

45-02487

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4311
WATER RIGHT NO. 45-02487

This is to certify that: LEO R BELL
MERLA C BELL
STAR RT BOX 26
ALBION ID 83311

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.60 CFS	254.7 AF

SOURCE

GROUNDWATER

Priority: 01/31/1955

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 18, Township 12S, Range 25E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S 25E 18	NENE 26	NWNE 20	SWNE 19	
	SENE 15			80
		Total number of acres irrigated:		80

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

RECEIVED

JUN 29 1994

PAGE 2

TRANSFER NO. 4311
WATER RIGHT NO. 45-02487

CONDITIONS/REMARKS:

Dated this 27 day of

May, 1974

J. M. Saylor
Chief, Water Alloc. Bureau

100-10113

JUN 29 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4311

RECEIVED
APR 1964

APPLICATION FOR TRANSFER OF WATER RIGHT

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JAN 24 1994

PART 1

Department of Water Resources

Department of Water Resources

Name of applicant Miss R. Ter Merla L. Bell Phone 673-5572

Post Office address E Star Rt. Box 26 Albion, ID 83311

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Correct error in P/D description
2. Describe the reason for the proposed changes. Desire to use water on land that is more productive. Some of the land under the original decree cannot be cultivated or is too cut up by fence, etc to use sprinkler equipment.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------|-----------------------|------------------|---------------|
| 45-02487 | 1/31/1955 | 0.60 | Irr. | 3/15 to 11/15 |
| A45-02487 | 1/31/1955 | 0.60 | Irr. | 3/15 to 11/15 |
| | | | | |
| | | | | |
| | | | | |
| 2. Total amount of water being transferred <u>0.60</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Ground water</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: _____ | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 80

PART 1**6. General Information:**

a. Description of diversion system Well, pump, mainlines, wheel lines and hand lines

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

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

All of the land (except 9 acres) will be unaffected by this transfer as the water is not being used on it because it is not suitable for cultivation. The remaining 9 acres will be irrigated under an existing surface right.

d. Remarks:

This is not an attempt to expand this right but rather to use the water more efficiently. The land we are proposing to irrigate is all H.E.L. and sprinkler irrigating it will benefit all concerned.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

RECEIVED

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-02487

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.60 CFS

SOURCE

GROUNDWATER

Priority: 01/31/1955

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 18, Township 12S, Range 25E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S	25E	18	NENE 40	SENE 40		80
Total number of acres irrigated:						80

CONDITIONS/REMARKS:

1. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
2. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
3. TRANS. 3459.

JUN 29 1994

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

PART 2

(Attach one copy for each right)

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JAN 24 1994

Department of Water Resources
Southern Region Office**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____

b. License No. 45-2487 issued by the Idaho Department of Water Resources.

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

d. Transfer No. 3459 which produced this right.

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

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Ground Water tributary to _____4. Date or priority 1/31/1955

5. Water is used for the following purpose:

amount 0.60 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NE	NE	18	12S	25E	Cassida

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	25E	18	40			40													80

Total acres 809. Describe any other water rights used for the same purpose as described above 45-00245, 45-00321

PART 2

Transfer No. 4311

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

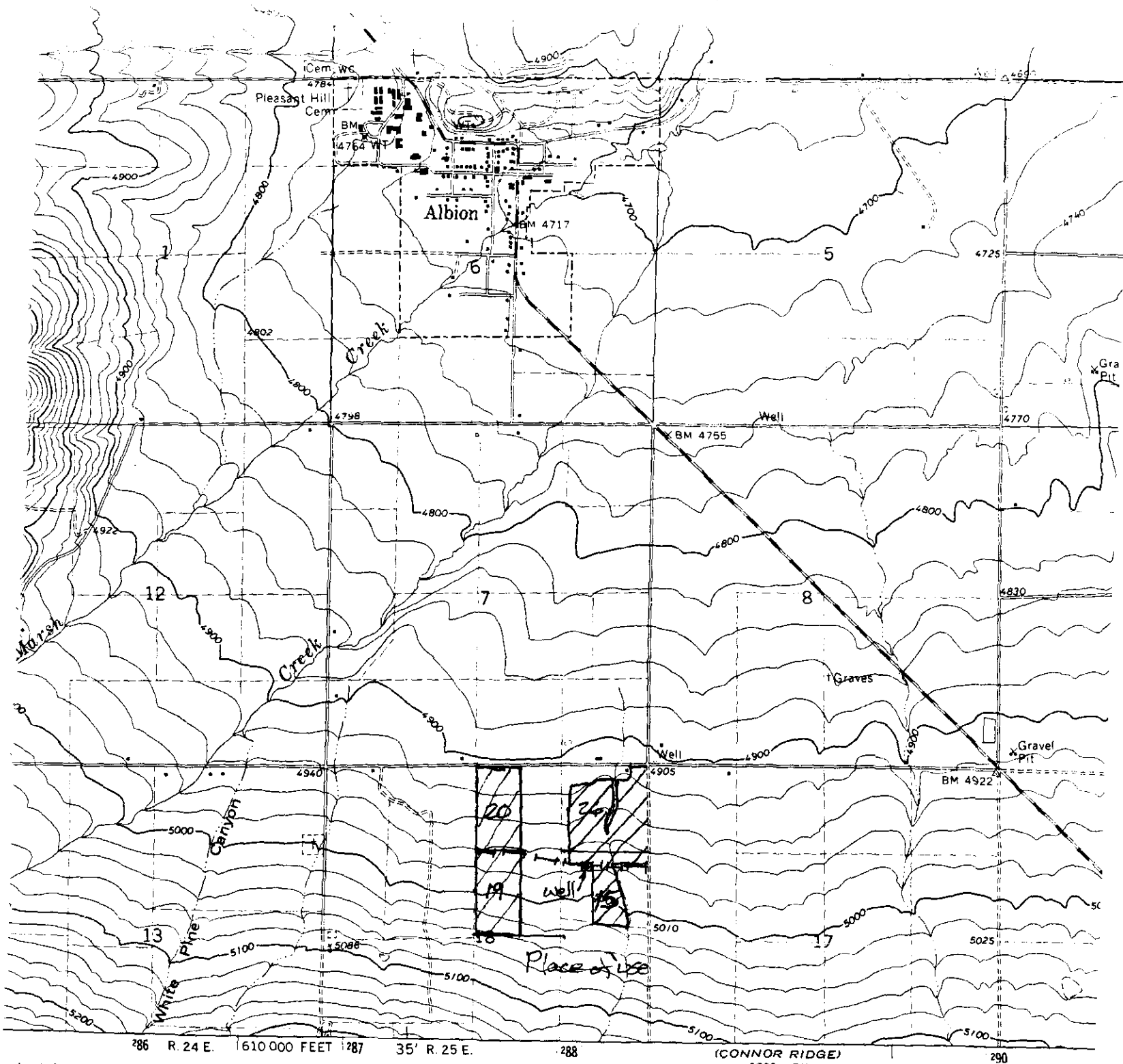
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total acres _____

JUN 29 1994



ogical Survey

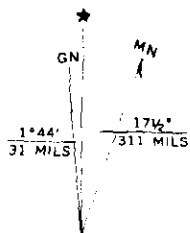
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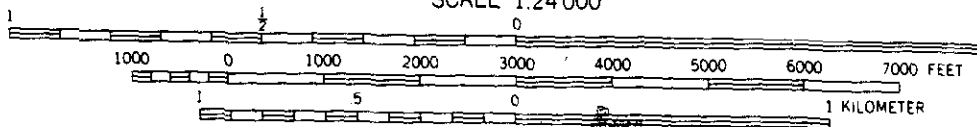
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UTM GRID AND 1968 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL

JUN 29 1994

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. ;
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

CASSIA COUNTY

TAX NOTICE AND RECEIPT

1993

KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
--------------	---------------	---------------	-------------

L 25050 38-00 RP12S25E180000A 10246

I 22998

P 20325 E1/2E1/2, W1/2W1/2NE

68373 S 18 T 12 R 25

HM- 9620

58753*

WAC 3.000

197.000

TOT ACRES

DELINQUENT YEAR

BELL, LEO

& BELL, MERLA

STAR RT BOX 26

ALBION, ID 83311

TAXING DISTRICT

RATE

AMOUNT

RECEIPT

COUNTY

.004212217

247.48

ALBION CEM

.000186869

18.98

SCH DIST 151

.007513399

441.44

ALBION FIRE

.000788728

46.34

ALBION HWY

SOLID WASTE FEE

60.00

TOTAL .012701213

806.24

FULL PAYMENT

TAX 806.24

PEN.

INT.

COST

TOT.

1ST INSTALLMENT

TAX 403.12

PEN.

INT.

COST

TOT.

2ND INSTALLMENT

TAX 403.12

PEN.

INT.

COST

TOT.

NOV 18 1993

CASSIA COUNTY, IDAHO
TREASURER & TAX COLLECTOR

T # 4311

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

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

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

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

None.

