

45-02449

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

APPROVED

Name of applicant Joseph E. Tugaw Phone (801) 487-1321
Post office address 1875 Jeremy Drive, Salt Lake City, Utah 84121

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 45-2449 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant By land purchase contract from George W. Fuller and Valerie I. Fuller, dated January 10, 1963 which has been completed and title is now vested in applicant.
3. Source of water Underground - Well tributary to _____
4. Date of priority June 1, 1953
5. Water is used for the following purposes:
amount 2.80 cfs for Irrigation purposes from April 1 to October 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 2.80 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12
Township 12 South Range 19 East, B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12S	19E	1		30	20		40			40	40			15		10	5		200
12S	19E	12		*	*		35			40	30			30					147

*Supplemental

Total number of acres to be irrigated 347

9. Describe any other water rights used for the same purposes as described above All of Fuller Springs 138 inches Dry Creek (RT.Nos.5,5B,6,7) 165 inches Deer Creek (RT.Nos. 10A,10AA)-Decrees dated 5/7/26 and 7/26/26; 146 inches Dry Creek (Ethel and Julia C. Stoner Priority 3/1/79)-Decree dated 5/27/42; License No. 45-2486

MICROFILMED

MICROFILMED

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

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

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

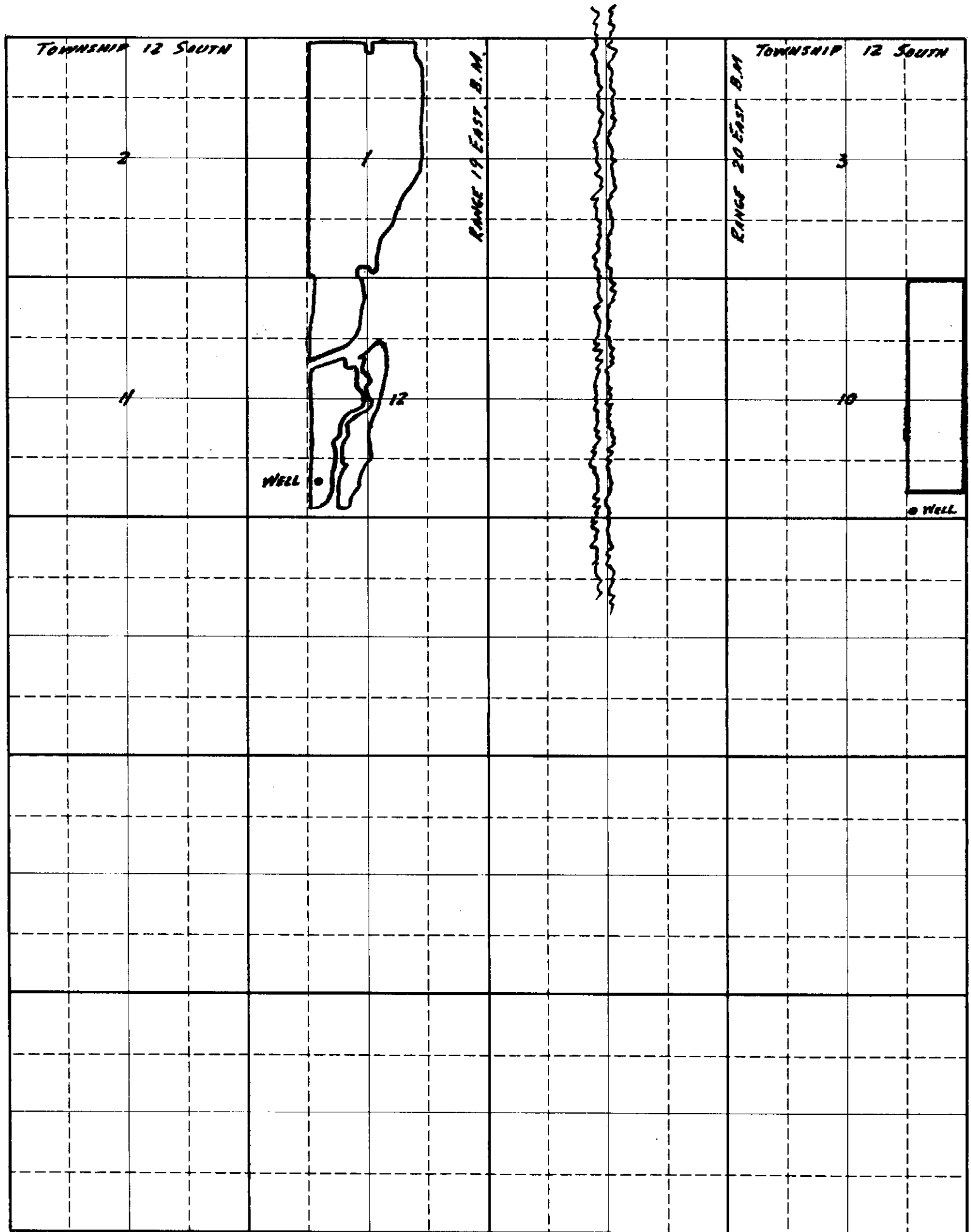
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 2.80 c.f.s. &/or - acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 12 Township 12 South
Range 19 East, B.M., Cassia County
Additional points SE¼ SE¼ Section 10, Township 12 South, Range 20
East, B.M.
- c. Description of diverting works 2 wells with pumps; conveyance by means
of concrete ditches and/or supply lines to sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion A source of water
is needed to irrigate 150 acres of land within the closed Artesian
City Critical Ground Water Area. The water transferred will be
replaced under an application for permit to divert the water from
an existing well outside of the closed area.
2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	19E	1		35.6	39.1		38.8			39.4	39.4			37.0		26.2	8.8		264.3
12S	19E	12			7.2		33.5			29.8	34.1			26.7		1.7			132.5
12S	20E	10	40.0			40.0								40.0			30.0		150.0

Total number of acres to be irrigated 546.80

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



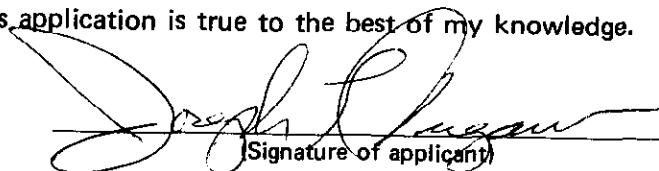
SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECEIVED

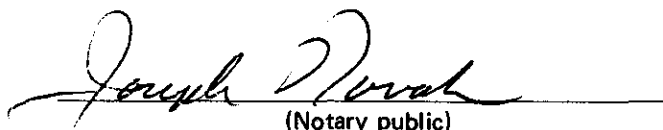
RECORDED

4. Remarks The purpose of this application is to transfer sufficient water under License No. 45-2449 to a new well to be drilled in SE1/4SE1/4 Section 10, Township 12 South, Range 20 East B.M. to irrigate 150 acres of land in said Section 10 and to retain the existing well to supplement the irrigation of lands in Sections 1 and 12, Township 12 South, Range 19 East B.M. Both wells are situated within the closed Artesian City Critical Ground Water Area. The water transferred will be replaced under an application for permit to divert additional water from the well covered by License No. 45-2486 situated in NW1/4NW1/4, Sec. 24, T12S, R19E, B.M. being outside of the closed area.

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


(Signature of applicant)

Subscribed and sworn to before me this 27th day of August, 19 81.


(Notary public)

My commission expires July 20, 1982

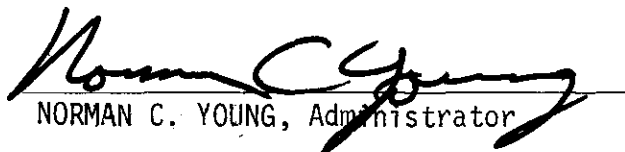
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2449

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

1. No more than 347 acres shall be irrigated under water right No. 45-2449 in any calendar year. Each year prior to April 1 the license holder shall identify for the Idaho Department of Water Resources the location of lands to be irrigated during that year.
2. Total annual consumptive use of water diverted under right No. 45-2449 shall not be increased as a result of transfer 2604. For acreage originally described on License 45-2449, which will not be irrigated in any particular year, no other water right may be applied to the acreage during that year.
3. The rate of diversion under water right No. 45-2449 shall not exceed 2.8 cubic feet per second at any time from both points of diversion combined, nor shall more than 0.02 cubic feet per second per acre be diverted from all sources for each acre irrigated.
4. With respect to interference between wells, the well located within the SE1/4SE1/4, Sec. 10, Twp 12S, Rge 20E, B.M. shall be considered to have the most junior priority when compared to any other well within a radius of two (2) miles.
5. Failure to comply with any of the conditions of approval on this transfer will void the approval.
6. The Department retains jurisdiction of this approved transfer for five (5) years.

Witness my hand this 29th day of December, 19 83.


NORMAN C. YOUNG, Administrator

FOR DEPARTMENT USE ONLY

Received by DRT Date 8-28-81
IN FORM TO RECEIPT DEPT

Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰ #19794

Receipted by RG Date 9-1-81

Published in sacramento ida press

Copies of protest forwarded by _____

Pub. dates 10/8 & 10/15/81

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval denial

_____ rec'd. _____

by _____

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

.....Mary Summers....., being first

duly sworn, deposes and says that she is the

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

The South Idaho Press for Two..... consecutive weeks, commencing with the issue dated October 8th 1981, and ending with the issue dated October 15, 1981

.....Mary Summers.....

Subscribed and sworn to before me

this 10th day of Nov

1981.

.....Notary Public

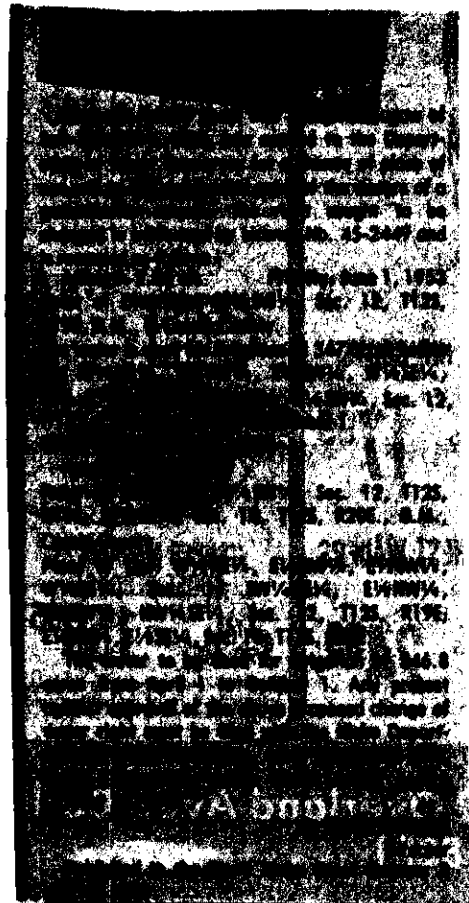
Cost of Publication \$ 24.70

Notary Fee

Total Cost \$ 24.70

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1985.

