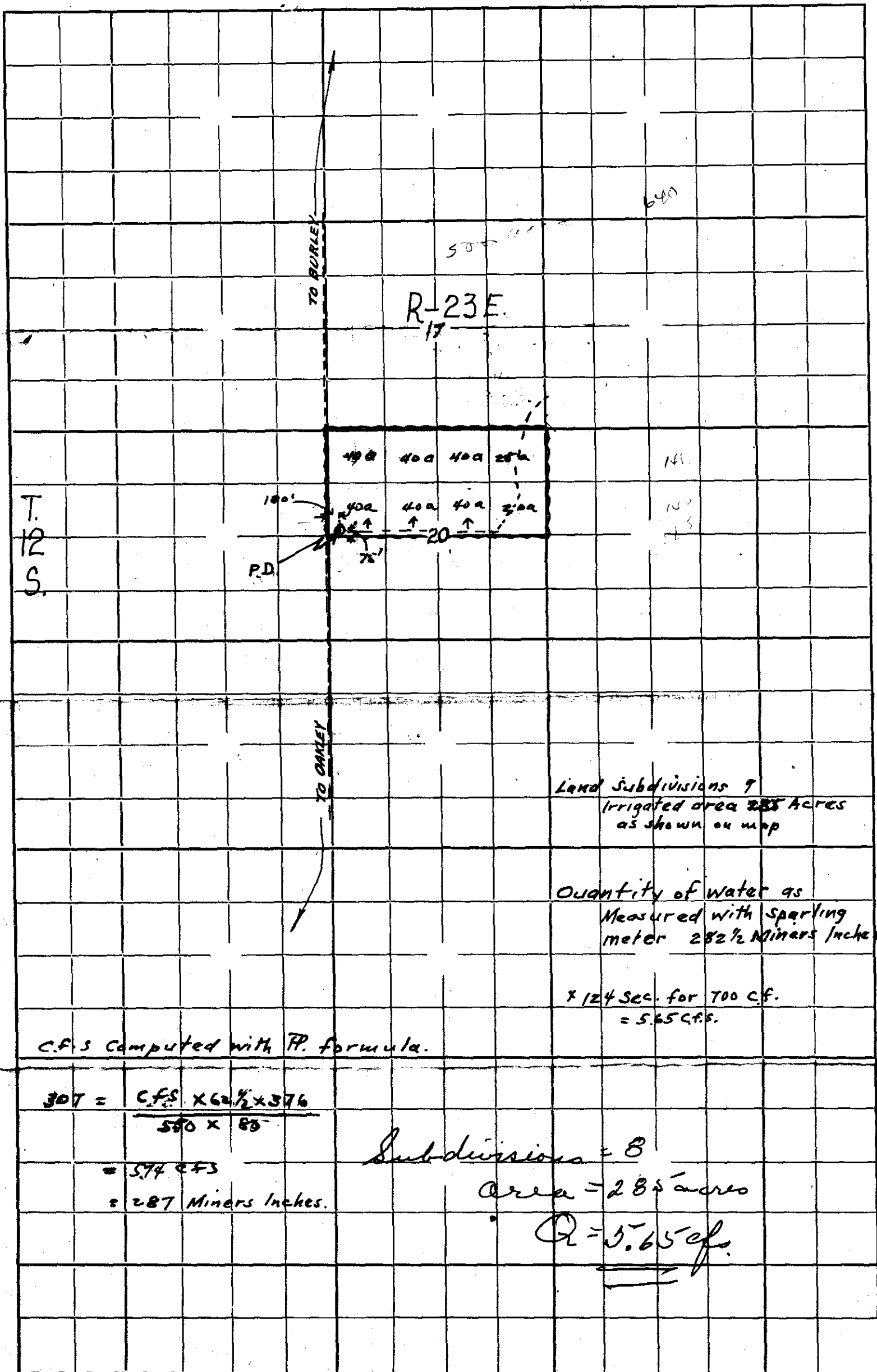
PERMIT NO. G-26287

~~REPORT ON PROOF OF Completion of Work & Beneficial Use~~

Anderson Bros., ( a co-partnership composed of Albert Anderson,  
Varness Anderson, Ray Anderson and  
Mac C. Martin) Oakley and Burley, Idaho

5.65 cfs  
max

App. 6.4 cfs  
Sub 8  
acw. 285



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

26287

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

Permit No. G-26287.....