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

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

Leo Bell

(Signature of Applicant)

Subscribed and sworn to before me this 21st day of January, 1994.Betty Perry

(Notary Public)

My commission expires 4-28-94**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by rec Date 1-24-94 Protest filed by _____Prelim. check by [initials] Fee \$50Receipted by # 5016494 Date 1-24-94Published in So. Ind. Press Copies of protest forwarded by _____Pub. dates 3/14 & 3/21/94 Hearing held by _____ Date _____Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

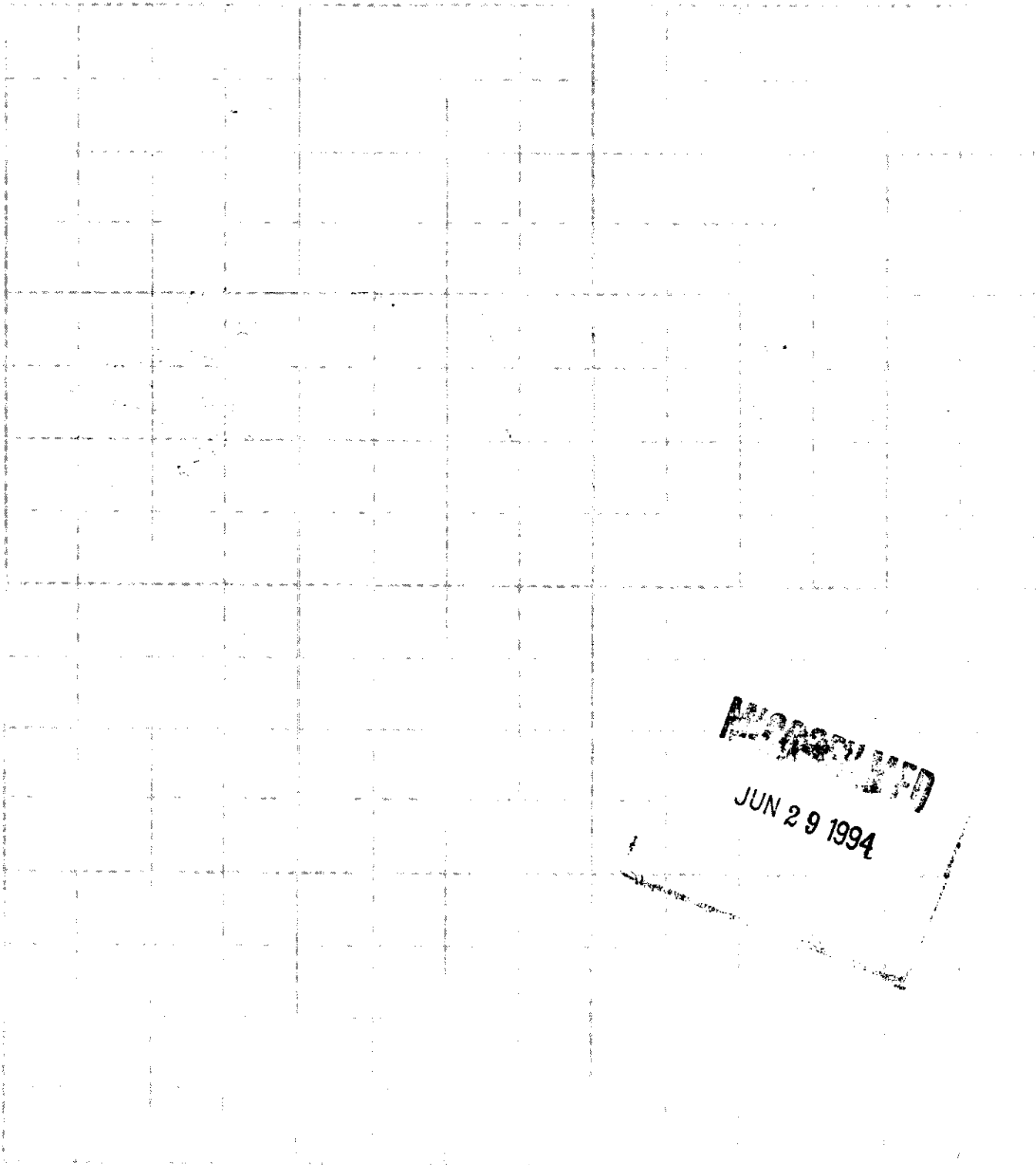
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

JUN 29 1994

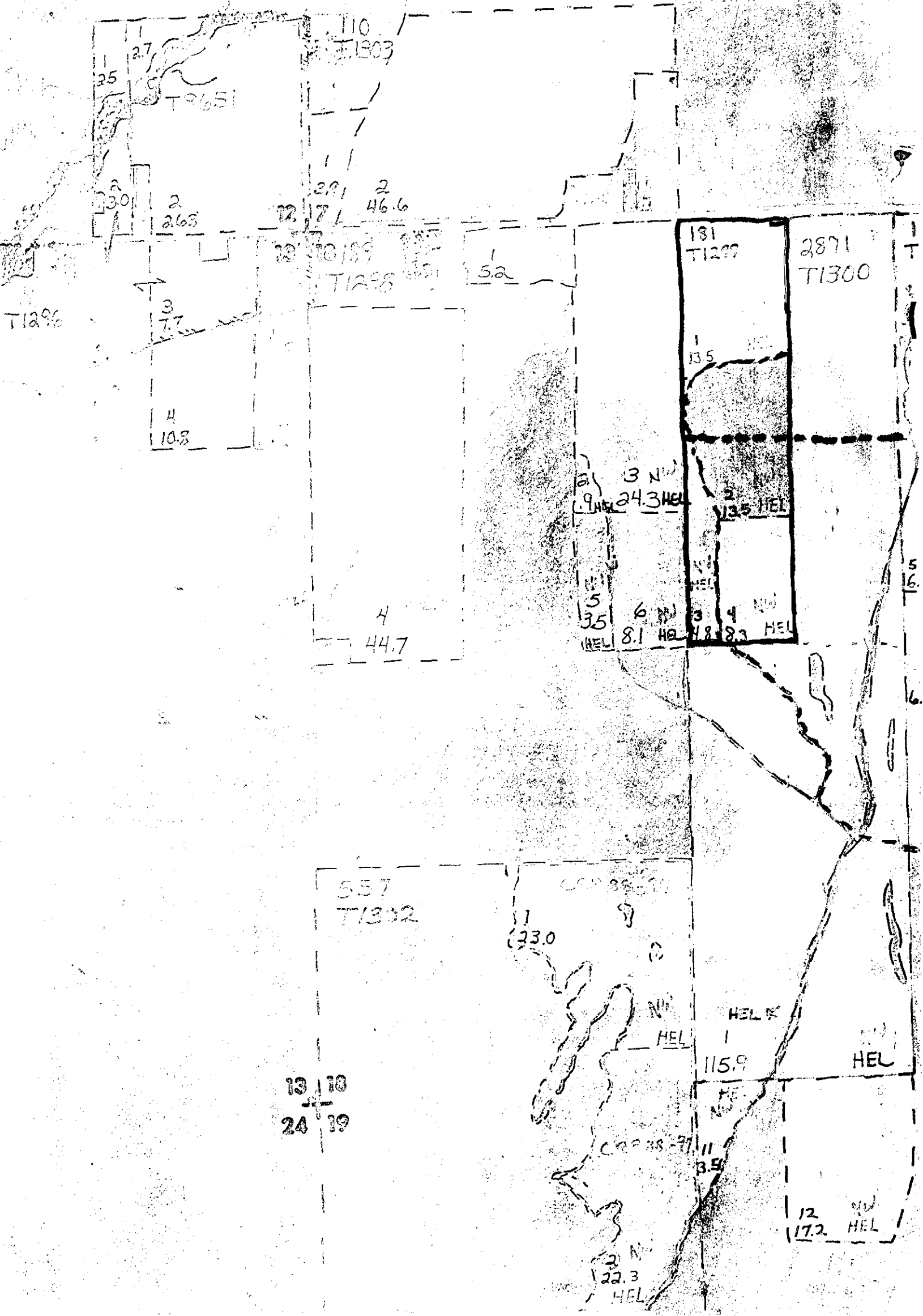
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



A large grid for drawing a map, with a diagonal line from the bottom left to the top right. A rectangular stamp is located in the lower right quadrant of the grid.

RECEIVED
JUN 29 1994



Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3459

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Hilton Emery Phone 862-3877
Post Office address Rt. 1 Oakley, Idaho 83346

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Selling the water right to Leo Bell for use on his property

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

1. Right Number 45-2487 Priority Jan 31, 1955 Amount (cfs/ac-ft) 0.60 Nature of Use Irrigation Period of Use 3/15 to 11/15

2. Total amount of water being transferred 0.60 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NE	18	12S	25E	Cassia	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	25E	18	40			40													80

ALSO FILED

SEP 28 1960

Total acres 80

PART 1

6. General Information:

- a. Description of diversion system Well with turbine pump
delivering to earthen ditches
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will continue to be irrigated from water
from Oakley Canal Co. shares.
- d. Remarks:
The land proposed to be irrigated has
75" of 5/1/1877 out of Howell Creek decreed.
The well water proposed under this transfer will
be supplemental to the decree.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 45-2487And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential interference with and the protection of existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
2. The use of water on the lands to which the above referenced water right was appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right.

SEP 28 1988

Witness my hand this 21st day of September, 19 88J. Allen Saxton
Chief, Operations Bureau

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 45-2487 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water groundwater tributary to _____4. Date or priority Jan. 31, 1955

5. Water is used for the following purpose:

* Not Listed

amount 0.6 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	29	13S.	22E.	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	22E	29											40	40					80

RECORDED

SEP 28 1988

Total acres 809. Describe any other water rights used for the same purpose as described above Shares in Oakley Canal Co.