MICROFILMED



NOV 18 1981
Department of Natural Resources
Southern District Office

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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) ss.
STATE OF IDAHO)

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.....Mary Summers.....

Subscribed and sworn to before me
this 10th day of Nov
1981.....

.....Thomas M. Brown..... Notary Public

Cost of Publication \$ 24.70.....

Notary Fee

Total Cost \$ 24.70.....

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1985.

81-257

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 45-2449

Notice is hereby given that Joseph E. Tugaw of Salt Lake City, Utah, has applied to the Department of Water Resources for a change of place of use and to add a diversion point of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 45-2449 and is recorded as follows:

Amount: 2.80 cfs Priority: June 1, 1953
Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T12S, R19E, B.M., in Cassia County.

The water is used for irrigation of 347 acres within the W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, T12S, R19E, from April 1 to October 1.

TO BE CHANGED AS FOLLOWS:

Amount: 2.80 cfs.
Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T12S, R19E; SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 10, T12S, R20E., B.M., Cassia County.

Place of Use: W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T12S, R19E; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T12S, R20E.

The water to be used for irrigation of 546.8 acres from April 1 to October 1. Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before October 26, 1981.

A. KENNETH DUNN
Director

Published in the South Idaho Press October 8 and 15, 1981.

1981

Office

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

45-2449

Application No. G- 31951
 Permit No. G- 24171
 District No.

Arthur E. Babbel
 Box 161
 Twin Falls, Idaho

1. Name of Applicant: VALERIA I. FULLER, EVERETT M. FULLER and GEORGE W. FULLER
 Postoffice address: Rt. 1, Murtaugh County: Cassia State: Idaho
2. Quantity of water claimed: 2
 - (a) Rate of withdrawal in cubic feet per second. 6 or Idaho
 Miners' inches 300 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum 1500
3. Source of water supply: Subterranean deep well situate SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp. 12 S, Range 19 E.B.M.
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12
 Twp. 12 S, Rge. 19 E, B.M., County of Cassia
5. Water is to be used for: Irrigation 5.98 cu. ft. per sec., domestic 1/50 cu. ft. per sec.
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: Deep well, turbine pump 150 h.p. - pipe lines
8. Estimated cost of works: \$ 15,000.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir: None
10. The time required for the completion of such work and complete application of the water to the proposed use is 2 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 8 miner's inches to Sec. 13, 130 miner's inches - Sec. 12; undivided $\frac{1}{2}$ interest of 299 miner's inches, 25/80 of 80 miner's inches - Sec. 1, All from Dry Creek - irregular flow - Sec. 1 out of water by June 15th.
 - (a) 6 (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) None (cubic feet per second, inches or gallons per minute) is for new lands.

Applicants are tenants in common of the lands to be irrigated. Applicants, or their husband and/or father, have been the owners of said premises for more than 25 years. They have been using a smaller well to supplement irrigating said lands, but inasmuch as this well was too small and the flow inadequate, applicants desire to make application for water as hereir

VALERIA I. FULLER, EVERETT M. FULLER,
GEORGE W. FULLER *Applicant.*

Date of first receipt at Department of Reclamation: 9:00 a.m. June 1, 1953

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-24171

Recorded in Book 86 Page 24171 Approved June 6, 1953

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 August 6, 1953 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 **June 6, 1954**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before **June 6, 1955.**

Witness my hand this 6th day of June, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, 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 6th
day of June, 1953

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

12.

Twp.	Range	Sec.	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	Totals
			NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	
12 S.	19 E	13		10			10
		12	10 10	25	25	20	115
		1	20 30	30	25	20	205
REMARKS: (cont.) made. The surface water obtained from dry creek generally ceases early in June of each year, and necessary for applicants to use subsurface water if they want to farm said lands throughout the season, which lasts approximately 120 days commencing late in May.							
							330

State of Idaho

License and Certificate of Water Right

Water License No. C-24171

Amount 2.8 c.f.s.

Water District No. _____

Priority June 1, 1953

THIS IS TO CERTIFY that Valeria I. Fuller, Everett M. Fuller & George W. Fuller of Murtaugh, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 1, 1953; that Permit No. C-24171 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.8 second feet, was issued thereunder on November 21st, 1956, showing that said works were completed on the 20th day of May, 1955; and that on the 20th day of May, 1955, Valeria I., Everett M. & George W. Fuller

of Murtaugh, 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

~~located on~~ (Subterranean flow), for the purpose of Irrigation and domestic, under Use Permit No. C-24171 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 9 of Licenses at page 5863, on the 21st day of November, 1956;

The right hereby confirmed dates from June 1, 1953, 1956;

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 12, Tp. 12 S, R. 19 E., B. M. County Cassia

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 3	19 E	13	NE NW	10	--
			NW NE (Supplemental)	10	5(Supplemental)
			SW NE	10	7 "
			NE NW	25	35
		1	SE NW	25	40
			NE SW	25	30
			SE SW	20	30
			NW NE	20	30
			SW NE	30	20
			NE NW	30	40
			SE NW	35	40
			NE SW	25	40
			SE SW	25	15
			NW SE	25	10
			SW SE	20	5
			Total number of Acres Actually Irrigated --		

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

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

21st day of November, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

2449

Permit No. G-24171

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Valeria I. Fuller, Everett M. Fuller and George M. Fuller of Rt. #1, Murtaugh, County of Cassia, and State of Idaho, the holders of Permit No. G-24171, issued upon Application No. G-31951 bearing date of priority of June 1, 1953, authorizing the diversion of 2.8 second feet of the waters of Subterranean flow from a well County of Cassia, State of Idaho, for Irrigation and Domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.8 second feet of the waters of a deep well that the point of diversion of said waters SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12., Twp. 12 S., Rge. 19 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 1; E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 12., all in Twp. 12 S., Rge. 19 E., B.M.

Witness my hand this 21st day of November, A.D. 1956.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made May 20, 1955.

Certificate of Completion of Works was issued November 21, 1956.

LICENSE ISSUED FOR 2.8 SEC. FT.

Page 5863

See Serial No. 4-25309

INTER-DEPARTMENT MEMO

TO: Colen Saxton

SUBJECT: Tugwa App

FROM: Lozen Holmes

DATE: 11/13/97

Here is my letter about the reporting condition.
It seems to me that if a permit is
issued on 45-7480, the transfer should be
changed to eliminate the lands put
under the permit.

☒ For your information

☐ Response required

Lozen
signature

Mr. [unclear]
[unclear]
[unclear]
[unclear]
[unclear]
[unclear]

File in
45-7480

[unclear]
[unclear]
[unclear]
[unclear]
[unclear]
[unclear]

[unclear]

[unclear]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

13-Nov-1992

R. KEITH HIGGINSON
Director

Joseph E. Tugaw
Tugaw Ranch
Rt. 1
Murtaugh, ID 83344

Re: Transferred water right 45-02449

Dear Mr. Tugaw:

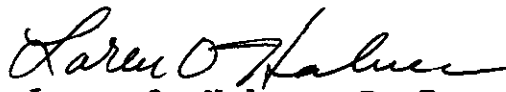
This letter is to serve as a reminder that the approval of the transfer of License 45-2449 was conditioned upon limiting the number of acres on which the water right could be used in a given year and included an annual reporting requirement.

To date, department records do not contain any evidence that the reporting requirement has been complied with.

Please be advised that a report of the lands to be irrigated under this right in the 1993 irrigation season is required to be submitted to the department by April 1, 1993.

If you have any questions regarding this matter, please contact this office.

Sincerely,


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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

13-NOV-1992

R. KEITH HIGGINSON
Director

Joseph E. Tugaw
Tugaw Ranch
Rt. 1
Murtaugh, ID 83344

Re: Transferred water right 45-02449

Dear Mr. Tugaw:

This letter is to serve as a reminder that the approval of the transfer of License 45-2449 was conditioned upon limiting the number of acres on which the water right could be used in a given year and included an annual reporting requirement.

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If you have any questions regarding this matter, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Loren O. Holmes".

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 29, 1983

Joseph Novak
Snow, Christensen & Martineau
Box 3000
Salt Lake City, UT 84110

RE: Application for Transfer No. T2604, Water Right No. 45-2449

Dear Mr. Novak:

Personnel within this Department have deliberated extensively with respect to the above referenced Application for Transfer. As groundwater supplies in southern Idaho dwindle at an alarming rate, a proper evaluation of the elements of a transfer is necessary to protect existing water rights from potentially harmful changes caused by altering any aspect of an existing water right. In light of the critically short supply of groundwater in the vicinity of the proposed changes, the application has been evaluated with respect to (1) expansion or enlargement of the original rights, (2) injury to existing rights, and (3) local public interest.

Based on the information in the file and in the records of the Department, the above referenced transfer application has been approved, subject to certain conditions of approval. These conditions are more stringent than those found on many approved transfers, because the points of diversion both before and after the transfer are located within a critical groundwater area, and because the two diversion points are located the unusually long distance of more than four miles apart. The conditions of approval are designed to allow maximum flexibility for Mr. Tugaw's irrigation operations, while reasonably protecting the interests of other waterusers within the groundwater systems from which the two wells will divert.

Please note that condition of approval No. 1 requires the license holder to identify for the Department prior to April 1 of each year the location of lands to be irrigated during that year. Therefore, even though the land list after the transfer identifies a total of 547 acres, a minimum of 200 acres from this list must not be irrigated from water right No. 45-2449 each year. Condition of approval No. 2

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Joseph Novak

Page 2

further provides that in order to insure that consumptive use is not increased, the 200 acres specified to not be irrigated under water right No. 45-2449 can not be allowed to receive water from other currently vested water rights. Conditions No. 3 through 6 are also pertinent to the approval of the Application for Transfer.