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

1. Name of applicant Anderson Brothers.....

2. Source of water supply: Subterranean flow from a well.....

3. Location of point of diversion: Is in the SW 1/4 NW 1/4 of Section 20.....

T. 12 S. R. 23 E., B.M. County of Cassia.....

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 458' x 20"  
Static Water level 360' Draw down 16' - Pump: Layne + Bowler #23017. Column 400' x 12"  
Stages 5 - Bowls 14 - Disc. 12" - Motor: U.S. #1080219 - P. 300 - 440V - 360 Amps  
Meter - sealed - Demand (Power Co. figure) 307 Break IP.

5. Water is used for: Irrigation.....

6. State whether or not water has been turned into works of diversion: Yes......

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N 1/2 of Sec. 20, Twp. 12 S., Rge. 23 E., B.M.

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

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

Remarks: Albert Anderson + Layne + Bowler (Twin Falls representative) were present during the examination.

All of this land which is classified as irrigated has been accurately leveled for surface irrigation

This examination was made on the 23<sup>rd</sup> day of August, 1957

(Signed) James H. Carr

Examiner.

G26287

# INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
AUG 29 1957

Department of Reclamation

4253  
Oakley Anderson Bros., (Albert, Varness, Ray and Mac C. Martin)  
Oakley and Burley, Idaho

Permit No. G-26287

## Examination for Completion of Works & Beneficial Use

County Cassia

20-12 S.-23 E

Q = 6.4 c.f.s.

S- Well

P.D. = SW. NW., Sec. 20, T. 12 S. - 23 E.

Use = Irrigation

Filed = March 28, 1956

Due = April 2, 1959

Well drilled 458' x 20"

Pump off 360  
" on 376 (with 2" discharge)

Pump - L2400 + Bowler 23017  
Col. 400' x 12"  
12" Disc  
Stages 5  
Bowls 14

Motor US # 1080219 - R 300  
V 440  
Amp 360  
RPM - 1800

Meter - Locked up  
pulling 307 Break P.

307 Break P. -  
90% Pump

Q = 700 c.f.s. in 124 sec = 5.65 sec. ft.  
282' ft



August 7, 1957

Re: Permit No. <sup>26287</sup>~~G-26827~~  
Anderson Brothers

Anderson Brothers  
Burley, Idaho

Attention: Mac Martin and Vanness Anderson

Gentlemen:

We acknowledge receipt of the Deposition 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. G-26827.

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,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:lw  
cc: Nielson & Nielson  
Attorney  
P. O. Box 367  
Burley, Idaho

26287

RECEIVED  
JUL 3 1957  
Department of Reclamation

AFFIDAVIT

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

NORMAN H. NIELSON, being first duly sworn deposes and says:

That he is the Notary Public before whom proof on permit No. G-26288 and 26287 was to be made on the 8th day of July, 1957; that said proof was not made on the 8th day of July, 1957, but was made on the 12th day of July, 1957, as the Holders of said permits could not get their witnesses in before that time; that my office was open on the 8th day of July, 1957; that I was in my office all of that day; that no protests were lodged with this affiant on the 8th day of July of any day subsequent to that time.

DATED This 30th day of July, 1957.

Subscribed and sworn to before me, this 30th, day of July, 1957.

*A. H. Nielson*

Notary Public in and for State of  
Idaho, residing at Burley, Idaho.

(SEAL)

My commission expires:

February 20, 1958.

26287

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

Notice is hereby given that at 10:00 A.M., on the 8th day of July, 1957, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26287 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 are The Anderson Brothers, a co-partnership, composed of Albert Anderson, Vanness Anderson, and Ray Anderson and Mac C. Martin, who reside at Burley, and Oakley, Cassia County, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

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

4. The point of diversion of said water is a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, Twp. 12 S., Rge 23 E.

5. The place where said water is used is N $\frac{1}{2}$  Sec. 20, Twp. 12 S., Rge. 23 E. B.M.

6. The date of priority which said user is prepared to establish is March 28, 1956.

Mark R. Kulp

State Reclamation Engineer

Published in the Burley Herald, June 13-20-27, July 4, 1957.