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

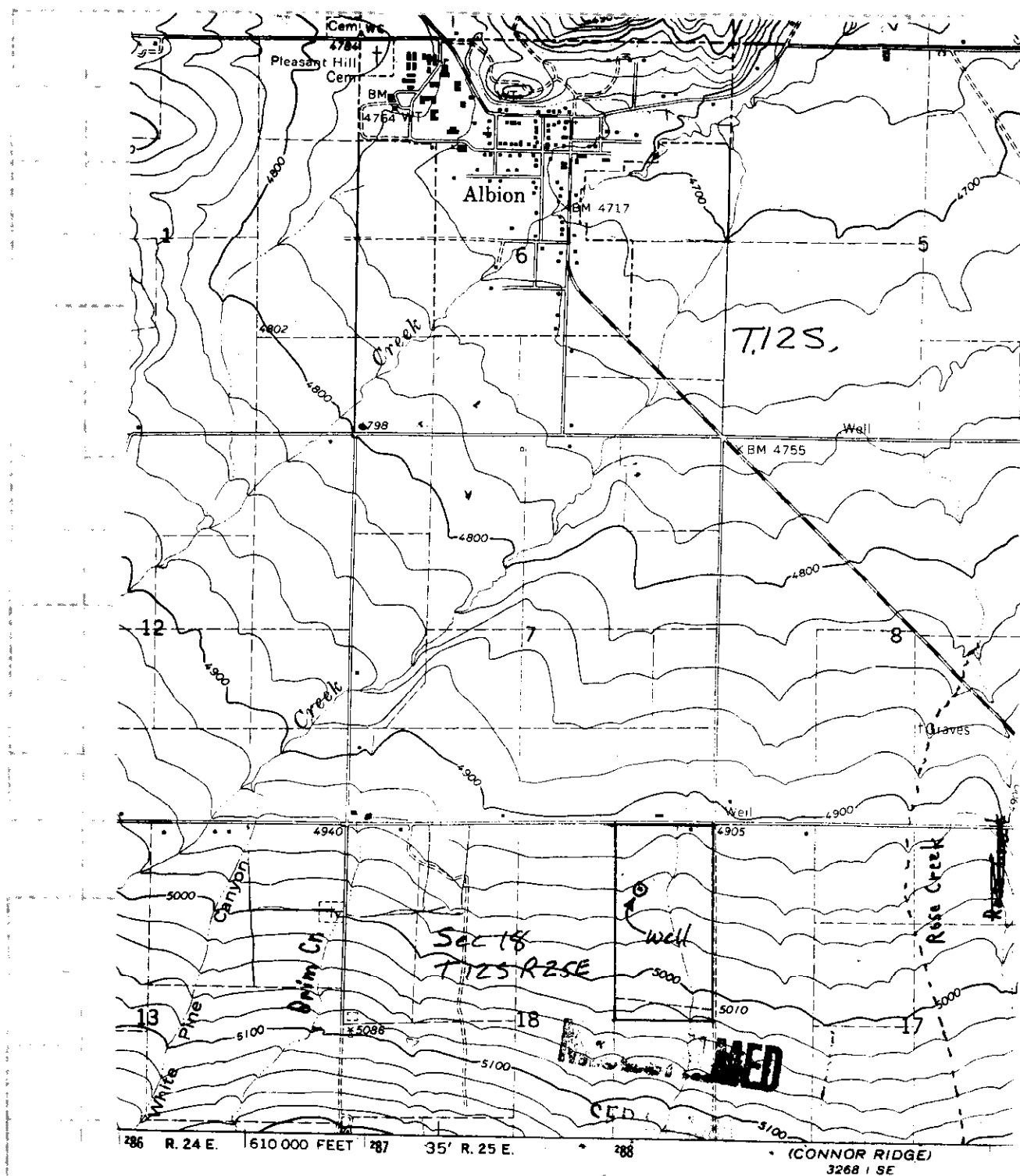
MICROFILMED

SEP 28 1988

Total acres _____

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

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



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

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

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

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

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

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

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

x Hilton Emery

(Signature of Applicant)

Subscribed and sworn to before me this 5th day of May, 19 88.Mary A. Baldwin

(Notary Public)

My commission expires 10/16/1992**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 2 attachments

Received by M. Baldwin Date 5/5/88 Protest filed by _____

Prelim. check by TB Fee \$50.00 - R#500066

Receipted by M. Baldwin Date 5/5/88

Published in So. ID. Press Copies of protest forwarded by _____

Pub. dates 7/21 + 7/28 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by Jim

Copy of transfer sent to lien holder _____

MICROFILMED

SEP 28 1988

RECEIVED

AUG 8 1988

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Southern Region Office

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

The South Idaho Press for two consecutive weeks, commencing with the issue

dated July 21, 1988, and ending

with the issue dated July 28, 1988

Marge Barendregt

Subscribed and sworn to before me

this 3rd day of Aug.

1988

Notary Public

Cost of Publication 30.80

Notary Fee .50

Total Cost 31.30

NO. 45-2487

Notice is hereby given that Hilton Emery of Oakley, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 45-2487

Source of right: License

Source: Groundwater

Priority Date: January 31, 1955

Amount of water: 0.6 cfs Water use: Irrigation Point(s) of diversion: SW1/4SW1/4, Sec. 29, T13S, R22E, Cassia County; 1 mile North & 1 1/2 miles West of Oakley. Place of use: 80 acres within S1/2SW1/4, Sec. 29, T13S, R22E.

TO BE CHANGED AS FOLLOWS

Water right No.: 45-2487

Amount: 0.60 cfs

Total amount being transferred: 0.60 cfs

Source: Groundwater

Point of diversion: SW1/4NE1/4NE1/4, Sec. 18, T12S, R25E, Cassia County; 2 miles South of Albion.

Place of use: 80 acres within E1/2NE1/4, Sec. 18, T12S, R25E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before August 8, 1988.

MILTON L. LUCU

SEP 28 1988

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

MARGE BARRENDREGT being first
duly sworn, deposes and says that *she* is the

Owner 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*
consecutive weeks, commencing with the issue

dated *July 31* 19*88*, and ending

with the issue dated *Aug 31* 19*88*

Marge Barrendregt

Subscribed and sworn to before me

this *3rd* day of *Aug*

19*88*

Calvin Abbey Notary Public

Cost of Publication *30.80*

Notary Fee *50*

Total Cost *31.30*

88-386

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 45-2487**

Notice is hereby given that Hilton Emery of
Oakley, ID has applied to the Department of Wa-
ter Resources to change the following described
water right(s) pursuant to Section 42-222 of the
IDAHO CODE.

Water right No. 45-2487

Basis of right: License

Source: Groundwater

Priority Date: January 31, 1955

Amount of water: 0.6 cfs Water use: Irri-
gation Point(s) of diversion: SW1/4SW1/4, Sec.
29, T13S, R22E, Cassia County; 1 mile North & 1
1/2 miles West of Oakley. Place of use: 80 acres
within S1/2SW1/4, Sec. 29, T13S; R22E.

TO BE CHANGED AS FOLLOWS

Water right No.: 45-2487

Amount: 0.60 cfs

Total amount being transferred: 0.60 cfs

Source: Groundwater

Point of diversion: SW1/4NE1/4NE1/4, Sec.
18, T12S, R25E, Cassia County; 2 miles South of
Albion.

Place of use: 80 acres within E1/2NE1/4, Sec.
18, T12S, R25E.

Any protest against approval of the application
for transfer must be filed with the Department of
Water Resources, 2148 4th Ave East, Twin Falls,
ID 83301 on or before August 8, 1988.

R. Keith Higginson, Director

Published in South Idaho Press on July 21 and
28, 1988.

SEP 28 1988

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INDEXED

Attachment #2

153799

INDEXED

PERSONAL REPRESENTATIVE'S DEED

FOR VALUE RECEIVED, DOROTHY E. CLARK, Personal Representative of the Estate of Eugene Emery, deceased, hereinafter called the Grantor, hereby grants, bargains, sells, and conveys unto HILTON H. EMERY, a married man as his sole and separate property, Route 1, Oakley, ID 83346, hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

Township 13 South, Range 22 East Boise Meridian

Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH the home, buildings, corrals, and improvements situated thereon and the fixtures in the said house which are attached thereto, together with 14 shares of stock in the Oakley Canal Company and the irrigation well and pump and water rights situated thereon.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 22nd day of July, 1983.

Dorothy E. Clark P.R.
Dorothy E. Clark, Personal
Representative of the Estate of
Eugene Emery, deceased

STATE OF IDAHO)
County of Cassia) ss

On this 22nd day of July, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared DOROTHY E. CLARK, known to me to be the Personal Representative of the Estate of EUGENE EMERY, the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Personal Representative.

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

Personal Representative's
Deed

Raymond J. Carl
Notary Public for Idaho
Residing at Boise, Idaho

SEP 28 1988

HERMAN E. BEDKE
ATTORNEYS AT LAW
P. O. BOX 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

RECEIVED

MAY 10 1988

CONTRACT FOR SALE OF REAL ESTATE

Date of Water Right
and Fire Region

THIS AGREEMENT, made and entered into this 14th day of December, 1979, by and between EUGENE EMERY, a widower, of Oakley, Cassia County, Idaho, hereinafter called the Seller, and ALMY L. FEHLMAN and TWILA O. FEHLMAN, husband and wife, of Oakley, Cassia County, Idaho, hereinafter called the Purchaser;

W I T N E S S E T H:

That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the Seller hereby agrees to sell to the Purchaser and the Purchaser hereby agrees to purchase from the Seller, the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

Township 13 North, Range 22 East Boise Meridian

Section 29: S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH an easement along the existing ditch, and

TOGETHER WITH 55 shares of Oakley Canal water.

for the sum of Thirty-eight Thousand Three Hundred Dollars (\$38,300.00), hereinafter called the Purchase Price, on account of which the sum of Eleven Thousand Dollars (\$11,000.00) is paid on the execution hereof, the receipt of which is hereby acknowledged, and the balance of Twenty-seven Thousand Three Hundred Dollars (\$27,300.00) is to be paid as follows:

In annual installments of \$4,254.16 including principal and interest at the rate of 9 % per annum on the unpaid balance; the first such annual installment to be paid on the 15th day of December, 1980, and on the 15th day of each December thereafter until the full principal and interest have been paid.

Advance payments may be made only with the written consent of the Seller.

MICROFILMED

SEP 28 1988

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83818
TELEPHONE: (208) 678-5574

1 TRUTH IN LENDING:

2 The parties agree that they have complied with the Truth
3 in Lending Statutes of the United States and the State of Idaho
4 and have ascertained for each of them the total timeprice on this
5 contract.

6 TAXES:

7 The Purchaser, in consideration of the premises, hereby
8 agrees that he will pay all of the 1980 taxes and all taxes
9 hereafter levied against the said property and all liens and
10 charges which hereafter may be lawfully imposed upon said premises,
11 including all assessments, all promptly and before the same or any
12 part thereof becomes past due.

13 The Seller agrees that he will pay all of the 1979 taxes
14 and certifies that all taxes heretofore levied are paid in full.