Regarding the associated application for permit No. 45-7480, please be advised that consumptive use applications with sources of supply eventually tributary to the Snake River upstream from Swan Falls have not been approved by the Department since January, 1983, due to the undetermined nature of the water rights owned by Idaho Power Company at Swan Falls Dam. Approval of the application for transfer will not allow approval of the application for permit at this time.

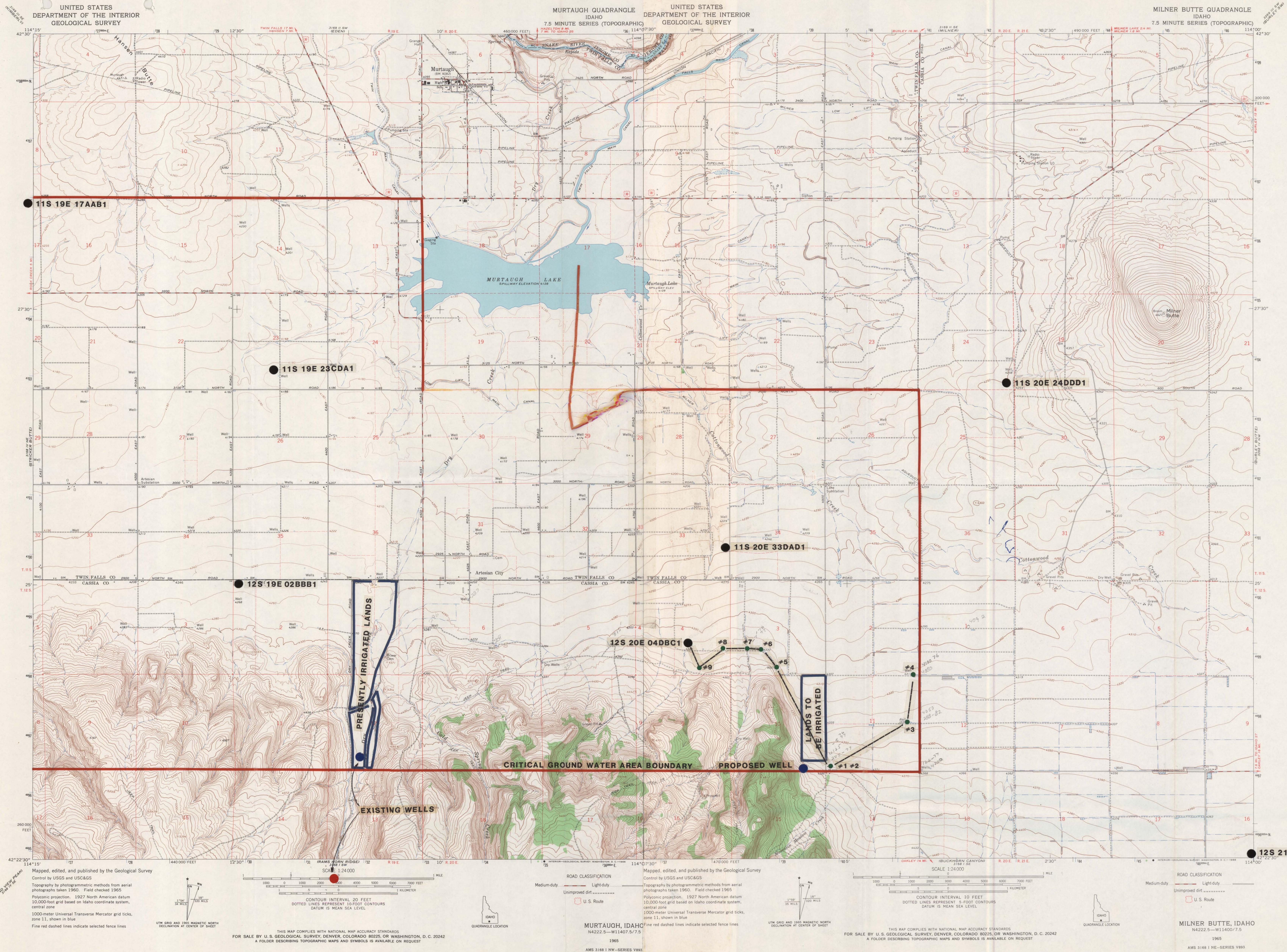
Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young". The signature is fluid and cursive, with the first name "Norman" written in a larger, more prominent script than the last name "Young".

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:DRT:sc

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To: ~~ms~~ Dave T ~~ms~~
From: N. O.
Re: Transfer No. 2604/45-2449
DATE: 12/21/83

AFTER A REVIEW OF THE FILE I WOULD NOT SUGGEST ASKING THE APPLICANT FOR FURTHER INFORMATION ON HISTORIC WATER USE AND HISTORIC ANNUAL PUMPAGE. RARELY ARE SUCH RECORDS AVAILABLE. THE APPLICATION FOR THE PERMIT INDICATES THE SURFACE RIGHTS ARE ONLY AVAILABLE FOR A FEW WEEKS. RATHER THAN BASE THE APPROVAL UPON HISTORIC ANNUAL PUMPAGE THE APPROVAL SHOULD BE TIED TO LIMITING ACREAGE IRRIGATED TO HISTORIC AMOUNTS FOR WHICH WE ALREADY HAVE AT LEAST THE UPPER AUTHORIZED LIMITS.

THE FOLLOWING KINDS OF CONDITIONS SHOULD BE ATTACHED TO THE APPROVAL TO PREVENT EXPANSION AND PROTECT BOTH JUNIOR AND SENIOR RIGHTHOLDERS.

- 1) No more than 347 acres to be irrigated under right No 45-2449, in any one year. Licenseholder to inform Town in writing prior to April 1 of each year of location of lands to be irrigated
- 2) Primary S.W. rights can only be used on lands to which they are decreed which must be included in the 347 acres to be irrigated under 45-2449.
- 3) Limit diversion rates under 45-2449 to

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2.9 cfs combined from both wells
and no more than 0.02 cfs/acre from
all sources.

4) Retain jurisdiction over transfer
approval

5) ~~Both~~ Transfer voided if conditions
not complied with.

c) Subordinate, by acceptance of
transfer approval, the use of new
well under 45-2449 to existing junior
pumpers.

Cover letter should note that
approval of applic. for permit 45-2480
cannot be given because of Swan Falls
& approval of transfer does not
imply dept approval of the new
application under any circumstances, i.e.
~~Approval of the new app~~ The decision
on the new application is a separate,
unrelated decision.

RECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

October 19, 1983

MEMO

TO: Dave Tuthill *DT*
FROM: Stan Szczepanowski *SP1*
SUBJECT: FINAL OPINION ON THE TUGAW~~S~~ TRANSFER OF WATER
RIGHT MATTER

With respect to the document (dated April 28, 1983) submitted to IDWR by Joseph Tugaw through his lawyer Joseph Novak, I reinforce my previous remarks with the following statements.

While the lower lands of the Artesian City CGWA might be considered part of a larger groundwater basin, the upper areas, especially those adjacent to the highlands, receive recharge from minor, at times ephemeral, streams and from the fracture, joint and fault systems that convey and distribute groundwater from the highlands to aquifers under the lowlands. No single source of groundwater actually exists for the larger, closed area. On the scale of the Tugaw transfers and development of a new well, it is essential for this to be recognized. Groundwater captured in a newly acquired upgradient well will lessen by some small degree that water left for other downgradient users.

Water levels drawn from drillers' well log reports have limited use and limited validity. These should not be used as a foundation for arguments upon which a claim is made. Dates, on those submitted, range over a number of years and are scattered through the year as well. Comparisons of groundwater levels, and trends affirmed from these, are subject to rejection. The accuracy of the water level obtained by the well drillers is questionable.

SS:mb

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LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR
POST OFFICE BOX 3000
SALT LAKE CITY, UTAH 84110
TELEPHONE (801) 521-9000
TELECOPIER (801) 363-0400

THURMAN & SUTHERLAND	1886
THURMAN, SUTHERLAND & KING	1888
THURMAN, WEDGWOOD & IRVINE	1906
IRVINE, SKEEN & THURMAN	1923
SKEEN, THURMAN, WORSLEY & SNOW	1952
WORSLEY, SNOW & CHRISTENSEN	1967

JOHN H. SNOW 1917-1980

OF COUNSEL
JOSEPH NOVAK
GEORGE N. LARSEN

April 28, 1983

HAROLD G. CHRISTENSEN	MAX D. WHEELER
REED L. MARTINEAU	PAUL J. GRAF
STUART L. POELMAN	PAUL C. DROZ
RAYMOND M. BERRY	MICHAEL D. BLACKBURN
H. JAMES CLEGG	ROBERT H. HENDERSON
MERLIN R. LYBBERT	STEPHEN ROTH
DAVID W. SLAGLE	DENNIS C. FERGUSON
A. DENNIS NORTON	BRUCE H. JENSEN
ALLAN L. LARSON	HENRY K. CHAI II
JOHN E. GATES	BRYCE D. PANZER
R. BRENT STEPHENS	DAMIAN C. SMITH
KIM R. WILSON	STEPHEN J. HILL
MICHAEL R. CARLSTON	FLOYD W. HOLM
GEORGE A. HUNT	DAVID J. CASTLETON
ELLIOTT J. WILLIAMS	PAMELA G. HEFFERNAN
RICHARD K. CRANDALL	DAVID W. SLAUGHTER
DAVID G. WILLIAMS	JODY K. BURNETT
REX E. MADSEN	MARK A. LARSEN
DEE V. BENSON	PATRICE ARENT MULHERN

A. Kenneth Dunn, Director
Department of Water Resources
State Office
450 West State Street
Boise, ID 83720

Re: Joseph E. Tugaw - Application for Transfer No. 2604
License No. 45-2449

Dear Mr. Dunn:

The following is respectfully submitted in response to the letter from Norman C. Young, of your office, directed to the undersigned and dated July 2, 1982, relative to the above.