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO  
COUNTY OF CASSIA

ss.

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

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

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for ...FOUR... consecutive weeks, commencing with the issue dated June 13, 1957, and ending with the issue dated July 4, 1957...

Subscribed and sworn to before me this

6th day of July, 1957

B26287

Hazel G. Hurdall  
Notary Public in and for the State of Idaho,  
Residing at Burley, Idaho.

My Commission Expires June 4, 1959

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
JUL 3 11 1957  
Department of Reclamation

RECEIVED  
JUL 3 11 1957  
Department of Reclamation

Permit No. G-26287

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

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

Ans. ANDERSON BROS., a co-partnership composed of Albert Anderson, Vannass Anderson Ray Anderson and Mac Martin, farming, Oakely and Burley, Cassia County, 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.

Ans. \_\_\_\_\_

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

Ans. G-26287, date of permit, April 2nd, 1956, date priority April 2nd, 1956.

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

Ans. A subterranean well which well is located in the Southwest Quarter of the Northwest Quarter of Section 20, Township 12 South, Range 23, E. B. M.

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

Ans. The diversion works consist of ditches and the amount of water they are capable of carrying is 12 second feet of water, that is the main ditch. Then the ditches taper down to ditches which carry the water to the rows and then to the crops. The depth of the well is 480 feet. A 20 inch casing goes down 180 feet, below that is solid rock. The depth of the water is 362 feet. There is installed in the well a Layne & Bowler pump with a 300 horse power capacity. The water has been measured by the use of a weir. the pump will discharge approximately 320 inches of water.

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

Ans. Water is used for irrigation and is used to irrigate the North Half of Section 20, Township 12 South, Range 23, East Boise Meridian. All of this land can be irrigated and is being irrigated by the water taken from the subterranean well. The land has been reclaimed from desert land. A well has been drilled at the approximate cost of \$8000.00 a pump has been placed in the well costing \$18,500.00. There has been leveling work and a fence built around the property.

B26287

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. \_\_\_\_\_

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

Ans. The minimum amount of water required is 320 inches.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

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

Ans. The water was diverted from the well for the first time during the month of August, 1956 on the land described in this deposition. The water has been pumped continuously from the well since April of 1957 to the date of the signing of this petition.

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

Ans. There has been no other water used on the land described herein nor is there other water available for this land except that is produced from the wells.

(Sign) *Harmon H. Johnson*

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 12th day of July, A. D. 1957.

My commission expires May 12, 1958

*Harmon H. Johnson*  
Notary Public in and for State of Idaho.  
Residing at Burley, Idaho.

826287

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
JUL 3 11957  
Department of Reclamation

Permit No. G-26287

**Proof of Application of Water to Beneficial Use**

**Deposition of Witness<sup>and</sup> Completion of Works**

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. T. E. Higgins, age 43 years, Burley, Idaho, gas man, Burley, Idaho

Ques. 2. Are you acquainted with ANDERSON BROS., a co-partnership, the holder of Permit No. G-26287? How long have you known him and where does he reside?

Ans. Yes, I have known the Anderson Bros. and Mac Martin for a period of almost 30 years.

Ques. 3. Have you read or heard read said Permit No. G-26287, 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. The source of water supply is a subterranean well. The point of diversion is the Southwest Quarter of the Northwest Quarter of Section 20, Township 12 South, Range 23, East Boise Meridian. The diversion works consist of a subterranean well and open ditches.

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. The ditches are capable of carrying 12 second feet of water and I have seen them carry approximately 320 miner's inches of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have observed the well producing approximately 320 miner's inches of water. I measured the flow of the water by the use of a weir.