15 POSSESSION AND IMPROVEMENTS:

16 The Purchaser shall be entitled to possession of the
17 said premises upon the execution of this agreement and may retain
18 said possession so long as he is not in default in the performance
19 of his obligations under the terms of this contract. While any
20 part of the said purchase price remains unpaid, the Purchaser
21 agrees to keep the buildings and improvements on said premises,
22 now or hereafter erected, in good condition of repair and not to
23 suffer any waste thereof. The Purchaser will make no alterations
24 on the premises that will lower the value thereof, and any
25 improvements made thereon will inure to the land. The Purchaser
26 agrees to keep said premises free from mechanic's liens and other
27 liens, to save the Seller harmless therefrom, and to reimburse the
28 Seller for all costs and attorney fees incurred by him in
29 defending against any such liens.

30 REPRESENTATION CLAUSE:

31 It is hereby expressly understood and agreed by the
32 parties hereto that the Purchaser accepts said property in its

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ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83818
TELEPHONE: (208) 678-5574

1 present condition and enters into this agreement in reliance on
2 his own independent investigation of value and condition of the
3 premises and that there are no representations, covenants, or
4 agreements between the parties hereto with reference to the said
5 property, except as herein specifically set forth.

6 MERCHANTABLE TITLE:

7 The Seller agrees, at his own expense, to furnish to the
8 Purchaser a good and merchantable title to the above described
9 premises evidenced by a Purchasers Title Insurance Policy in a sum
10 equal to the Purchase Price. The said evidence of merchantable
11 title will be produced by a preliminary report upon the execution
12 of this agreement. The Purchaser shall then have five (5) days
13 within which to examine such evidence and the Seller shall have a
14 reasonable time in which to correct such defects. When the full
15 sum is paid, the Seller will deliver or cause to be delivered the
16 Title Insurance Policy and a good and sufficient Warranty Deed
17 conveying said premises in fee simple unto the Purchaser, his
18 heirs and assigns, free and clear of all encumbrances.

19 ESCROW:

20 The parties hereto, upon the execution of this contract,
21 will deposit in escrow with D. L. Evans Bank, of Albion, Idaho, a
22 good and sufficient deed, and title insurance policy, together
23 with an exact copy of this contract and such other documents which
24 shall pertain to this contract, to be by such escrow held until
25 the terms of this contract shall be completely executed, or until
26 default is made under the same. The terms of such deposit in
27 escrow shall be given by separate escrow agreement to be made at
28 the time this contract is executed. The escrow fees shall be paid
29 equally by the Seller and Purchaser.

30 ASSIGNMENT OF CONTRACT:

31 It is expressly understood and agreed by the parties
32

RECORDED

SEP 28 1988

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. BOX 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

1 hereto that this agreement or any part thereof may not be assigned
2 by the Purchaser without notice to the Seller.

3 SELLER'S REMEDY AND FORFEITURE:

4 Time is of the essence of this agreement and in case of
5 the failure of the Purchaser to make any of the payments, or any
6 part thereof, or perform any of the covenants on his part hereby
7 made and entered into, or to keep and observe all the conditions,
8 covenants, and restrictions herein set forth, the Seller may elect
9 to file suit for the delinquent installment or declare the entire
10 balance due and payable and file suit therefor, or at the option
11 of the Seller, this contract may be forfeited and determined, and
12 the Purchaser shall forfeit all payments made on this contract,
13 and such payments shall be retained by the Seller in full satis-
14 faction and in liquidation of all damages sustained, provided,
15 however, before such forfeiture shall be effective, the Seller
16 must give the Purchaser written notice by certified mail of the
17 Seller's election to declare such forfeiture setting out the
18 reasons therefor, and the Purchaser shall have thirty (30) days
19 from the mailing of such notice within which to correct such
20 defaults; if such default is corrected within such time, this
21 agreement shall be in full force and effect as if never breached;
22 and if default is not corrected in the time set out, then the
23 Seller shall be entitled to immediate possession of the premises
24 above described.

25 WAIVER:

26 The Purchaser further agrees that failure by the Seller
27 at any time to require performance by the Purchaser of any pro-
28 vision hereof shall in no way affect his rights hereunder to
29 enforce the same, nor shall any waiver by said Seller of any
30 breach of any provision hereof be held to be a waiver by said
31 Seller of any succeeding breach of any such provision, or as a
32

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NELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

1 waiver of the provision itself. The Seller may accept part of any
2 such payment without waiving his right to the forfeiture set forth
3 above.

4 ATTORNEY FEES:

5 In case suit or action is initiated to enforce any of
6 the provisions hereof, the defaulting party agrees to pay such sum
7 as the Court may adjudge reasonable attorney fees allowed the
8 prevailing party in said suit or action.

9 BINDING ON HEIRS:

10 This agreement shall be binding on the heirs, executors,
11 administrators, and assigns of the parties hereto.

12 IN WITNESS WHEREOF, the said parties have hereunto set
13 their hands the day and year first above written.

14
15 Eugene Emery,
16 Eugene Emery - Seller

17
18 Almy L. Fehlman
19 Almy L. Fehlman

20
21 Twila O. Fehlman
22 Twila O. Fehlman - Purchasers

23 STATE OF IDAHO)
24)
25 County of Cassia) ss

26 On this 14 day of December, 1979, before me, the
27 undersigned, a Notary Public in and for said State, personally
28 appeared EUGENE EMERY, known to me to be the person whose name is
29 subscribed to the foregoing instrument and acknowledged to me that
30 he executed the same.

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

29 Richard F. Gitcher
30 Notary Public for Idaho
31 Residing at Burley, Idaho

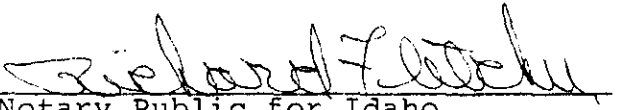
MICROFILMED

SEP 28 1988

1 STATE OF IDAHO)
2 County of Cassia) ss

3 On this 14 day of December, 1979, before me, the
4 undersigned, a Notary Public in and for said State, personally
5 appeared ALMY L. FEHLMAN and TWILA O. FEHLMAN, husband and wife,
6 known to me to be the persons whose names are subscribed to the
7 foregoing instrument and acknowledged to me that they executed the
8 same.

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

11 
12 Notary Public for Idaho
13 Residing at Burley, Idaho
14

15 NIELSON & BEDKE
16 ATTORNEYS AT LAW
17 P. O. Box 249
18 BURLEY, IDAHO 83318
19 TELEPHONE: (208) 678-5574
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RECORDED

SEP 28 1988

Kyle R. Adams
KYLE ADAMS

Laurell Adams
LAURELL ADAMS

STATE OF IDAHO)
) ss
County of Cassia)

On this 9 day of May, in the year of 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared KYLE ADAMS and LAURELL ADAMS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Patricia Ann Puckett
Notary Public for Idaho
Residing at: Boley Idaho
My Commission Expires: 8/21/92



SEP 28 1988

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KYLE & LAURELL ADAMS, husband and wife, of Oakley, Cassia County, Idaho, herein called the "Grantor" and HILTON H. EMERY, a married man, of Oakley, Cassia County, Idaho, herein called the "Grantee".

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MAY 10 1988

RECEIVED

MAY 28 1988

ADDENDUM TO - CONTRACT FOR SALE OF REAL ESTATE

DATED: DECEMBER 14, 1979

For purposes of interpretation and not modification, it is agreed that the following language be added:

It is understood by the parties to this contract that Seller retains all rights, title, and interest in that certain groundwater right for 0.6 c.f.s. located in and appurtenant to the Southwest Quarter of the Southwest Quarter of Section Twenty-nine, Township 13 South, Range 22 East Boise Meridian, the water right also appurtenant to the Southeast Quarter of the Southwest Quarter of Section Twenty-nine, Township 13 South, Range 22 East Boise Meridian. This said water right is duly licensed and recorded as Water License No. G-25397 and bears a priority date of January 31, 1955, and was originally issued to Eugene Emery.

Almy Fehlman
Almy Fehlman

Twila Fehlman
Twila Fehlman

Hilton Emery
Hilton Emery (Personal Representative)

STATE OF IDAHO)
) ss
County of Cassia)

On this 9th day of May, in the year of 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared ALMY FEHLMAN and TWILA FEHLMAN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

SEP 28 1988

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

(SEAL)

Patricia Ann Pickett
Notary Public for Idaho
Residing at: Oakley Idaho
My Commission Expires: 8/21/92

State of Idaho

License and Certificate of Water Right

Water License No. G-25397Amount 0.6 c.f.s.

Water District No. _____

Priority Jan. 31, 1955

THIS IS TO CERTIFY that EUGENE EMERY
 of Oakley, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 31, 19 55; that Permit No. G-25397
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.6 second feet, was issued thereunder on November 15, 19 60, showing that said works
 were completed on the 3rd day of February, 1960; and that on the 3rd
 day of February, 19 60,

EUGENE EMERY

of Oakley, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-25397 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
11 of Licenses at page 7012, on the 15 day of November, 19 60;
 The right hereby confirmed dates from January 31, 19 55;

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 29, Tp. 13S, R. 22 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	22 E.	29	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			Total number of acres to be irrigated:		80

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

15th day of November, 19 60._____
State Reclamation Engineer.

(SEAL)

45 2487

State of Idaho
License and Certificate of Water Right

Water License No. G-23261 Amount 3.54 c.f.s.
Water District No. _____ Priority November 22, 1952

THIS IS TO CERTIFY that W. HOMER LONGHURST
of Shelley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 22, 19 52; that Permit No. G-23261
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.54 second feet, was issued thereunder on November 15, 19 60, showing that said works
were completed on the 26th day of March, 19 60; and that on the 26th
day of March, 19 60, W. HOMER LONGHURST

of Shelley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of Subterranean flow, for the purpose of irrigation
, under Use Permit No. G-23261 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
11 of Licenses at page 7011, on the 15th day of November, 19 60;
The right hereby confirmed dates from November 22, 19 52;

The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 21, Tp. 1 N., R. 35 E., B. M. Bingham County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.54 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	35 E	21	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			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	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			Total number of acres to be irrigated:		240

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
15th day of November, 19 60.