Background Statement

Joseph E. Tugaw is the owner of two ranches in Cassia County, Idaho, commonly referred to as the Buckhorn Ranch and Dry Creek Ranch, respectively. On June 25, 1980, a final Judgment was entered in Cassia County Civil No. 9818 settling the underground water rights on the Buckhorn Ranch. On November 10, 1980, Tugaw and the undersigned met with Steven Allred, the then-Director of the Department of Water Resources, and David R. Tuthill, Supervisor, Water Allocation Section at the Department's office in Boise, Idaho, for the purposes of:

1. Taking the necessary action to conform the licensed underground water rights for the Buckhorn Ranch as shown by the Department's records to the final Judgment entered in Cassia County Civil No. 9818, and

2. Ascertaining the requisite procedures to be followed in establishing a right to irrigate 150 acres of land owned by Tugaw in the E1/2 E1/2, Section 10, Township 12 South, Range 20 East, B.M. by means of a proposed well to be drilled immediately south of the southwest

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STATE OF IDAHO
DEPT. OF WATER RESOURCES

A. Kenneth Dunn
April 28, 1983
Page 2

corner of the 150 acre tract, being contiguous to and incorporated into the Buckhorn Ranch.

As to (1) above, we were advised that the requisite procedure would be to file an appropriate application for transfer.

As to (2) above, the lands were then being leased and were being irrigated from a well owned by the lessee, situated near the Southwest Corner of Section 12, Township 12 South, Range 20 East, SLB&M, which lands were embraced within the Artesian City Critical Groundwater Area. The then-Director advised that one procedure available to Tugaw would be to transfer a portion of the Dry Creek Ranch groundwater right License No. 45-2449, situated in the Artesian City Critical Groundwater Area into the proposed well to be situated within the same critical groundwater area, to irrigate the 150 acre tract and to replace the transferred water by a new application for a permit from the well covered by groundwater right License No. 45-2486, situated approximately one and one-fourth miles south of the south boundary of the Artesian City Critical Groundwater Area. The foregoing procedure necessitated increasing the capacity of the well covered by License No. 45-2486 to produce the additional water and the construction of a pipeline from that well to the irrigated lands of the Dry Creek Ranch.

Pursuant to the foregoing, the undersigned prepared an application to transfer to effectuate (1) above and an application for transfer and application for permit to effectuate (2) above. On August 28, 1981, the undersigned and Tugaw met with you and Mr. Tuthill in your office in Boise, Idaho and submitted the two transfer applications and the application for permit for your review prior to the filing. While some concern was expressed over the Buckhorn Ranch transfer application, no concern was expressed over the Dry Creek Ranch transfer application, or the application for permit. Thereupon, the transfer application and application for permit were filed and were assigned Application for Transfer Nos. 2603 (Buckhorn Ranch), 2604 (Dry Creek Ranch) and Application for Permit No. 45-7480. Thereafter, notices of the foregoing applications were published and no protests were filed.

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A. Kenneth Dunn
April 28, 1983
Page 3

In reliance on the above sequence of events, Tugaw ^{2486?} straightened and deepened licensed well No. 45-2488 to approximately 1,250 feet, with additional casing, equipped the well with a new motor, pump and panel at an approximate cost of \$60,000.00, thereby increasing its capacity to approximately 6 cfs. In addition, Tugaw installed approximately three miles of P.V.C. pipe having a diameter of 15" from the well to the irrigated Dry Creek Ranch lands with the incremental reductions through the irrigated lands at an approximate cost of \$144,000.00, and installed a sprinkler system at an approximate cost of \$20,000.00. Thus, in reliance on the above, Tugaw expended a total of approximately \$224,000.00, as shown on the attached sheet labeled "Expenses on Irrigation Equipment", marked Exhibit A.

During the winter of 1981 and spring of 1982, periodic inquiries were made by the undersigned as to the status of Application for Transfer No. 2604. The undersigned was advised that no protests had been filed and that a decision would be forthcoming. Thereafter, by letter dated July 2, 1982 from Norman C. Young, the undersigned was advised that, due to likely injury to other water rights within the Artesian City Critical Groundwater Area, it is the intent of the Department to deny the application for transfer. However sixty (60) days was allowed for Tugaw to submit any information that might alter this analysis. At the request of the undersigned, the time has been extended to May 1, 1983, by several extensions granted by the Department. Accordingly, the following information is submitted in behalf of Tugaw in response thereto and in support of the approval of Application for Transfer 2604.

Response and Supporting Information

1. The proposed well and the existing well are both located within the Artesian City Critical Groundwater Area. Section 42-233a, Idaho Code defines "critical groundwater area" as any groundwater basin, or designated part thereof etc. By definition and under the plain meaning of the term "groundwater basin, or designated part thereof," such critical groundwater area must have a common groundwater supply.

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A. Kenneth Dunn
April 28, 1983
Page 4

If not, the remedy is to modify the boundaries in accordance with Sec. 42-233a, Idaho Code, rather than deny transfers within the same critical groundwater area.

2. The water will be withdrawn from the same geologic formation at the proposed well as is withdrawn by the existing well. The existing well draws water from the Idavada Volcanics which form the Rock Creek Hills south of Murtaugh Lake (Figure 4, Water Information Bulletin No. 8, attached Exhibit B). This formation consists of welded ash flows and tuffs of rhyolitic and latitic composition, with interbedded clay, silt, sand and gravel. The Idavada Volcanics extend across the Artesian City Critical Groundwater Area and the water at the two well sites is, therefore, from the same source.

*water from
the
same source
as the existing
well in the
Artesian City
Critical Groundwater
Area*

3. The only ground-water contour map available is the small scale map in Figure 10, Water Information Bulletin No. 8, attached Exhibit C. This demonstrates that water from the recharge areas in the Rock Creek Hills moves northward and westward toward the Snake River. Therefore, the existing well in Dry Creek and the proposed well are recharged from a common source of supply.

4. The nearest observation well to the proposed well is 12S 20E 04DBC1 which is located about 1-1/2 miles northwest. The attached hydrograph (Exhibit D) for this well indicates very little change in water levels during the period of record from 1976 to date. This observation well is the one which would most likely reflect the ground water levels in wells 5, 6, 7, 8 and 9 situated down gradient from the proposed well and any changes in water levels in those wells which might result from pumping the proposed well.

5. The nearest observation well to the existing well is 12S 19E 02BBB1 which is declining at the rate of 5.36 feet per year (Exhibit E). This decline will be improved by the moving of the point of withdrawal to the proposed well some four miles to the East.

6. The following table gives the land surface elevation at the various wells as taken from the USGS Topographic Map

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A. Kenneth Dunn
April 28, 1983
Page 5

Milner Butte, Idaho, the depth to water as reported by the well driller, the date the wells were completed, and the recent reading on well 3 as reported by the Department.

Well No.	(2) 5/1/65	(3) 4/1/62	(3) 8/24/82	(4) 2/1/60
Year Reported	1967	1962	1982	1960
Well Elevation	4380	4338	4338	4313
Depth to Water	-348	-194	-281	-188
Water Surface Elevation	4032	4144	4057	4125

The record indicates that the 1960 level at well 4 and the 1962 level at well 3 are consistent readings. However, the water level must have declined about 100 feet between those measurements and 1967 when well 2 was drilled. This record would further indicate that there has been an increase in water levels since about 1967. This conclusion is consistent with the record of the observation well 12S 20E 04 referred to above.

7. The water level reported by the USGS in the Spring of 1982 (March) for observation well 12S 20E 04 is higher than the level reported by the well driller for nearby well 9 in 1966. This indicates that the water levels have changed very little or have actually risen since about 1966. The water level in well 9 should be higher than the foregoing observation well due to the topography and the direction of ground-water movement.

8. The water level reported by the Department in the Spring of 1982 for well 3 is higher than the water level reported by the well driller for well 2 in 1967. Since well 2 is higher on the Mountain Meadow Creek alluvial fan and since it is up-graident according to the ground water contour map the water level should be higher in well 2 than well 3. Therefore, it appears that the water level in the area has actually risen since 1967.

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A. Kenneth Dunn
April 28, 1983
Page 6

9. The 1982 water levels reported for observation well 12S 20E 04 and for well 3 when projected across the area of the down gradient wells (Exhibit F) and when compared to the well drillers' reported water levels indicate that there may have been a lowering of water levels from the mid 1950's through the 1960's, but that the water levels have remained constant or have actually increased since that time. This is consistent with the record of the Buckhorn observation well 13S 21E 18 (Exhibit G) which shows little or no change since about 1971.

10. The 150 acre tract of land proposed to be irrigated from the proposed well is already under irrigation from a neighboring well by Tugaw's lessee. Therefore, there will be no increase in groundwater withdrawal from the aquifer in that area to serve these lands. The net effect will be a relocation of the point from which the groundwater is withdrawn.

11. There will be no enlargement of the water right evidenced by License No. 45-2449. Under Application for Transfer No. 2604, the sole irrigation requirements for 150 acres is sought to be transferred to the proposed well. A quantification of License No. 45-2449 from a supplemental supply to existing surface water rights from Dry Creek will substantially exceed the sole irrigation requirements of 150 acres. Thus, the necessary conditions could be placed on the approval of the transfer to avoid an enlargement. Whatever the transferred quantity is determined to be will be replaced by Application for Permit No. 45-7480.

We are mindful of Section 42-222, Idaho Code, which provides in part that the Department shall approve the change in whole, or in part, or upon the conditions, provided that no other water rights are injured thereby and the change does not constitute an enlargement in use of the original right. The foregoing statute requires a positive finding of injury before the change can be denied and it is not sufficient to find only that injury is likely to occur. The correct rule is that if there is reason to believe that the change can be made without injury to other rights, the transfer should be approved and afford the applicant the opportunity to effectu-

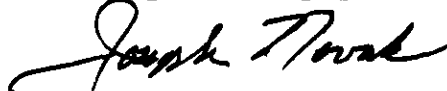
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A. Kenneth Dunn
April 28, 1983
Page 7

ate the changes. If, in fact, injury results, the injured party has recourse in another proceeding. However, to deny the transfer would be to foreclose the applicant from demonstrating that the changes can be made without injury to other rights.

We respectfully submit that the matters addressed above clearly demonstrate reason to believe that the proposed transfer can be made without injury to other water rights. Tugaw expended some \$224,000.00 in reliance on the procedures suggested by the former Director, the fact that no protests were filed and the expectation that Application for Transfer 2604 and Application for Permit 45-7480 would be approved. In view of the above, it is respectfully submitted that Application for Transfer No. 2604 should be approved. It follows that Application for Permit No. 45-7480 likewise should be approved.