*26287*

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Water is used for irrigation and is used to irrigate the North Half of Section 20, Township 12 South, Range 23, East Boise Meridian. All of the North Half of Section 20 can be irrigated. The land has been reclaimed from desert land and is now in cultivation. A well has been drilled on the property. A pump placed in the well. The land has been leveled and a fence has been placed around the property.

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

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land has been reclaimed from desert land. The amount of water required for profitable cultivation is 320 inches of water.

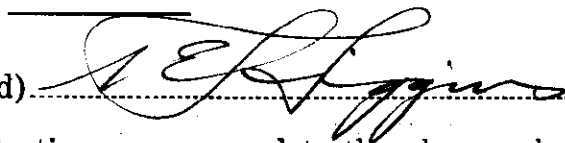
Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the well, the works, or any of the land mentioned in this deposition.

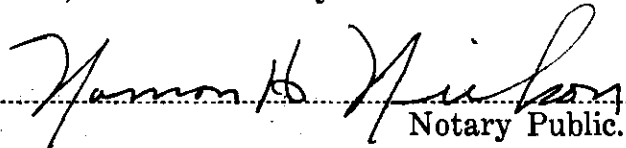
Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been on the land a number of times and have witnessed the application of the water to beneficial use and all of the area described in this deposition is now in cultivation and crops of potatoes are growing on the said property.

(Signed)



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 12th day of July, A. D. 1957.

  
Notary Public.

My commission expires May 12, 1958.

826287

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
JUL 3 1937  
Department of Reclamation

RECEIVED  
JUL 3 1937  
Department of Reclamation

Permit No. G-26287.....

## 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. R. Tom Church, 53 years of age, Burley, Idaho, farmer and beer distributor,  
Burley, Idaho.

Ques. 2. Are you acquainted with ANDERSON BROS., a co-partnership....., the holder of Permit No. G-26287.....? How long have you known him and where does he reside?

Ans. Yes, I have known the Anderson Bros. and Mac Martin for a period of almost  
25 years.

Ques. 3. Have you read or heard read said Permit No. G-26287....., 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. The source of water supply is a subterranean well. The point of diversion is the Southwest Quarter of the Northwest Quarter of Section 20, Township 12 South, Range 23, East Boise Meridian. The diversion works consist of a subterranean well and open ditches.

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. The ditches are capable of carrying 12 second feet of water and I have seen  
them carry approximately 320 miner's inches of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have observed the well producing approximately 320 miner's inches of water.  
I measured the flow of the water by use of a weir.

G26287

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and is used to irrigate the North Half of Section 20, Township 12 South, Range 23, East Boise Meridian. All of the North Half of Section 20, can be irrigated. The land has been reclaimed from desert land and is now in cultivation. A well has been drilled on the property. A pump placed in the well. The land has been leveled and a fence has been placed around the property.

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

Ans. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

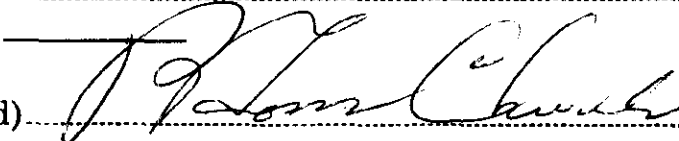
Ans. The land has been reclaimed from desert land. The amount of water required for profitable cultivation is 320 inches of water.

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

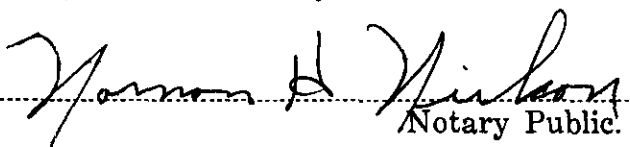
Ans. I have no interest in the well, the works, or any of the land mentioned in this deposition.

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

Ans. I have been on the land a number of times and have witnessed the application of the water to beneficial use and all of the area described in this deposition is now in cultivation, and crops of potatoes are growing on the said property.

(Signed) 

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 12th day of July, A. D. 19 57.

  
Notary Public.

My commission expires May 12, 1958.