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

(SEAL)

45-2487

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-33269
Permit No. G-25397
District No.

1. Name of Applicant: EUGENE EMERY
Postoffice address: Oakley County: Cassia State: Idaho
2. Quantity of water claimed: 1.60 cubic feet per sec.
 (a) Rate of withdrawal in cubic feet per second. 1.60 or Idaho
 Miners' inches 80 or gallons per minute.
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean Flow (Well)
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29
 Twp. 13 S., Rge. 22 E., B.M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, Pump and ditches.
8. Estimated cost of works: \$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 Five, 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: 135 shares Oakley Canal Co. water.
 - (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.

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

Applicant.

Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-25397

Recorded in Book 90 Page 25397 Approved Feb. 3, 1955

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

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

Work to begin on or before April 3, 1955

and to continue diligently and **uninterruptedly** to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 3, 1957

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 3, 1960

Witness my hand this 3rd day of February, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SNYLIE, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 3rd
day of February, 19 55.

Countersigned:

STATE OF IDAHO

(SEAL)

By ROBERT E. SMYLIE
Governor

By IRA H. MASTERS
Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	Totals
			NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	
13.S.	22.E.	29			40	40	80
Permit No. G-25397 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that EUGENE EMERY of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. G-25397, issued upon Application No. G-33269, bearing date of priority of January 31, 1955, authorizing the diversion of 1.60 second feet of waters of a well, County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.6 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is SW¹/₄ Sec. 29, T. 13 S., R. 22 E., B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: S¹/₂SW¹/₄, Sec. 29, T. 13 S., R. 22 E., B. M. Witness my hand this 15th day of November, A. D. 1960. Proof of Completion of Works Made: February 3, 1960							
s/ RALPH W. THOMAS, Deputy State Reclamation Engineer LICENSE ISSUED FOR 0.6 SEC. FT. <i>Page 7012</i>							



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 1, 1994

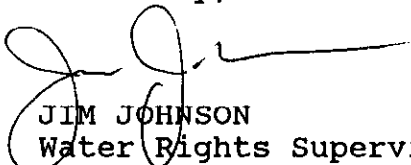
LEO R BELL
MERLA C BELL
STAR RT BOX 26
ALBION ID 83311

RE: Transfer of Water Right No. 45-02487

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4311). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

JUN 29 1994

MEMORANDUM

TO: FILE 45-02487

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4311

DATE: May 6, 1994

=====

Transfer No. 4311 was filed to change the point of diversion and place of use under Right No. 45-02487. No actual change will be made to the point of diversion, only a correction of the legal description.

The place of use is partially changed to rearrange the acres in the NE Quarter of Section 18 onto more productive and accessible acres. Both the original and transfer place of use are supplemented by surface water rights. No expansion occurs through this transfer.

Recommended conditions include irrigation overlap and standard transfer conditions.

JUN 29 1994

TRANSFER REVIEW SHEET

Transfer # 4311

Date Reviewed 5-6-94 28

Right(s) 45-02487

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership '93 tax notice covers entire P/U

Transfer ☒ All of Right Portion of Right (Part B)

Resulting Split(s) NONE

Check Transfer Against Right

(1) ☒ Priority (2) ☒ Use (3) Season (4) Rate (5) C/4.0 Volume
(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
XFER Conditions expired(5yrs)

(3) Reduce to standard 4-1 to 10-31
(4) Low rate per acre = .0075 cfs/acre surface water supplemental to supplemental
(5) No vol on right .6 x 214 x 1.9835 = 254.7 afu < 80 x 4.0 = 320 (VIR)
(7) Change P/D - correction not new well.
(8) Change P/U

Transfer Remarks

Conditions R31, T07, T08, T09

Database/Processing Notes T file

Database updated 6-1-94 Q8

WR0749NP
No. T45-02487

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/06/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEO R BELL	01/31/1955	IRRIGATION	04-01 10-31	0.60 CFS	254.70 AFA
C	MERLA C BELL					
	STAR RT BOX 26			TOTAL DIVERSION:	0.60 CFS	254.70 AFA
	ALBION ID 83311					
	(208) 673-5372					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T12S R25E S18

SENE

CASSIA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	25E	18	:	26		20		19		15										:	80.0
																				TOTAL ACRES	80.0

Pou County: CASSIA

Other Water Rights Listing Overlapping Place(s) of use:
45-00245 45-00249 45-00321 45-02487

Conditions of Approval:

- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dates: App. Received: 01/24/1994 Priority Date: 01/31/1955
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/29/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/09/1994 User-ID: BALDWIN Subject: TRANSFER NO. 4311
T# 4311 filed on 1/24/94 proposes to change place of use and to correct an error in the point of diversion description.

Audit: 03/09/94 BALDWIN 03/09/94 BALDWIN 05/06/94 SKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T12S R25E S18																		
4500245	HOWELL CRE :	I		I		I												
4500249	BRIM CREEK :			I				I	01-I	02-I		I						
A4500249	BRIM CREEK :							25	01-14	02-30		17						86
A4500249A	BRIM CREEK :			20		20										40	40	120
A4500304	BRIM CREEK :							25	01-14	02-30		17						86
A4500320C	HOWELL CRE :							25	01-14	02-30		17						86
4500321	HOWELL CRE :	I		I		I												
A4500321A	HOWELL CRE :	40		20		20		40								40		200
4502487	GROUNDWATE :	40				40		Original P/U										80
A4502487	GROUNDWATE :	40				40												80
T4502487	GROUNDWATE :	26		20		19		15		Transfer P/U								80
A4511957	SPRINGS :							25	01-14	02-30		17						86
A4511958	GROUNDWATE :							40	01-32	02-35		40		10				157
	C31Q-CC 30 :	38		37		36		38		09		04		07		01		304
NO QTRS	MAPPING	Lot01-04																

Overlap before & after Transfer - No Groundwater Overlaps
Surface water supplemental

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY:

J E Stanton

1. Right number 45-02487 Applicant Leo Bell

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

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

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

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments See field memo

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

Right number(s) 45-00245, 249, 321

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No not for groundwater

If yes, what district? _____

FINAL PROCESSING REVIEW BY:

LH

1. Watermaster recommendation requested on N/A Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By Loren D. Hulse Date 4/5/94

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

R
MAR 21 1994
Department of Water Resources
Southern Region Office

Notice is hereby given that LEO R. & OR MERLA C. BELL of Albion, ID have applied to the Department of Water Resources to change the Place of Use and to correct the Point of Diversion for the following described water right(s) pursuant to Section 42-233 of Idaho Code and further described as Transfer No. 4341.

The purpose of these changes will enable water to be used on more productive land.

WATER RIGHT AS RECORDED:

Water Right No. 45-02487
Basis: License, T# 3459
Date of Priority: 01/31/1955
Source: groundwater
Amount: 0.60 cfs
Uses: Irrigation
From 08/13 to 11/15
Point of Diversion: SE1/4, S18, T12N, R25E, Cassia County.
Place of Use: 80 acres within E1/2NE, S18, T12N, R25E, Cassia County.

A claim has been filed in the Snake River Basin Adjudication.

WATER RIGHT NO. 45-02487 TO BE CHANGED by moving place of use for 80 acres within SE1/4, S18, T12N, R25E and correcting point of diversion description to SE1/4, S18, T12N, R25E, Cassia County.

Any protest against approval of the proposed change of water right application must be filed with the Applicant and the Department of Water Resources, Southern Region, 222 Stockton Street East, Twin Falls, ID 83301 on or before March 31, 1994.

R. Keith Higgsdon, Director

Published in the South Idaho Press on March 14 and 21, 1994.

of Cassia)
OF IDAHO) ss
OF IDAHO)

Kary D. Miller, being first duly sworn, deposes and says that she is the General of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the said and that the paper is of general circulation therein. Deponent further the printed notice attached hereto was duly published according to law in r editions of the South Idaho Press for two consecutive week(s), g with the issue dated March 14 1994 and ending with the issue March 21 1994.

Kary D. Miller
KARY D. MILLER

OF IDAHO)
Y OF Cassia)

On this 22nd day of March in the year of 1994 before me, a blic, personally appeared Kary Miller, identified to me to be the person whose name is subscribed to the within t, and acknowledged to me that he/she executed the same.

OK
MB

Kelly Holmon
Notary Public for Idaho

Residing at Burley, ID

My commission expires: May 23, 1997

Cost of Publication 51.84

Notary Fee .50

Total Cost 52.34

RECEIVED

JUN 29 1994

Notice is hereby given that LEO R. &/OR MERLA C. BELL of Albion, ID have applied to the Department of Water Resources to change the Place of Use and to correct the Point of Diversion for the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4311.

The purpose of these changes will enable water to be used on more productive land.

WATER RIGHT AS RECORDED:

Water Right No. 45-02487
Basis: License, T# 3459
Date of Priority: 01/31/1955
Source: groundwater
Amount: 0.60 cfs
Use: Irrigation
from 03/15 to 11/15
Point of Diversion: NENE, S18, T12S, R25E; Cassia County.
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R. Keith Higginson, Director

Published in the South Idaho Press on March 14 and 21, 1994.

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

f Cassia) ss
F IDAHO)

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the said and that the paper is of general circulation therein. Deponent further deposes that the printed notice attached hereto was duly published according to law in the editions of the South Idaho Press for two consecutive week(s), beginning with the issue dated March 14, 1994, and ending with the issue dated March 21, 1994.

Kary D. Miller
KARY D. MILLER

OF IDAHO)
Y OF Cassia)

On this 22nd day of March in the year of 1994 before me, a Notary Public, personally appeared Kary Miller, identified to me to be the person whose name is subscribed to the within, and acknowledged to me that he/she executed the same.