Respectfully yours,



JOSEPH NOVAK
Attorney for Joseph E. Tugaw

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EXPENSES ON IRRIGATION EQUIPMENT

TRI CIRCLE	\$ 2,000.00
RAIN FOR RENT	12,000.00
TRI CIRCLE	10,595.30
BILL ROUNDY	2,500.00
WEECH WELL DRILLING	30,730.00
ART BAILY	752.00
MAURIE WELDING	117.00
FALLS IRR. EQUIP.	358.17
SO. ID. PIPE & STEEL	1,297.44
B2 IRRIGATION	5.80
FALLS IRR. EQUIP.	195.45
FALLS IRR. EQUIP.	313.94
GARY NELSON	1,400.00
JERRY SCHELL	5,000.00
BUTTE IRRIGATION	3,000.00
BUTTE IRRIGATION	44,887.72
RAIN FOR RENT	7,365.98
RICHARD COOPER	1,520.00
B 2 IRRIG.	38.00
AURORA PUMP	2,193.00
B 2 IRRIG.	334.36
B 2 IRRIG.	38.00
PIPECO	56.50
INTERMOUNTAIN IRRIG.	15.40
AURORA PUMP	23,008.00
BUTTE IRRIG.	3,500.00
ART BAILY	7,355.00
JIM CLARK	3,698.60
AMCOR	11,581.72
CERTAIN TEED PROD.	15,408.00
ART BAILY	665.00
ROCKEY MT. IRRIG.	7,998.16
ROCKEY MT. IRRIG.	6,473.30
RAIN FOR RENT	3,778.77
BUTTE IRR.	3,030.19
TRI CIRCLE	1,091.93
RAIN FOR RENT	3,778.77
ART BAILY	6,035.00

\$224,116.50

PERMITS

LABOR

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EXHIBIT A

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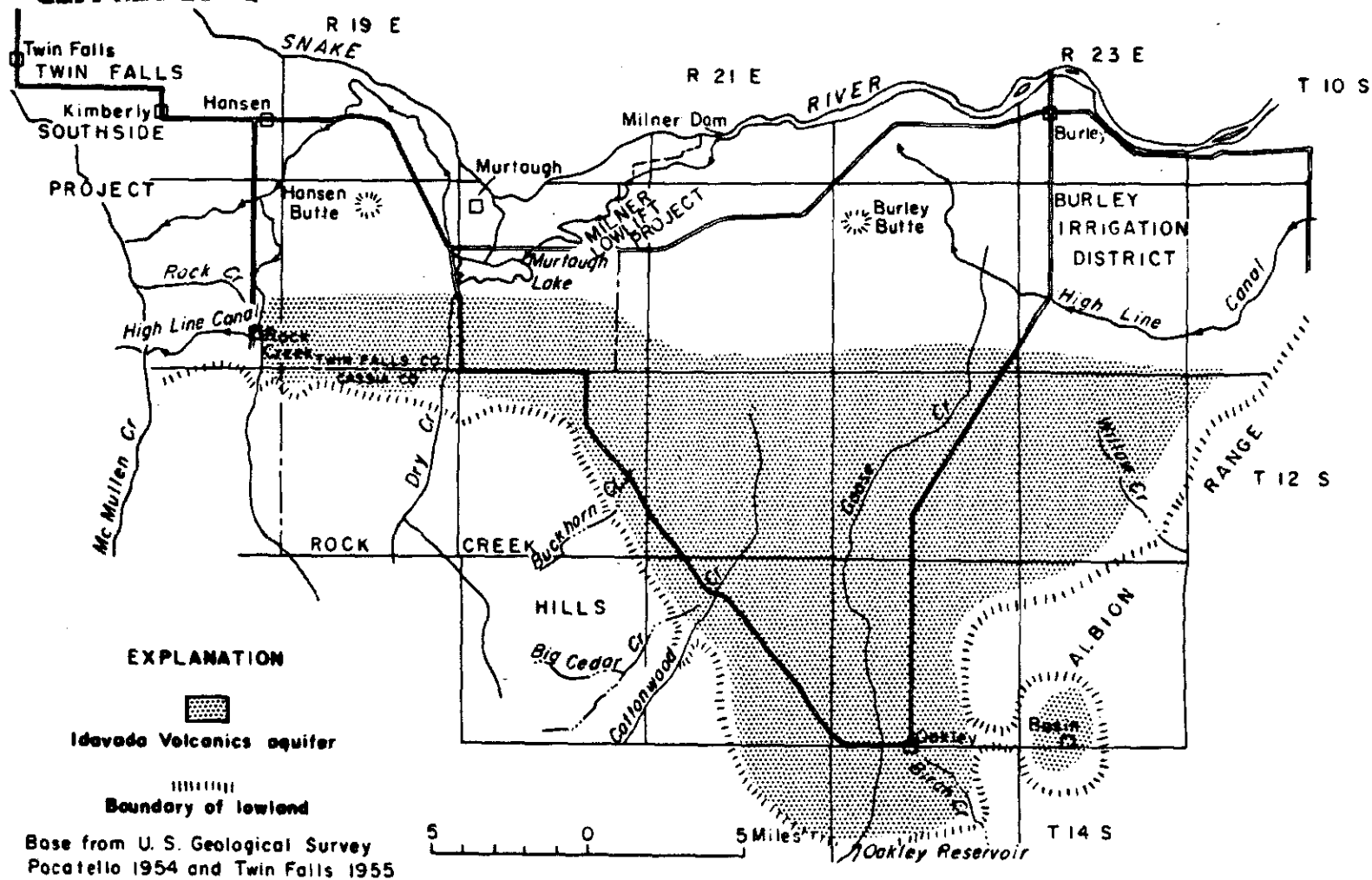


Figure 4.—The approximate areal extent of the Idavada Volcanics aquifer in the lowland. The aquifer probably extends north of the area shown on the map but has not been identified in well logs.

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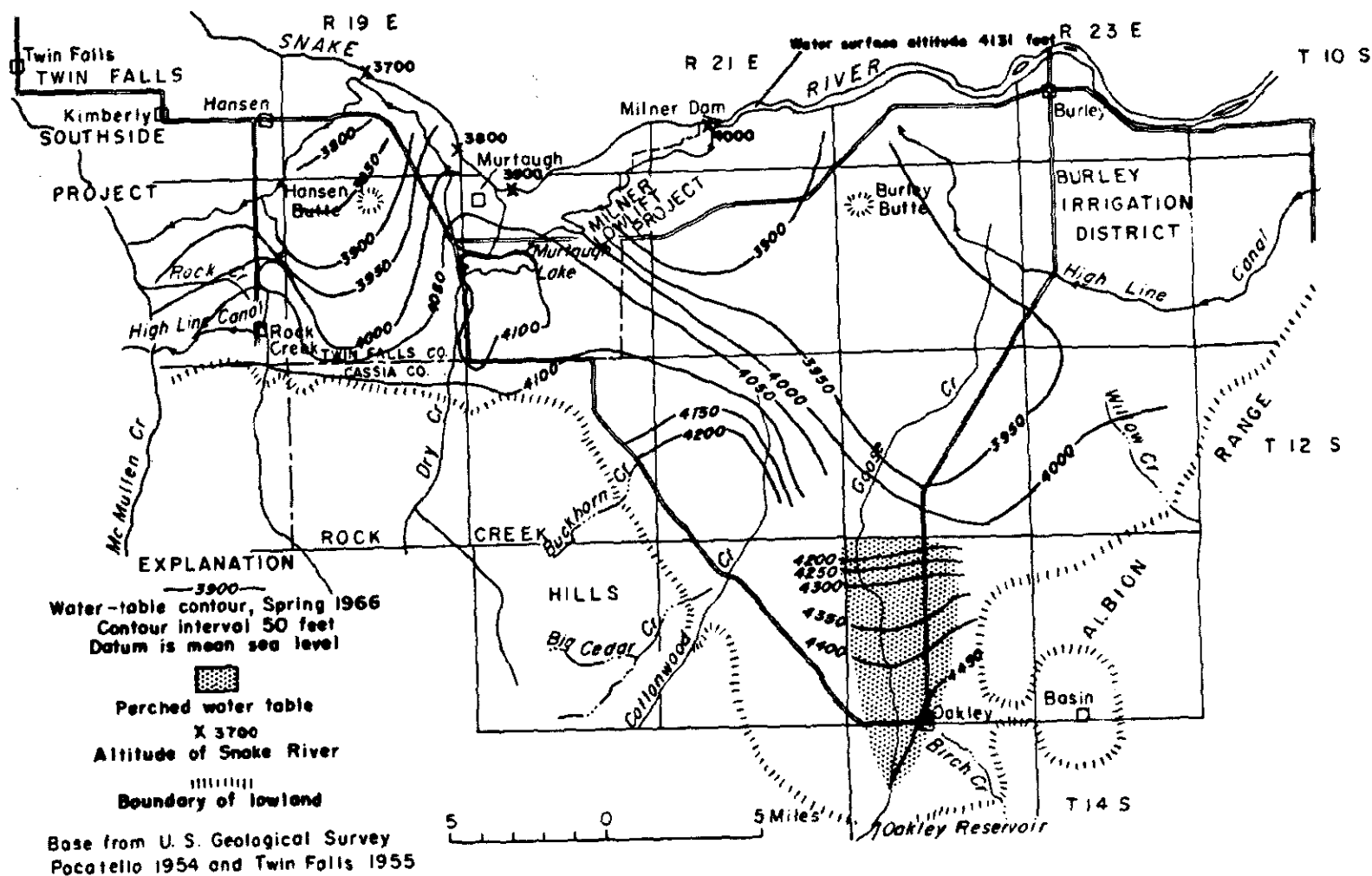
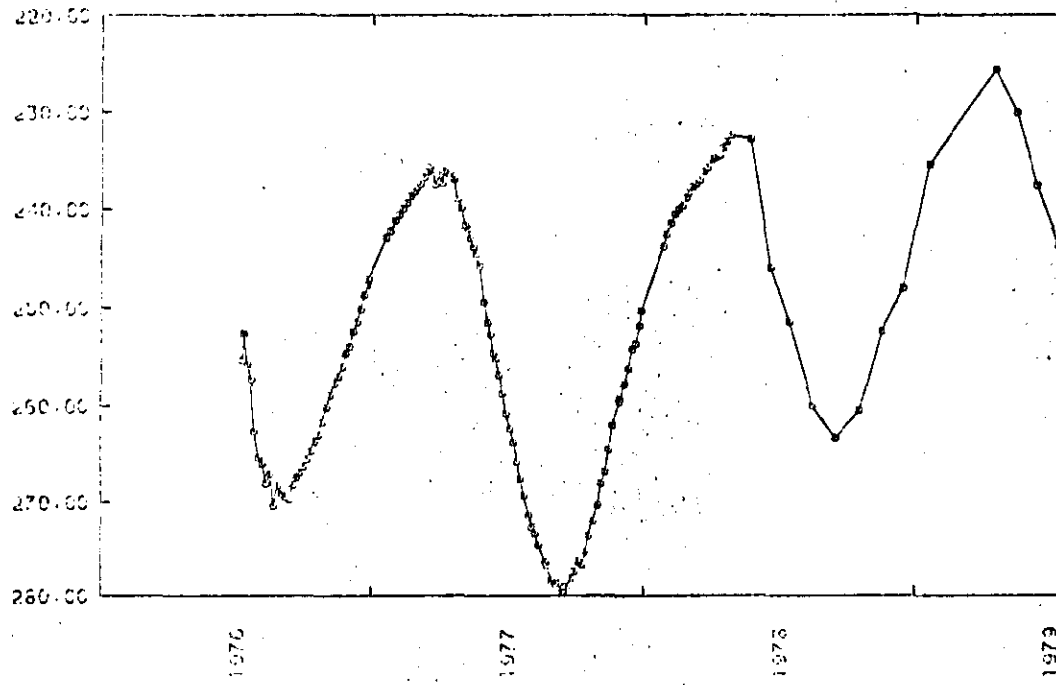