826287

July 23, 1957

RE: Permit Nos. G-26287 and G-26288

Nielson and Nielson, Attorneys at Law  
P. O. Box 367  
Burley, Idaho

Attention: Mr. Norman H. Nielson

Dear Mr. Nielson:

We are returning herewith proofs of application of water to beneficial use, in connection with the above captioned permits, for the reason that the same are not notarized by a Notary Public.

Also, we observe that these proofs were not made or signed on the day as advertised in the publication notice. It will therefore be necessary that you furnish this department with an affidavit for each of the enclosed proofs, giving the reasons why said depositions were not taken before you, as published, also stating that your office was open for business on the 8th day of July and that no one appeared to protest the taking of the deposition in connection with said proofs.

Please have these depositions of proof notarized and return to this department, accompanied by satisfactory affidavits.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

Encls.

RWT:vhh

S26287  
+  
S26288

NIELSON & NIELSON  
ATTORNEYS AND COUNSELORS AT LAW  
P. O. BOX 367  
BURLEY, IDAHO

A. H. NIELSON  
N. H. NIELSON

July 19th, 1957

RECEIVED  
JUL 22 1957

Department of Reclamation

Department of Reclamation  
State House  
Boise, Idaho

Re: Permit No. G-26288  
Permit No. G-26287  
Anderson Brothers

Gentlemen:

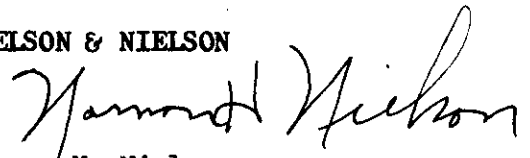
Enclosed you will find Form No. 16 and 17 A,  
Proof of Application of Water to Beneficial Use and Comple-  
tion of Works for permit numbers G-26288 and G-26287 for  
the Anderson Brothers and Mac Martin.

Also enclosed is the affidavit from the paper  
showing that publication was made in this matter.

Very truly yours,

NIELSON & NIELSON

By

  
Norman H. Nielson

NHN:om

Encl.

826287

June 27, 1957

Re: Permits Nos. C-25818, C-26287, C-26288

The Burley Herald-Bulletin  
129 East Main Street  
Burley, Idaho

Attention: Mrs. Hazel Woodall, Associate Editor

Dear Mrs. Woodall:

In answer to your letter of June 25th, 1957 relative to changes authorized by this department in connection with legal notices sent to your paper.

Publication notices are made out on forms by the permit holder and sent to our office in duplicate. One copy is corrected for publication in our office prior to being sent to the paper for publication. This was done in the case of the three legals sent to your paper. However, the girl who prepares said notices and makes the corrections on the notices sent to the paper, was on vacation and said notices were prepared by another, thereby sending the uncorrected copy of the publication to the paper.

After this department received the printed legals from your paper, the same was checked in this department against our corrected copy and it was found that the printed legal sent in by you was incorrect, therefore a corrected authorization was sent you with the idea in mind that the paper was at fault. We are trying to explain to you why this mistake happened in this department. It is just one of those things that happen due to a number of circumstances.

Therefore we will accept the bill for payment as suggested in your letter of June 25th.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

RWT:lw

26287

June 24, 1957

RE: Permit No. G-25818 - Omar Wells  
" " G-26287 - The Anderson Brothers  
" " G-26288 - The Anderson Brothers

Burley Herald-Bulletin  
Burley, Idaho

Gentlemen:

We acknowledge receipt of copies of the publications of Notices on the above captioned Permits, published in your June 20th issue.

We neglected to make several changes in the Notices before sending them to you for publication.

Herewith enclosed corrected copies to be published in your subsequent issues and copies of same mailed to this Department will be appreciated.

Thank you.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR  
A:vm  
Encl.

26287

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Re: Permit No. G-26287

Date: June 11, 1957

Burley Herald Bulletin  
Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 8, 1957 the date set for proof, the expense of the publication to be paid by the applicant's Attorney, Norman H. Nielson of 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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPH:2  
Encls.