Kelly Blommon
Notary Public for Idaho

Residing at Burley, ID

My commission expires: May 23, 1997

Cost of Publication 51.84
Notary Fee 50
Total Cost 52.34



JUN 29 1994

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO. 45-02487

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Source: groundwater
Amount: 0.60 cfs
Use: irrigation
from 03/15 to 11/15
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R. Keith Higginson, Director

Published in South Idaho Press on 3/14 & 3/21/94.

JUN 29 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

10-Mar-1994

R. KEITH HIGGINSON
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

JUN 29 1994

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WATER RIGHT AS RECORDED:

Water Right No. 45-02487

Basis: License, T# 3459

Date of Priority: 01/31/1955

Source: groundwater

Amount: 0.60 cfs

Use: irrigation from 03/15 to 11/15

Point of Diversion: NENE, S18, T12S, R25E; Cassia County.

Place of Use: 80 acres within E1/2NE, S18, T12S, R25E; Cassia County.

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R. Keith Higginson, Director

Published in South Idaho Press on 3/14 & 3/21/94.

JUN 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

09-Mar-1994

R. KEITH HIGGINSON
Director

LEO R &/OR MERLA C BELL
STAR RT BOX 26
ALBION ID 83311

Re: Application for Transfer No. 4311, (45-02487)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the South Idaho Press for 3/14 and 3/21/94. 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.

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.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

1994

1994

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Leo Bell Transfer

FROM: Jim Stanton

DATE: 3-2-1994

Today I did a pre-transfer field exam on the Leo Bell property south of Albion. Mr. Bell accompanied me. Of the 80 acres of groundwater irrigation allowed under Transfer #3459 (approved in September 1988), it appeared that about 64 acres have been irrigated. This well dumps into a tiny pond that also gets surface water. A pump pressurizes portable mainline to sprinkle the farm. The well supplements decreed surface rights; the surface rights are usually gone by mid-June. Sprinklers reach most of the land under surface rights. The new proposed P/U already has surface rights. This is a permissible place use for the surface & groundwater rights combined. Although the transfer would increase the amount of land historically irrigated with the well, the total irrigated acreage would probably not increase (mainline was not in place during my visit, so full extent of coverage couldn't be

(x) For your information verified.

() Response required

J. G. Stanton
signature

JUN 29 1994

T # 4311

1. WELL OWNER

Name LEO BELL

Address Star Rt, Box 26 Albion, Id

Drilling Permit No. 45-92-S-0057-0010f

Water Right Permit No. 45-02487

2. NATURE OF WORK

☐ New well ☒ Deepened ☐ Replacement

☐ Well diameter increase ☐ Modification

☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary

☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness Diameter From To

250 inches 10 inches X 250 feet 572 feet

_____ inches _____ inches _____ feet _____ feet

_____ inches _____ inches _____ feet _____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☒ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ Gun

Size of perforation? 14 inches by 3 inches

Number From To

12/ft perforations 250 feet 330 feet

6/ft perforations 330 feet 430 feet

12/ft perforations 430 feet 480 feet

Well screen installed? ☐ Yes ☒ No

Manufacturer _____ Type _____

Top Packer or Headpipe _____

Bottom of Tailpipe _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth NA Material used in seal: ☐ Cement grout

☐ Bentonite ☐ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit

☐ Temp. surface casing ☐ Overbore to seal depth

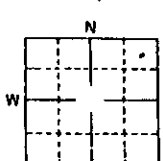
Method of joining casing: ☐ Threaded ☒ Welded

☐ Solvent Weld ☐ Cemented between strata

Describe access port Previously installed in side per reg

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County CASSIA

NE 1/4 NE 1/4 Sec. 18, T. 12, R. 25 N ☐ E ☒ S ☐ W ☐

7. WATER LEVEL

Static water level 157 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
<u>12</u>	<u>272</u>	<u>572</u>	<u>Reamed existing hole to 12" installed 10" liner 250-572, Atlas cast shoe on top</u>		
<u>10</u>	<u>572</u>	<u>576</u>	<u>Tan Sandstone</u>		
	<u>576</u>	<u>583</u>	<u>White Clay sandt</u>	<u>?</u>	
			<u>fine gravel</u>		
	<u>583</u>	<u>587</u>	<u>yellow brown clay fine mixed gravels</u>	<u>?</u>	
	<u>587</u>	<u>593</u>	<u>White sticky clay</u>		<u>✓</u>
	<u>593</u>	<u>597</u>	<u>Firm Sandstone</u>		<u>✓</u>
	<u>597</u>	<u>609</u>	<u>Dark Brown Clay, quartz crystals, fine sand</u>	<u>?</u>	
	<u>609</u>	<u>614</u>	<u>Brown Clay some gravel</u>	<u>x</u>	
	<u>614</u>	<u>621</u>	<u>Hard grey Brown Sandstone</u>		<u>✓</u>
	<u>621</u>	<u>623</u>	<u>Firm Brown Sandstone</u>		<u>✓</u>
	<u>623</u>	<u>630</u>	<u>sticky Brown Clay some gravel</u>	<u>x</u>	
	<u>630</u>	<u>636</u>	<u>Brown Clay some strips</u>	<u>x</u>	
	<u>636</u>	<u>642</u>	<u>g gravel sand</u>		
			<u>Firm Brown Sandstone</u>		<u>✓</u>

RECEIVED
NOV 12 1992
Department of Water Resources
JUN 29 1994

10.

Work started 10-2-92 finished 10-27-92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Weech Well Drill Firm No. 210

Address 632 E 42nd St Date 10-30-92

Burley, Id

Signed by Drilling Supervisor Rex A. Weech

and Gary Weech

(Operator) (If different than the Drilling Supervisor)

RECEIVED

DEC 19 1988

State of Idaho
Department of Water Resources

DRILLING PERMIT

RECEIVED

DEC - 8 1988

(Authorizing Construction of a Well)*

Department of Water Resources

Department of Water Resources
Southern Region Office

1. Applicant Leo R Bell
2. Address Star Rt Box 26
Albion, Idaho 83311 Telephone 208-613-5372
☒ Well Owner ☐ Well Operator ☐ Other, specify _____
3. Proposed well location NE 1/4 NE 1/4, or Gov't lot No. _____,
Sec. 18, Twp. 12 S, Rge. 25 E, County Cassia,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)
☐ Domestic ☒ Stockwater ☐ Monitoring
☒ Irrigation ☐ Industrial ☐ Municipal
☐ Injection ☐ Other, Specify _____
5. Well construction information:
☒ New well ☐ Deepen ☐ Replace
Proposed surface diameter 12" Maximum depth 700'
Anticipated bottom hole temperature: _____
☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)
6. Anticipated construction start date Dec 15/88
7. Well Driller (if known) Tom McKenzie 37
Address Albion, Idaho
8. Applicant's signature Leo Bell
Title Owner
Date Dec 6/88

JUN 29 1994

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

ACTION OF IDWR

(☒) Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

Dated this 14 day of December, 19 88.

Signed Laron O. Halum
Title Southwest Region Mgr

Received by M. Baldwin Fee 100.00 Date 12/15/88

Receipt No. 500 4519 Construction start extension to _____

Extension approved by _____

RECEIVED
JUN 29 1994

October 20, 1988

Leo Bell
Star Rt., Box 26
Albion, ID 83311

RE: TRANSFER 3459/45-2487 (HILTON EMERY)

Dear Mr. Bell:

In response to your letter dated October 11, 1988 in connection with the above referenced transfer, please be advised that the transfer was approved on September 21, 1988. A copy of the approved transfer was forwarded to Mr. Emery the same day.

Enclosed is a copy of the transfer for your information.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Encl: 1

RECEIVED
JUN 29 1994

Oct. 11, 1988

RECEIVED

OCT 12 1988

Department of Water Resources

Mr. R. Keith Higginson
Dept. of Water Resources
State House Annex #2
Boise, Idaho 83707

Dear Sir:

On May 5, 1988, Mr Hilton Emery, Rtl, Oakley, Idaho and I, Leo Bell, Albion, Idaho appeared at your department office in Twin Falls and applied for a Transfer of Water License, number 45-2487. This was advertized and approved at the Twin Falls office without any protests.

I was advised this application was forwarded to the Boise office on Sept. 3. Could you tell me if any decision has been reached on this Application for Transfer?

I realize your Department is extremely busy with the Swan Falls water rights as well as other matters to attend to, however, I would really like to get started on this well before winter if at all possible. We have not had any ditch water on our place for two years. We desperately need this well permit to survive during short water years. It would also be a great asset in other years.

Sincere thanks for your time and help.

Leo Bell

Leo Bell

Star Rt. Box 26

Albion, Id 83311

JUN 29 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 21, 1988

RE: Transfer of Water Right No. 45-2487

Hilton Emery
Rt. 1
Oakley, ID 83346

Dear Mr. Emery:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3459). Be sure to note any conditions of approval as listed on the second page.

Be advised that since this transfer application proposes a change in the point(s) of diversion involving groundwater, a drilling permit must be obtained from this department before constructing the well(s).

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

SEP 28 1988

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TRANSFER REVIEW OF TRANSFER NO. 3459, HILTON EMERY

DATE: 9-20-88

=====

CONDITIONS OF APPROVAL

<<T02>> The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential interference with and the protection of existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

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

SEP 28 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 45-2487 Applicant EMERY, HILTON
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred. *Needs Additional Proof of ownership*
 - h. ☒ Check for expansion in use of right. Comments _____
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 45-0245, 45-0321
- j. ☒ Is use within a Watermaster District? ☒ Yes ☒ No *G.W. - Not Regulated by W.D.*
If yes, what district? 45-F

FINAL PROCESSING REVIEW BY: JH

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

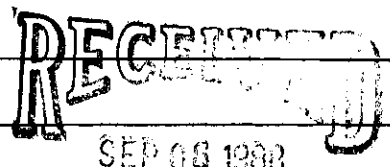
RECOMMENDED ACTION

1. ☒ Approve *Note: This transfer moves the license from The Oakes - Kenton CGWA to The Albion Valley.*
2. ☐ Deny *This amounts to a new appropriation of ground-water in the Albion Valley.*
3. Conditions* _____

4. By Larry O. Halverson Date 9/2/88

Jim 9-20-88

* All uses within Watermaster Districts require special conditions.