Figure 10.—Approximate configuration of the ground-water surface in the lowland.

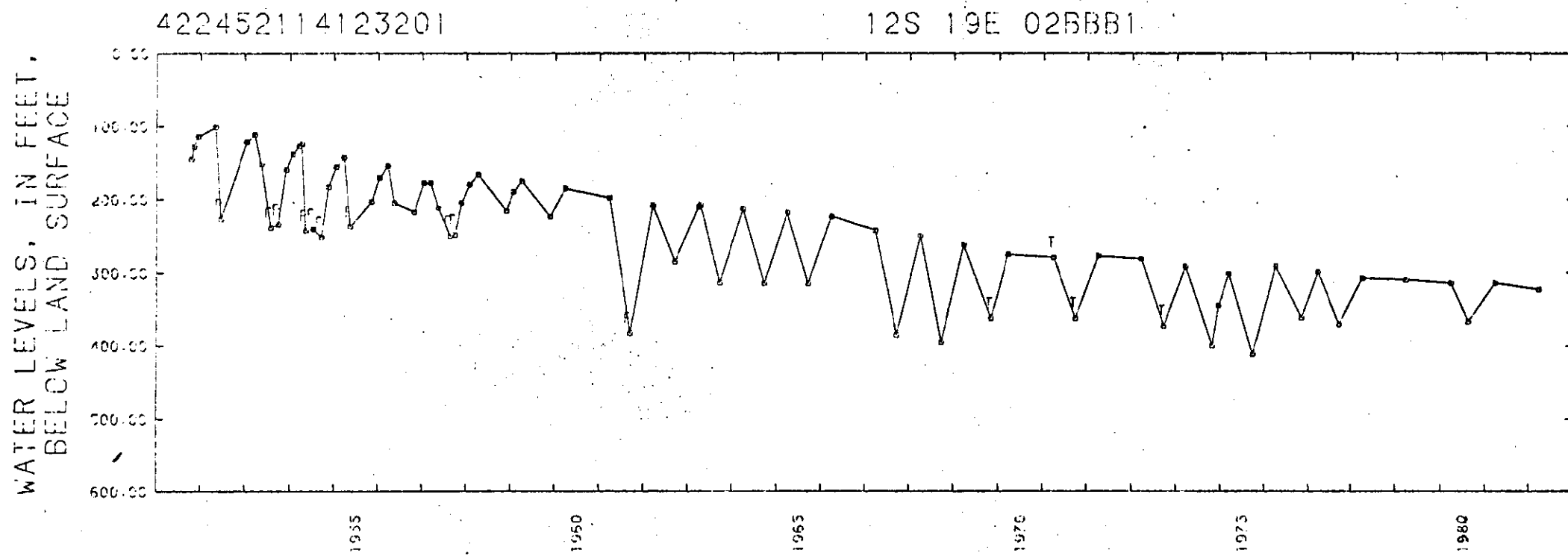
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1

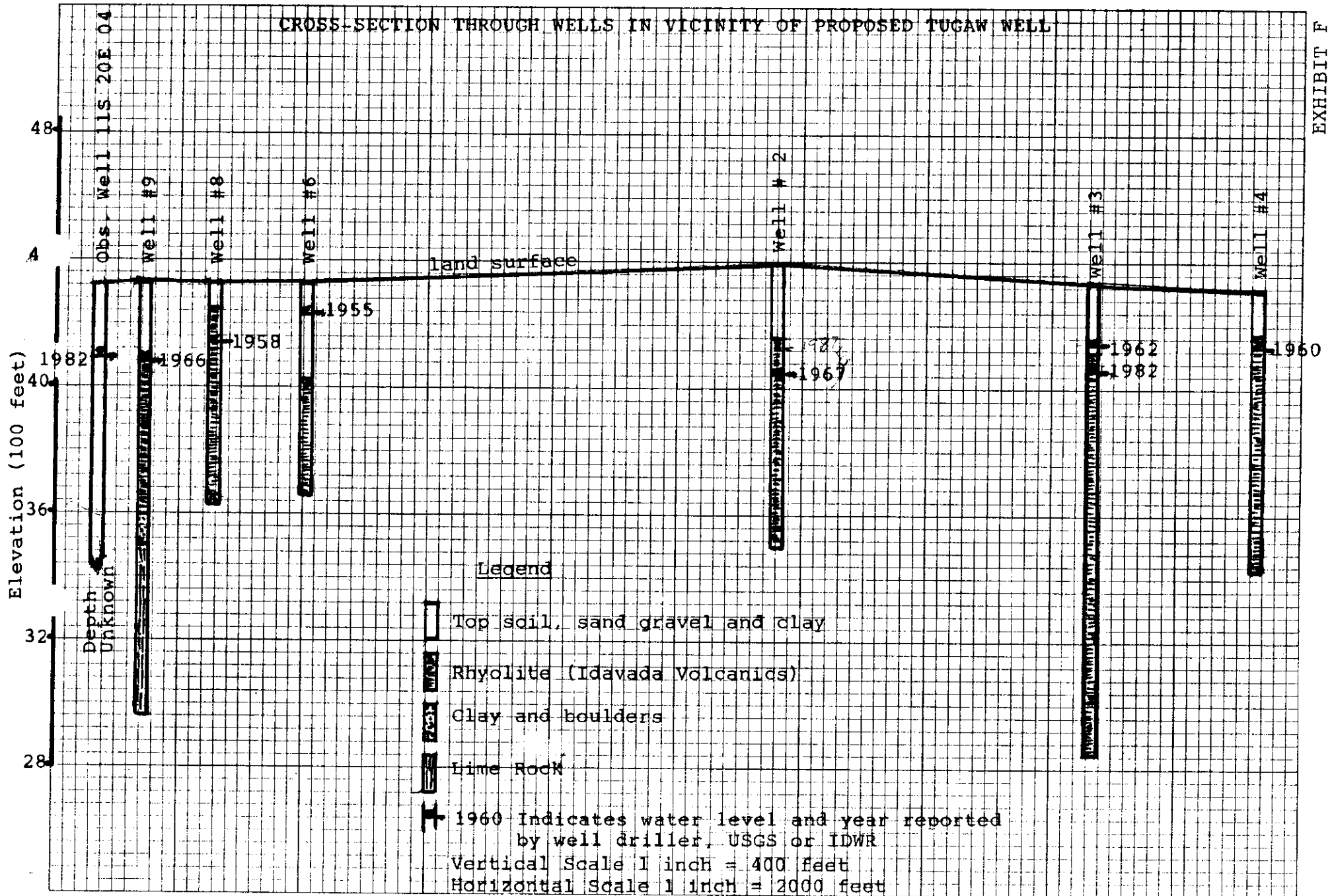
WATER LEVELS, IN FEET,
BELOW LAND SURFACE

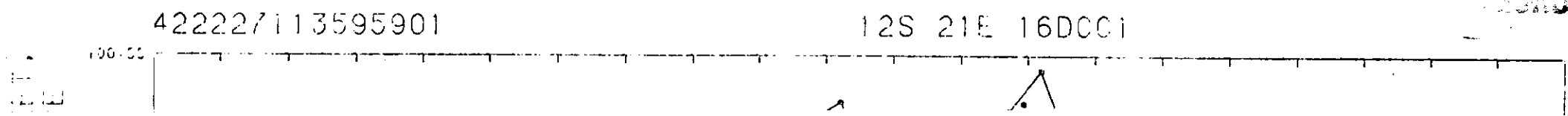
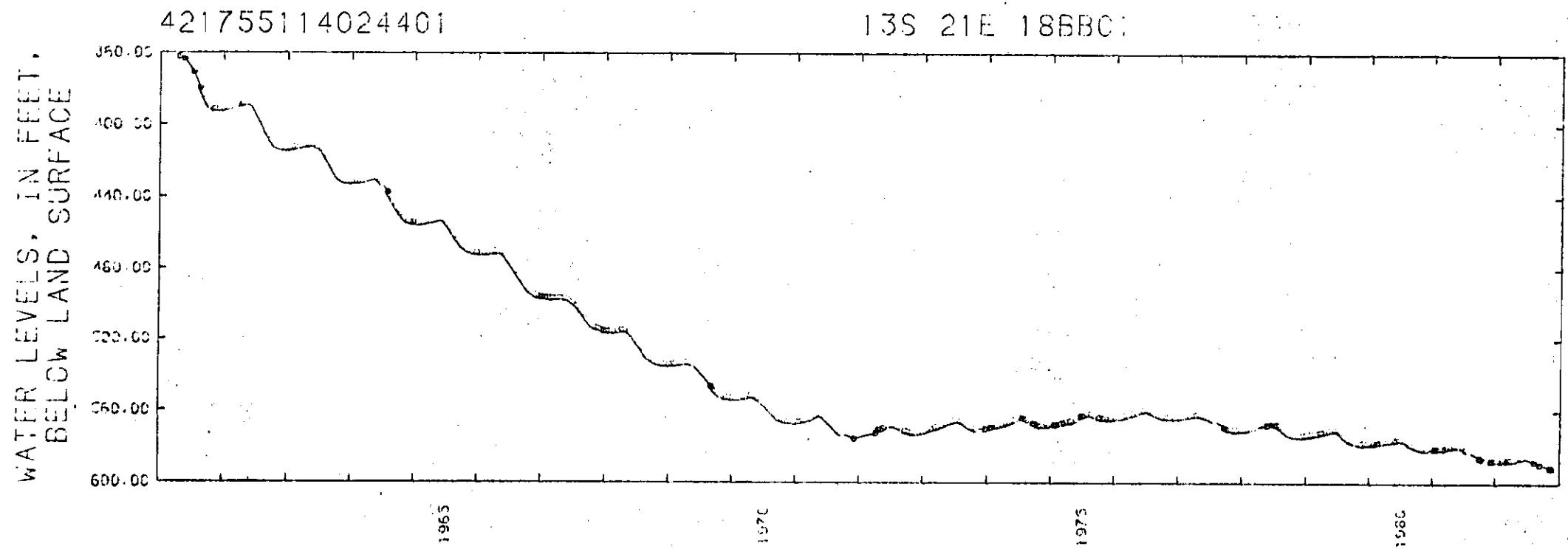