826287

C O R R E C T E D   C O P YNOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 8th  
day of July, 19 57, at Burley, County of  
Cassia, State of Idaho, before Norman H. Nielson,  
Notary Public, proof will be submitted of the completion of  
works for the diversion of 6.4 cubic feet per second of underground waters  
from a well, and of the application to beneficial use of said water, in accordance  
with the terms and conditions of Permit No. G-26287 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 are The Anderson Brothers, a co-partnership, composed of Albert Anderson,  
Vanness Anderson, and Ray Anderson and Mac C. Martin, who reside at  
Burley, and Oakley, Cassia County, Idaho.

2. Said works of diversion will be fully completed on the date set for such  
completion, and the amount of water which said works are capable of conveying to  
the place of use is 6.4 cubic feet per second.

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

4. The point of diversion of said water is a well in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 20,  
Twp. 12 S., Rge. 23 E.

5. The place where said water is used is N $\frac{1}{2}$  Sec. 20, Twp. 12 S., Rge. 23 E.B.M.

6. The date of priority which said user is prepared to establish is  
March 28, 1956.

B26287

MARK R. KULP  
State Reclamation Engineer

June 11, 1957

Re: Permit No. G-26287  
Anderson Brothers

Nielson & Nielson  
Attorneys  
Burley, Idaho

Attention: Norman H. Nielson

Dear Mr. Nielson:

We have your letter of June 11, 1957 enclosing notice of Completion of Works and Beneficial Use on Permit No. G-26287, to be made July 8, 1957 before you.

We shall send a copy of the notice to the newspaper, the Burley Herald-Bulletin, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should contact the Anderson Brothers to appear before you together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULT  
State Reclamation Engineer  
By

Chief Clerk

EPR:lw  
cc: Anderson Brothers  
Encls.

RECEIVED  
JUN 14 1957

NIELSON & NIELSON  
ATTORNEYS AND COUNSELORS AT LAW  
P. O. BOX 367  
BURLEY, IDAHO

A. H. NIELSON  
N. H. NIELSON

June 10th, 1957

RECEIVED  
JUN 11 1957  
Department of Reclamation

Department of Reclamation  
State House  
Boise, Idaho

Gentlemen:

Enclosed you will find three Notice of Proof of Completion of Works and Application of Water to Beneficial Use, being permit numbers, G-25818, G-26287, and 26288. Two of the permits in the name of the Anderson Brothers and Mac Martin and the other one in the name of Omar Wells.

Would you please process these forms and send them to the Burley Herald Bulletin here in Burley.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

NHN:om

Encl.

B26287

RECEIVED  
JUN 1 1957

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) \_\_\_\_\_

(P. O.) \_\_\_\_\_

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

Albert Anderson

(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.

26287

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

RECEIVED  
JUN 1 1957  
Department of Reclamation

Notice is hereby given that at \_\_\_\_\_ M., on the 8th  
day of July, 19 57, at Burley, County of  
Cassia, State of Idaho, before Norman H. Nielson  
Notary Public, proof will be submitted of the completion of works for  
the diversion of 6.4 cubic feet per second of the waters of ~~Substantiation~~  
well in the SW 1/4 Sec 20, T. 20 N., R. 23 E.,  
and of the application to beneficial use of  
said water, in accordance with the terms and conditions of Permit No.  
G-26287 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 are The Anderson Brothers, a co-partnership, composed of Albert Anderson, Vanessa Anderson, and Ray Anderson and Mac C. Martin, who reside at Burley, and Oakley, Cassia County, 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, in accordance with the plans accompanying the application for such permit, is 7 cubic feet per second.
3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.
4. The place where said water is used is the N 1/2 of Section 20, Township 20 North, Range 23, East of the Boise Meridian
5. The date of priority which said user is prepared to establish is March 28, 1936

B26287  
State Reclamation Engineer

19475

December 7, 1956

Re: Permit No. G-26287  
Anderson Bros.

Nielson & Nielson  
Box 367  
Burley, Idaho

Attention: Mr. A. H. Nielson, Agent

Dear Mr. Nielson:

We are returning your Application for Amendment regarding the point of diversion as described in Permit No. G-26287, which has been approved by the State Reclamation Engineer and recorded in this Department.

This Amendment should be attached to your Permit of which it now forms a part.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

ER:ab  
Encl.