Department of Water Resources

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 45-2487

Notice is hereby given that Hilton Emery of Oakley, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 45-2487

Basis of right: License

Source: Groundwater

Priority Date: January 31, 1955

Amount of water: 0.6 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SW1/4, Sec. 29, T13S, R22E, Cassia County; 1 mile North & 1 1/2 miles West of Oakley.

Place of use: 80 acres within S1/2SW1/4, Sec. 29, T13S, R22E.

TO BE CHANGED AS FOLLOWS

Water right No.: 45-2487

Amount: 0.60 cfs

Total amount being transferred: 0.60 cfs

Source: Groundwater

Point of diversion: SW1/4NE1/4NE1/4, Sec. 18, T12S, R25E, Cassia County; 2 miles South of Albion.

Place of use: 80 acres within E1/2NE1/4, Sec. 18, T12S, R25E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before August 8, 1988.

R. Keith Higginson, Director

Published in South Idaho Press on 7/21 & 7/28/88.

RECEIVED

SEP 28 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Jul-1988

South Idaho Press
Box 190
Burley, ID 83318

Re: Notice of Change No. 45-2487

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

SEP 28 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Jul-1988

Hilton Emery
Rt. 1
Oakley, ID 83346

Re: Application for Transfer No. 45-2487

Dear Mr. Emery:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 7/21 and 7/28/88. 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.

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 Manager

LH:MB

Enclosure

RECEIVED

SEP 28 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-May-1988

Hilton Emery
Rt.1
Oakley, Idaho 83346

RE: Application for Transfer of License 45-2487

Dear Mr. Emery:

After you and Mr. Bell left our office today we staff reviewed the transfer application you filed. Close review of the deed you left evidencing the ownership of the water right confirms ownership of only 10 acres of the total 80 acres to which the water right is appurtenant. I phoned the Cassia County Assessors' Office to check on ownership of the other portions of the S1/2SW1/4 of Section 29, T13S, R22E, B.M. and found that the N1/2 of this tract is in the name of Adams.

Before we will be able to approve the transfer as filed you must submit clear evidence that you either own all of the land which the right is appurtenant or own the water right outright or gain releases from the other land owners where the water right is appurtenant.

Assuming you will be able to provide this documentation I will have our secretary prepare the advertising so that no delay in processing on our part will occur; however if the proof of ownership is not received by the end of the month delay in processing the application will occur.

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

Sincerely

Allen Merritt, P.E.
Water Rights Supervisor

cc: Leo Bell

SEP 28 1988

STAFF ANALYSIS SUPPLEMENT

1) Enter District _____ *Brain #* _____

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

☐

At the above street address

☒

2 miles N/S *S* and _____ miles E/W _____
of *Albion* _____ (City or landmark).

☐

Other (describe) _____

December 14, 1960

Re: Permit No. G-25397

Mr. Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

We regret that you were so slow in answering our letter of November 22 in regard to the amount of water to show on your license which arrived this afternoon.

We waited three weeks for your answer before completing the Certificates which were mailed yesterday afternoon.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

25397

November 22, 1960

Re: Permit G-25397

Mr. Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

Your Certificate of Completion of Works and License and Certificate of Water Right can be issued for 0.7 cubic feet per second or 35 miners inches instead of 30 miners inches we showed in our letter of July 22, 1960.

Do you desire only the 30 miners inches or the 35 miners inches as the examining engineer measured the flow from your well?

Kindly advise this office at your earliest convenience.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

RECEIVED
DEC 14 1960
Department of Reclamation

November 22, 1960

Re: Permit G-25397

Mr. Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

Your Certificate of Completion of Works and License and Certificate of Water Right can be issued for 0.7 cubic feet per second or 35 miners inches instead of 30 miners inches we showed in our letter of July 22, 1960.

Do you desire only the 30 miners inches or the 35 miners inches as the examining engineer measured the flow from your well?

Kindly advise this office at your earliest convenience.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By: *Ralph W. Thomas*
RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

G 25397

*12/12/60
Oakley Idaho -*

Mr Ralph W. Thomas,

*Dear Mr Thomas - If the well measured 35 inches
I would be glad to have a water right for the same
amount, instead of 30 inches.
Very truly yours,
Eugene Emery.*

November 15, 1960

RE: Permit No. G-25397

Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

Enclosed is Certificate of Completion of Works and License and Certificate of Water Right issued on Permit No. G-25397.

Also enclosed is departmental receipt No. G-5357 in the amount of \$9.00 for the statutory fees for the Certificate and License.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
certificate
receipt

D25397

July 22, 1960

Re: Permit No. G-25397

Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-25397 shows the well is ~~now~~ capable of conveying 30 miner's inches, or .6 c.f.s. of water for the irrigation of 80 acres.

Upon receipt of the statutory fees, totaling \$ 9.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 4.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of January 31, 1955 to the use of .6 second feet of subterranean water with the point of diversion in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 for irrigation of 80 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 29, T. 13 S., R. 22E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

25397

RT

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

Permit No. G-25397

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

1. Name of applicant Eugene Emery

2. Source of water supply: Subterranean Flow (Well)

3. Location of point of diversion: Is in the SW¹/₄ SW¹/₄ of Section 29
T. 13 S. R. 22 E., B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 600' x 12" cas 300'
L = 280' 50 hp. H.S. Motor #1184816
Layne & B. Vertical line 500 gpm @ 280' h.
Model 10 R.H.M. #26402 Helto switch
6" delivery to South into open ditch.

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):

SW¹/₄ of Sec. 29, T. 13 S., R. 22 E., B.M.
There is a weir (3' high) in ditch.

Water measured over the weir.

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

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

Remarks: Mr Emery along.

Crops are hay, grain, and row crops.

This examination was made on the 8 day of June, 1960

(Signed) E. N. Humphrey Examiner.

G25397

Eugene Emery
Oakley, Idaho

412 2-3437

Permit No. G-25397

Examination for Beneficial Use & Completion of Works

County Cassia

29-13S.-22E.

Q = 1.6 c.f.s.

S = Well

P.D. = SW. 1/4, Sec. 29, T. 13S. - R. 22E. B.M.

Use - Irrigation

2.95 x 10 280 = l.

3.0 x 10 = demand

Filed - Jan. 31, 1955

Due - Feb. 3, 1960

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.

1.2 x 2.95 x 10 x 70 x 550 = 39

280 x 62 1/2

RECEIVED
JUL 1 8 1960

Department of Reclamation

600' x 12" and 300'

h = f = 280'

50 hp. #1184816 21.5.

440V

Layne B. Vertiline

500 gpm @ 280' 1770 gpm

Model 10 RLM # 26402

Delta Switch

6' x 6' Con. base

No protect

6' x 10' del. to S. 2'

Open ditches

T = 52°F

117' over 3' c/c

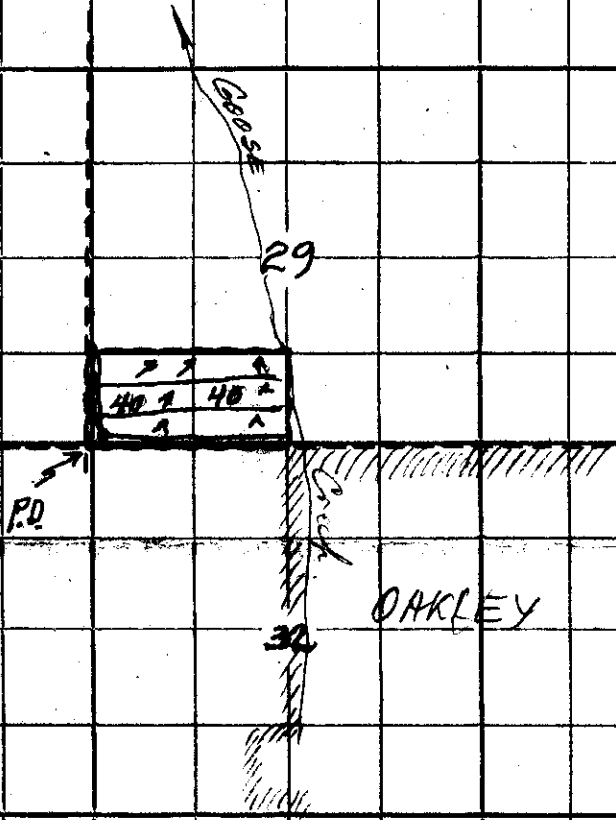
1705' d/c

50
35,250

135' shown in Oakley Canal to water

T.
13
S

R-22E



Subdivisions = 2

Area = 80 acres

Q = 30"
.6 cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25397

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

Eugene Emery
Oakley, Idaho

P. I. B. Co.
acres .90
canal 0.64
acres 20

March 22, 1960

RE: Permit No. G-25397

Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

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-25397.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ar

25397

February 16, 1960

RE: Permit No. G-25397

Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

We acknowledge receipt of the depositions of holder and two witnesses in proof of completion of works and beneficial use of water under the above mentioned permit.

However the affidavit of publication in the Burley Herald Bulletin was not included. Will you please see that this document is forwarded to this office as it is a very important part of this file.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

25397

**NOTICE OF PROOF OF COM-
PLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 2:00 p.m., on the 3rd day of February, 1960, at Oakley, County of Cassia, State of Idaho, before Earl Whiteley, Notary Public, at Oakley, Idaho, proof will be submitted of the completion of works for the diversion of 0.6 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 325397, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Eugene Emery, Oakley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.6 c.f.s.

3. The use of which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 0.6 c.f.s.

4. The point of diversion of said water is Subterranean Flow (Well) on SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, Twp. 12 S., Rge. 22 E.B.M.

5. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, Township 12 S., Range 22 E.B.M., County of Cassia.

6. The date of priority which said user is prepared to establish is Jan. 31, 1955.

GEORGE N. CARTER,
State Reclamation Engineer.
Published in the Herald-Bulletin
Dec. 29, 1959, Jan. 5-12-19, 1960

Affidavit of Publication.