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August 11, 1983

Joseph Novak
Snow, Christensen & Martineau
Box 3000
Salt Lake City, UT 84110

RE: Joseph E. Tugaw - Application for Transfer No. 2604 on License
No. 45-2449

Dear Mr. Novak:

As a follow-up to my letter dated July 15, 1983, I have spoken with Mr. Szczepanowski regarding his progress on the above-referenced matter.

Mr. Szczepanowski indicated that in the course of his investigation he has discovered some information that may provide significant new information to predict groundwater movement in the vicinity of Mr. Tugaw's new well. Much of this information was published in an article entitled "An Evaluation of Exploration Methods for Low - Temperature Geothermal Systems in the Artesian City Area, Idaho", written by Eric M. Struhsacker, Christian Smith and Regina M. Capuano and published in the January 1983 volume of the "Geologic Society of America Bulletin", (copy of first page attached). Using the information in this article and additional conversations with individuals within the USGS, Mr. Szczepanowski is proceeding with his investigation.

I plan to continue to keep you informed of our progress in this matter so you will have access to any new information.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:db

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July 15, 1983

Joseph Novak
Snow, Christensen & Martineau
Box 3000
Salt Lake City, UT 84110

RE: Joseph E. Tugaw - Application for Transfer No. 2604 on License
No. 45-2449

Dear Mr. Novak:

Pursuant to your telephone call last week, I contacted our geologic personnel to determine the status of their investigation of the above-referenced matter. Mr. Stan Szczepanowski indicated that he has (1) analyzed the information that your provided, (2) discussed the matter with personnel from the USGS, and (3) planned to conduct the necessary field examinations during the first week of August.

When the examinations are completed, Mr. Szczepanowski plans to prepare a written analysis, and the water right decision should follow soon thereafter. I will keep you posted regarding further developments.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

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April 1, 1983

Joseph Novak
Snow, Christensen & Martineau
Box 3000
Salt Lake City, UT 84110

Re: Joseph E. Tugaw - Application for Transfer No. 2604 on License
No. 45-2449

Dear Mr. Novak:

We are in receipt of your letter dated March 23, 1983, in which you requested well log and water level information with respect to the above-referenced Application for Transfer.

Enclosed please find the following items of information:

1. Data from observation wells in the Artesian City and Cottonwood Critical Groundwater Areas. Note especially the nearest well to the proposed point of diversion, located in Sec. 33, Twp. 11 S, Rge. 20 E. The depth to water in this well is shown to have declined about 36 feet between 1973 and 1982, or about 4 feet per year.
2. Map showing the nine wells which our records show to be somewhat downgradient within two miles of the proposed point of diversion. Note that the well marked no 3 was measured by a representative from the Department on April 29, 1982 to have a static depth to water of 281 feet. This compares with a depth to water of 194 feet when the well was drilled in April of 1962, according to the well log. Based on these measurements, the level has fallen 87 feet in 20 years, or 4.35 feet per year.

Well logs on file with this Department within Sections 2, 3, 4, and 11, Twp. 12 S, Rge. 20 E. Note that some of the information on the well logs is too faint to read so we have enclosed diazo copies of the microfiche for your use, should this information be of value.

MICROFILMED

Joseph Novak

Page 2

In addition, please be advised that in the summer of 1982 the U. S. Geological Survey conducted a study of the groundwater resource in the Golden Valley area, which included the region where the new well is proposed. Although the final report has not yet been released, Mr. Alan Robertson of this office has reviewed a preliminary draft and he indicates that the study essentially concludes there is already an overdraft of the groundwater supply in the Golden Valley area. The report is due to be released this spring.

The cost for the attached copies is \$0.25 per page for 4 photocopies, \$0.50 perpage for 15 copies of microfiche, and \$0.50 per page for 4 diazo copies, for a total cost of \$10.50. If you desire any further information, please feel free to contact me.

Sincerely,

NORMAN C..YOUNG, Administrator
Resources Administration Division

NCY:DRT:sc

Enclosures

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100

March 9, 1983

RE: Joseph E. Tugaw - Application for Transfer No. 2604

Joseph Novak
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

Your request to extend the period for response for May 1, 1983, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

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February 1, 1983

RE: Joseph E. Tugaw - Application for Transfer No. 2604

Joseph Novak
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

Your request to extend the period for response to March 15, 1983, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

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December 23, 1982

RE: Joseph E. Tugaw - Application for Transfer No. 2604

Joseph Novak
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

Your request to extend the period for response to February 1, 1983, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

Sutton ^{ms}

RECEIVED

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR
POST OFFICE BOX 3000
SALT LAKE CITY, UTAH 84110
TELEPHONE (801) 521-9000
TELECOPIER (801) 363-0400

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1908
THURMAN, WEDGWOOD & IRVINE 1906
IRVINE, SKEEN & THURMAN 1923
SKEEN, THURMAN, WORSLEY & SNOW 1935
WORSLEY, SNOW & CHRISTENSEN 1982
Department of Water Resources

JOHN H. SNOW 1917-1980

JOSEPH NOVAK
OF COUNSEL

HAROLD G. CHRISTENSEN
REED L. MARTINEAU
STUART L. POELMAN
RAYMOND M. BERRY
H. JAMES CLEGG
MERLIN R. LYBBERT
DAVID W. SLAGLE
A. DENNIS NORTON
ALLAN L. LARSON
JOHN E. GATES
R. BRENT STEPHENS
KIM R. WILSON
MICHAEL R. CARLSTON
GEORGE A. HUNT
ELLIOTT J. WILLIAMS
SCOTT DANIELS
MICHAEL C. FREI
RICHARD K. CRANDALL
DAVID G. WILLIAMS
REX E. MADSEN
DEE V. BENSON
MAX D. WHEELER
PAUL J. GRAF
PAUL C. DROZ
MICHAEL D. BLACKBURN
ROBERT H. HENDERSON
STEPHEN ROTH
DENNIS C. FERGUSON
BRUCE H. JENSEN
HENRY K. CHAI II
BRYCE D. PANZER
RANDY K. JOHNSON
DAMIAN C. SMITH
STEPHEN J. HILL
ROBERT H. COPIER
FLOYD W. HOLM
DAVID J. CASTLETON
PAMELA G. HEFFERNAN
JODY K. BURNETT

December 16, 1982

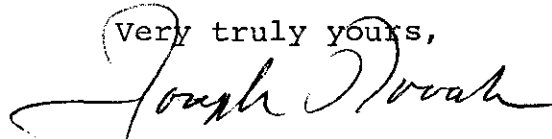
A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, ID 83720

Re: Joseph E. Tugaw
Application for Transfer No. 2604 on
License No. 45-2449

Dear Mr. Dunn:

Pursuant to my telephone conversation of December 15, 1982, with Mr. Saxton of your office, request is hereby made for an extension of time to and including January 31, 1983, within which to respond to the letter dated July 2, 1982, from Norman C. Young of your office raising concerns relative to the approval of the above Application for Transfer. The additional time is needed to adequately prepare a response to the foregoing letter. Your favorable consideration of this request will be sincerely appreciated.

Very truly yours,



JOSEPH NOVAK

JN:jm
cc: Dr. Joseph E. Tugaw
Tugaw Ranch
Murtaugh, ID 83344

11

October 29, 1982

RE: Joseph E. Tugaw - Application for Transfer No. 2604

Joseph Novak
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

Your request to extend the period for response to December 15, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

100-111111

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR
POST OFFICE BOX 3000
SALT LAKE CITY, UTAH 84110
TELEPHONE (801) 521-9000
TELECOPIER (801) 363-0400

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1888
THURMAN, WEDGWOOD & IRVINE 1906
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SKEEN, THURMAN, WORSLEY & SNOW 1952
WORSLEY, SNOW & CHRISTENSEN 1967

JOHN H. SNOW 1917-1980

JOSEPH NOVAK
OF COUNSEL

October 29, 1982

RECEIVED
NOV 1 1982
Department of Water Resources

*Request already granted by
correspondence. DET 11-8-82*

A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, ID 83720

Re: Joseph E. Tugaw -
Application for Transfer No. 2604 on
License No. 45-2449

Dear Mr. Dunn:

Pursuant to my telephone conversation of October 28, 1982, with Mr. Tuthill of your office, request is hereby made for an extension of time to and including December 15, 1982, within which to respond to the letter dated July 2, 1982, from Norman C. Young of your office raising concerns relative to the approval of the above Application for Transfer. Your favorable consideration of this request will be sincerely appreciated.