G26287

APPLICATION FOR AMENDMENT  
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF IDAHO, NO. G-26287

Comes now Anderson Bros. and represents to the State  
Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public  
Waters of the State of Idaho, No. G-26287.

That the point of diversion is described in said permit as being  
located SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 20. Twp. 12.S. R. 23.E.

That he now requests that the point of diversion be changed to a  
point located SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20. Twp. 12.S. R. 23.E.

That his reasons for desiring to make such change are as follows:  
Better location for well.

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

Signed at Boise Idaho, this 15 day of November 19 56

*Anderson Bros and Mark  
By A. H. Kulp, Agent.*

Date of receipt at Department of Reclamation Nov. 15, 1956

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, 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-26287. 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.

*Mark R. Kulp*  
\_\_\_\_\_  
State Reclamation Engineer

*B26287*

July 10, 1956

Re: Permit No. G-26287

Nielson & Nielson  
Attorneys and Counselors at Law  
Burley, Idaho

ATTENTION: Mr. Norman H. Nielson

Dear Mr. Nielson:

We acknowledge receipt of your letter of July 9, 1956, re an amendment as to the point of diversion for the above captioned Permit.

We enclose two Application Forms for Amendment for that purpose and when filled out and signed please return to this department with the recording fee of .50¢.

Upon approval and recording of same one of the Forms will be returned to you which should be attached to your Permit of which it will then form a part.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR  
Enclosures-2

26287

NIELSON & NIELSON  
ATTORNEYS AND COUNSELORS AT LAW  
P. O. BOX 367  
BURLEY, IDAHO

A. H. NIELSON  
N. H. NIELSON

July 9, 1956

RECEIVED  
JUL 10 1956  
Department of Reclamation

Department of Reclamation  
State House  
Boise, Idaho

Gentlemen:

When Permit No. G 26287 was issued by your department the permit showed that the well or point of diversion was located in the Southwest Quarter of the Northeast Quarter of Section Twenty, Township Twelve South, Range Twenty-three, East Boise Meridian.

The owner of this permit has asked that we write to your office and ask you to amend the aforementioned permit number to show the well as being in the Southwest Quarter of the Northwest Quarter of Section Twenty, Township Twelve South, Range Twenty-three, east Boise Meridian, instead of the Southwest Quarter of the Northeast Quarter of Section Twenty, Township Twelve South, Range Twenty-three, East Boise Meridian.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

NHN/fg

826287

April 9, 1956

RE: Permit No. G-26287

Messrs. Nielson & Nielson  
Box 367  
Burley, Idaho

Gentlemen:

We enclose Permit No. G-26287 in the name of Anderson Bros.; and Mac C. Martin and direct their 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-1790 for the \$8.50 filing fee.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

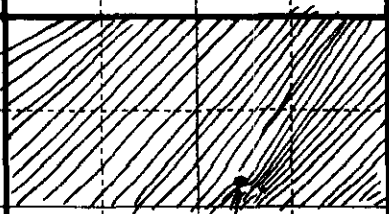
R:hl  
Enc.

26287

NAME OF APPLICANT ANDERSON JS, a co-partnership and Mac C. Martin

Form No. 0

20-12-25



Wall

Permit Map No. 9-26287  
As Approved  
MARK R. HILL  
State Engineer

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

D26287

March 29, 1956

RE: Application for Permit  
Anderson Brothers

Messrs. Nielson & Nielson  
Attorneys at law  
P. O. Box 367  
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

On March 28, 1956, we received two applications for permit signed by Anderson Brothers. We are returning one of these applications for correction.

You will observe under question 4 on sheet 1 that you give the Point of Diversion as SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 20, Township 12 South, Range 23 East, on the second page of said application under question 12 you state Township 11, Range 23, Section 20. Your sketch map also states that land is located in the N<sup>1</sup>/<sub>2</sub>, Section 20, Township 11, Range 23.

Please correct same and return to this Department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

T:cu  
Enc.