The Burley Herald-Bulletin

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/or 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 Dec. 29, 1959, and ending with the issue dated Jan. 19, 1960.

Subscribed and sworn to before me this

20 day of Jan., 1960

Hazel S. Woodall
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1963

825397

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 5 1960
Department of Reclamation

Permit No. 2-25397

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

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

Ans. Eugene Eucery, Oakley Ida Farmer Oakley Ida R.D. 8

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. As Individual - No Corporation

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

Ans. 2-25397 7-3-55 7-1-55

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

Ans. Well is in SW corner of SW 1/4 Sec 29 Tp 13 S. R. 68 E.
The point of diversion is at well there 1/4 mile - 1/2 mile

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. Irrigation ditches - carrying capacity ample for Oakley Canal
water supplemented by well water approx 30 to 40 inches
Well depth 600 ft. Cased 12" pipe 295 feet Water at 280 feet

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. Supplementing other water. Farming on land in SW 1/4 of SW 1/4
of Sec 29 Tp 13 S. R. 68 E. SW 1/4 of SW 1/4 Cultivated land.
Aid in the growing of Root crops Hay & Grain

25397

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

Ans. Irrigation only

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

Ans. 1 1/2 acre feet per acre

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. No Corporation - Individual

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

Ans. First in 1958 - 1959 approx 30-40 Idaho miners in crop seasons only

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. I own water stock in the Oakley Canal Co. This water as far as available through the years 1919 to the present 1959 I have used. Only a part of the period have I had ample water - Oakley Canal water has short of needed water for the land I own.
(Sign) Eugene Emery

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 Oakley, County of Carson,

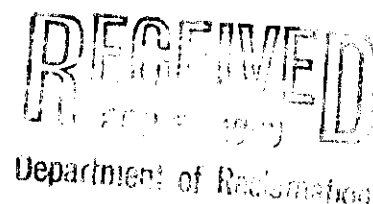
State of Idaho, on this 3rd day of February, A. D. 1960

Earl Whiteley

My commission expires May 7, 1960

825397

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. G- 25397

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

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

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

Ans. Joel E. Rasmussen age 48 Oakley Idaho Farmer Oakley Idaho RFD

Ques. 2. Are you acquainted with Eugene Emery (Yea), the holder of Permit No. G. 25397? How long have you known him and where does he reside? I have known Mr. Eugene Emery since the year 1936.

Ans. His home is in the Corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29 Tp. 13 Range 22 EBM.

Ques. 3. Have you read or heard read said Permit No. G. 25 397, and are you familiar with its provisions and conditions?

Ans. Yes and familier

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 well above described is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29 Tp. 13 South Range 22 EBM.

Said waters are conveyed through a 16 foot flume into an irrigation ditch which carries the water to the farm land of the Permit Holder which lands are the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29 Tp. 13 South Range 22 EBM.

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. 30 Idaho miners inches.

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. 30 Idaho miners inches.

825397

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. One 80 acre tract of land -the SW¹/₄ of the SW¹/₄ of Sec. 29 Tp. 13 So. Range 22 EBM.

The land is cultivated lands

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

Ans. Only for irrigation

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. Clay formation except that near the East of said described land the soil is of sandy loam

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

Ans. No interest. No personal interest whatever

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. Except for the test periods this water since 1958 has been applied as suplimentary water on the farm land of Permit Holder Eugene Emery

(Signed) Joel E. Rasmussen

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 Oakley, County of Cassia, State of Idaho, on this 3 day of February, A. D. 1960.

Carl Whiteley
Notary Public.

My commission expires May 7, 1960

825397

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

Permit No. G. 25 397.

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

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

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

Ans. Harvey L. Mills age 67 Oakley Idaho Farmer Oakley Idaho RFD.

Ques. 2. Are you acquainted with Eugene Emery, the holder of Permit No. G- 25397? How long have you known him and where does he reside?

I have known Mr. Eugene Emery since the year 1943

Ans. Mr. Emery resides in the SW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{2}$ of Sec. 29 Township 13 South Range 22 EBM.

Ques. 3. Have you read or heard read said Permit No. G. 25397, 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. In the Corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 29 Tp. 13 So Range 22 EBM A 16 foot flume conveys the water from the well into the irrigation ditch which carries the water to the adjoining lands of Mr. Emery and as described herein

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. 30 Idaho miners inches continuous flow.

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. 30 Idaho Miners inches continuous flow.

25397

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. Irrigation SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 29 Tp. 13 So Range 22 EBM.

This water is used as suplimentry water in connection with the water right of the Oakley Canal Company

Cultivated

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

Ans. Irrigation only

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

Ans. Clay and sandy loam. One and one-half acre feet intended

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

Ans. No interest. No personal interest.

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. The water as indicated in Question 5 has been applied to the said lands heretofore described.

(Signed)

Harvey L. Mills

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 Oakley, County of Cassia, State of Idaho, on this 3 day of February, A. D. 1960.

Earl Whiteley

Notary Public.

My commission expires May 7, 1960

B25397

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

December 28, 1959

Re: Permit No. G-25397

Mr. Eugene Emery,
Oakley, Idaho.

Dear Mr. Emery:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-25397. The proofs are to be made at 2:00 o'clock P.M., on the 3rd day of February, 1960, 1959, before Earl Whiteley, Oakley, Idaho, Notary Public.

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR: ~~mak~~
cc: Notary

825397

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

DEPARTMENT OF RECLAMATION

Permit No. G-25397
Re: Eugene Emery

Boise, Idaho

Date: December 28, 1959

Herald Bulletin,
Burley, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 3, 1960** the date set for proof; the expense of the publication is to be paid by the applicant **Eugene Emery** of **Oakley, Idaho.**

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

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

Encl.
EPR:pak

25397

RECEIVED
DEC 28 1959

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE
Department of Reclamation

(Date) Dec. 26, 1959
(P. O.) Oakley, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Herald Bulletin of Burley, Idaho published in
the county in which the works are situated.

Engineer

(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.

25397

RECEIVED
 DEC 28 1959
 Department of Reclamation

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

Notice is hereby given that at 2:00, P.M., on the 3rd day of February, 1960, at Oakley, County of Cassia, State of Idaho before Earl Whiteley, Notary Public, at (address) Oakley Idaho, proof will be submitted of the completion of works for the diversion of ³⁰⁻~~inches cubic feet per second~~ of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G25397, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is ✓ Eugene Emery, Oakley, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 30-inches cubic feet per second.

3. The use of which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 30-inches cubic feet per second.

4. The point of diversion of said water is Subterranean Flow (Well) on S.W. 1/4 of Sec. 29, Twp. 13 S., Rge. 22 E. R. M.

5. The place where said water is used is S44W1, Section 20, Township 13 S., Range 22 E. R. M., County of Cassia.

6. The date of priority which said user is prepared to establish is February 3, 1955.

Geo. H. Carter
 State Reclamation Engineer

G25397

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 25397

Date: Dec. 1, 1959

Mr. Eugene Emery
Oakley, Idaho

Dear Mr. Emery:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 25397 are due not later than February 3, 1960.

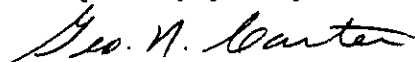
Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken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

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

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

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

Enclosures Form 36 (2)
" 11
instructions

825397

February 7, 1956

RE: Permit No. G-25397

Mr. Eugene Emery
Oakley
Idaho

Dear Mr. Emery:

We enclose Permit No. G-25397 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-964 for the \$5.25 filing fee.

We return your former Permit No. 21123 which this new Permit is intended to replace.

Very truly yours,

MA K R. KULP
State Reclamation Engineer
By

Chief Clerk

A:eu
Enc.

25397

NAME OF APPLICANT.....EUGENE E. ELLIOT.....

Form No. 0

R-22 E.

T.
13
S.

29

Point of Diversion - WELL

Permit Map No. 4-25397
As Approved
FEB 3 1955
MARK R. KULP
State Reclamation Engineer

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

825397

RECEIVED
JAN 31 1955
Department of Reclamation
9 am

Clakley, Dakota
January 28-1955

Mark R. Tulp
Department of Reclamation
Baird, Dakota

Dear Mr. Tulp:

I am inclosing the
permit blanks you sent
me, and also a check for
\$5.25 to cover the filing
fee. If it is possible, I
would like to have the
permit cover a five year
period, like the one I had
before. I have not completed
some of the forms, so
I am returning the old ones
to you. Thank you. Sincerely,
B25397 Eugene E. Evers.



LEN JORDAN
GOVERNOR

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

BOISE

December 15, 1954

RE: Permit No. 21123

Mr. Eugene Emery
Oakley
Idaho

Dear Mr. Emery:

We have your letter of December 10 in reply to notice that Permit No. 21123 is subject to cancellation for failure to make the statutory proofs when due.

Since the ~~maximum~~ of five years has expired, no extension can be allowed and your only recourse would probably be to file a new application to take the place of Permit No. 21123. However, this could not carry the original priority but a priority as of the date the new application is filed in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll
Enc.

825397

LEGAL NOTICE

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 p.m., on the 3rd day of February, 1960, at Oakley, County of Cassia, State of Idaho, before Earl Whiteley, Notary Public, at Oakley, Idaho, proof will be submitted of the completion of works for the diversion of 0.6 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 625327, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Eugene Emery, Oakley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.6 c.f.s.

3. The use of which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 0.6 c.f.s.

4. The point of diversion of said water is Subterranean Flow (Well) on SW 1/4 SW 1/4 of Sec. 29, Twp. 13 S., Rge. 22 E.B.M.

5. The place where said water is used is SW 1/4 SW 1/4, Section 29, Township 13 S., Range 22 E.B.M., County of Cassia.

6. The date of priority which said user is prepared to establish is Jan. 31, 1955.

GEORGE N. CARTER,
State Reclamation Engineer.
Published in the Herald-Bulletin
Dec. 29, 1959, Jan. 5-12-19, 1960.