ROBERT E. SMYLIE  
GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

March 29, 1956

RECEIVED  
APR 2 1956

Department of Reclamation

RE: Application for Permit  
Anderson Brothers

Messrs. Nielson & Nielson  
Attorneys at Law  
P. O. Box 367  
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

On March 28, 1956, we received two applications for permit signed by Anderson Brothers. We are returning one of these applications for correction.

You will observe under question 4 on sheet 1 that you give the Point of Diversion as SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 20, Township 12 South, Range 23 East, on the second page of said application under question 12 you state Township 11, Range 23, Section 20. Your sketch map also states that land is located in the NE $\frac{1}{4}$ , Section 20, Township 11, Range 23.

Please correct same and return to this Department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

*Thanks  
Should be  
Township 12  
T:cu  
Enc.  
A. H. Nielson*

*826287*

IDENT. NO. 45-2519

WATER RIGHT  
DATA ENTRY LOG

[illegible]

**NOTICE OF PROOF OF  
COMPLETION OF WORKS**

**and  
APPLICANT OF WATER  
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M. on the 8th day of July, 1957, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the completion of works for the diversion of 6 cubic feet per second of the waters of Sub-terranean well and of the application to beneficial use of said water in accordance

The name and postoffice address of the person or corporation holding said permit are The Andersons, Brothers, a co-partnership, composed of Albert Anderson, Van-ness Anderson, and Ray Anderson and Mac C. Martin, who reside at Burley, and Oakley, Cassia County, 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, in accordance with the plans accompanying the application for such permit, is 7 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6 cubic feet per second.

4. The place where said water is used is the North Half of Section 20, Township 12 South, Range 23, East of the Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2nd, 1956.

Mark R. Kulp  
State Reclamation Engineer  
Published in the Burley Herald,  
June 13-20-27, July 4, 1957.

**CORRECTED COPY  
NOTICE OF PROOF OF  
COMPLETION OF WORKS**

**and  
APPLICANT OF WATER  
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M. on the 8th day of July, 1957, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26287 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation

ness and Mac C. Martin, who reside at Burley, and Oakley, Cassia County, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

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

4. The point of diversion of said water is a well in the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 20, Twp. 12 S., Rge 23 E.

5. The place where said water is used is N $\frac{1}{2}$  Sec. 20, Twp. 12 S., Rge. 23 E. B.M.

6. The date of priority which said user is prepared to establish is March 28, 1956.

Mark R. Kulp  
State Reclamation Engineer  
Published in the Burley Herald,  
June 13-20-27, July 4, 1957.

**NOTICE OF PROOF OF  
COMPLETION OF WORKS**

**and  
APPLICANT OF WATER  
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M., on the 8th day of July, 1957, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the completion of works for the diversion of 6 cubic feet per second of the waters of Sub-terranean well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26237 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 are The Anderson Brothers, a co-partnership, composed of Albert Anderson, Van-ness Anderson, and Ray Anderson and Mae C. Martin, who reside at Burley, and Oakley, Cassia County, 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, in accordance with the plans accompanying the application for such permit, is 7 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6 cubic feet per second.

4. The place where said water is used is the North Half of Section 20, Township 12 South, Range 23, East of the Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2nd, 1956.

Mark R. Kulp

State Reclamation Engineer  
Published in the Burley Herald,  
June 13-20-27, July 4, 1957.

**CORRECTED COPY  
NOTICE OF PROOF OF  
COMPLETION OF WORKS**

**and  
APPLICANT OF WATER  
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M., on the 8th day of July, 1957, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26237 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 are The Anderson Brothers, a co-partnership,

composed of Albert Anderson, Van-ness Anderson, and Ray Anderson and Mae C. Martin, who reside at Burley, and Oakley, Cassia County, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

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

4. The point of diversion of said water is a well in the SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Sec. 20, Twp. 12 S., Rge. 23 E.

5. The place where said water is used is N<sup>1</sup>/<sub>2</sub> Sec. 20, Twp. 12 S., Rge. 23 E., B.M.

6. The date of priority which said user is prepared to establish is March 28, 1956.

Mark R. Kulp

State Reclamation Engineer  
Published in the Burley Herald,  
June 13-20-27, July 4, 1957.