Very truly yours,

Joseph Novak
JOSEPH NOVAK

JN:jm
cc: Dr. Joseph E. Tugaw
Tugaw Ranch
Murtaugh, ID 83344

MICROFILMED

August 30, 1982

RE: Joseph E. Tugaw - Application for Transfer No. 2604

Joseph Novak
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

Your request to extend the period for response to November 1, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

*Requested extension to Dec 15
per Telecon DNR*

RECEIVED

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR
POST OFFICE BOX 3000
SALT LAKE CITY, UTAH 84110
TELEPHONE (801) 521-9000
TELECOPIER (801) 363-0400

August 25, 1982

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1888
THURMAN, WEDGWOOD & IRVINE 1906
IRVINE, SKEEN & THURMAN 1923
SKEEN, THURMAN, WORSLEY & SNOW 1952
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DAVID J. CASTLETON
PAMELA G. HEFFERNAN
JODY K. BURNETT

RECEIVED
JOSEPH E. SNOW 1917 1980
JOSEPH NOVAK
OF COUNSEL

AUG 27 1982

Department of Water Resources

A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, ID 83720

Re: Joseph E. Tugaw - Application for Transfer No. 2604
on License No. 45-2449

Dear Mr. Dunn:

Reference is made to the letter dated July 2, 1982, from Norman C. Young of your office raising concerns relative to the approval of the above Application for Transfer and allowing applicant sixty (60) days for submittal of any information thereon. On August 25, 1982, I briefly discussed the matter with Mr. Tuthill of your office and requested an additional sixty (60) days (November 1, 1982) within which to gather additional data and respond to the above letter from Mr. Young. Mr. Tuthill advised that the additional sixty (60) days would be allowed and I would appreciate your confirming the foregoing.

Your favorable consideration of the foregoing request will be sincerely appreciated.

Very truly yours,

Joseph Novak
JOSEPH NOVAK

JN:jm

cc: Dr. Joseph E. Tugaw

RECEIVED

July 2, 1982

Mr. Joseph Novak, Attorney At Law
520 Continental Bank Building
Salt Lake City, Utah 84101

RE: Application For Transfer No. 2604 on License No. 45-2449

Dear Mr. Novak:

Subsequent to your telephone calls concerning the above referenced Application For Transfer, the Department commenced a detailed review of predicted impacts if the application were approved. Based on Section 42-222, Idaho Code, the primary items that the Department must review are (1) injury to other water rights, (2) enlargement in the use of the original right, and (3) local public interest. Since the proposed new point of diversion is located within the Artesian City Critical Groundwater Area, the Department has been especially careful to insure that these items are fully considered.

First, regarding injury to other water rights, we have noted that adverse effects must be evaluated with respect to both net depletion from the aquifer and local interference. The transfer that has been proposed addresses the former concern by assuming the aquifer in Sec. 12, T. 12 S., R. 19 E. to be hydraulically connected to the aquifer in Sec. 10, T. 12 S., R. 20 E. Department staff have examined the nature of the aquifers, and the preliminary determination is that there is little likelihood of timely groundwater connection between the two areas, considering the northerly direction of the groundwater gradients.

Also with regard to injury of other water rights, the question of local interference is critical because our water right records indicate that nine irrigation wells are located generally downgradient within two miles of the proposed well. One of these downgradient wells, located in the SE 1/4 Sec. 11, T. 12 S., R. 20 E., experienced a drop in static water level from 194 feet below land surface in 1962 to 281 feet below land surface in 1982, a drop of 87 feet in 20 years. This significant decline would probably be enhanced with the addition of the proposed well.

MICROFILMED

Mr. Joseph Novak, Attorney At Law
July 2, 1982
Page 2

Regarding enlargement of the water right, we can not at this time see any means of including the entire land lists from both the existing development and the proposed development in the description of place of use. If the question of injury to existing water rights is resolved, the Department would limit the use to 347 acres. The number of acres might be further limited by the fact that the right requested to be transferred is supplemental to existing surface water rights from Dry Creek so the total number of acres irrigated would have to be reduced to prevent an increase in total consumptive use.

Due to the likely injury to other water rights within the Artesian City Critical Groundwater Area, it is the intent of the Department at this time to deny the Application For Transfer. We will, however allow 60 days for submittal of any information that might alter this analysis. If you have any questions concerning this matter feel free to contact either myself or Dave Tuthill.

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration

DET:NCY:jg

RECORDED
INDEXED

FROM NOY

INTER-DEPARTMENT MEMO — 1

TO ~~SAXTON~~^{VH} → Dave T DRE

DATE 6/25/82

SUBJECT T 2604 — Application 45-7480

- ① Alter letter to indicate study is complete & intent is to deny. Ask for information that Eugene may have to alter own intent.
- ② Seems to me that another strike against approval is that the present use of 45-2449 is as a supplemental supply. The new use would seem to be as a full supply for 150 acres

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 6/17/82

TO Glen

SUBJECT ATTACHED T 2604

Apparently the letter in Norm's name attached to the file was never mailed. I believe that Stan intercepted the file before it reached Ken, and only yesterday returned the file to us with his memo.

Please read Stan's memo & let's discuss strategy on this one.

Dave

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 15, 1982

MEMO

TO: Dave Tuthill *DT*

FROM: Stan Szczepanowski *SS*

SUBJECT: Analysis of the Tugaw applications for transfer of a water right (#2604) and for a new well (#45-7480), Cassia County

Consideration solely of the transfer of the water right from the well in T12S R19E Section 12 (2.8 cfs) to the proposed well site in T12S R20E Section 10 might appear to be, at first inspection, simply the transfer of the stress or burden on the aquifer from one place to another. However, the matter is made worse when one realizes that it is unclear in the paperwork if the well in Section 12 will be fully abandoned and when one recognizes that removing water from the well in T12S R19E Section 24 (upgradient and outside of the CGWA) will aggravate presently declining water levels in the Artesian City CGWA.

The evidence working against the applicant is the record of springtime water levels in USGS and IDWR observation wells found in the Cottonwood and in the Artesian City CGWA's. Hydrographs for 7 wells are included, as is a map showing the locations of these. Falling water levels are clearly seen in the graphs.

While the area near 12S 20E Section 10 is now under study by the USGS (the "Golden Valley" study as they call it), it is probable that no new water level data will be collected in this area. I did visit several wells in late April in this area, but was successful in obtaining a water level in only one well. The 1600' deep irrigation well in 12S 20E Section 11 SE1/4NE1/4 had a depth to water below land surface of 281.01 feet (April 29, 1982); the depth to water indicated on the well log is 194 feet (April 26, 1982). In 20 years, the level has fallen 87 feet.

1962

UNRECORDED

June 15, 1982

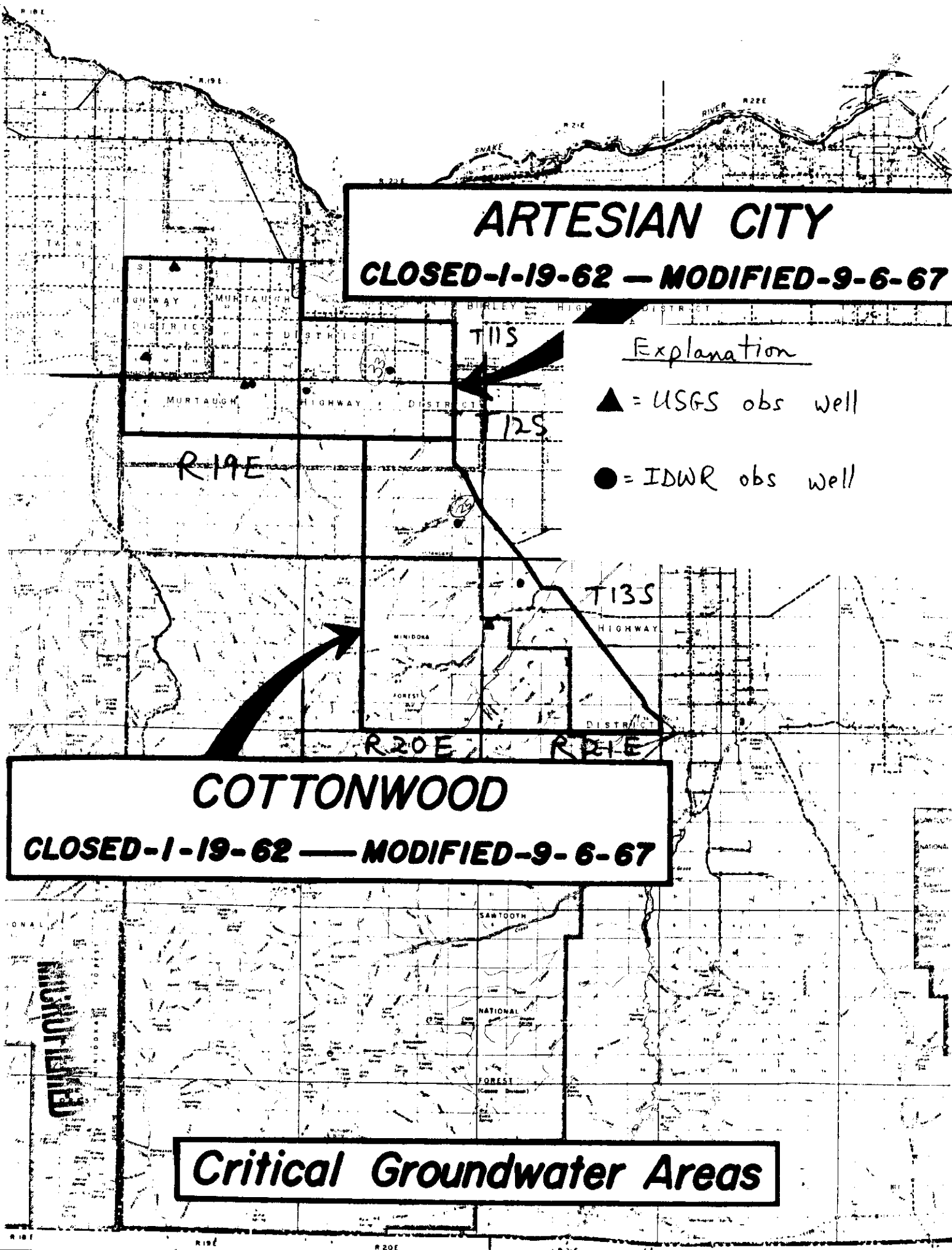
The proposed well in the transfer application would be located roughly 1 mile west of and upgradient from the Section 11 well visited; if approval were given to drill the Tugaw well, then the new, additional load on the aquifer would worsen, by some unknown degree, ground water levels in and around the area wells. Incidentally, there is a shortcoming in Form 42-222, Application for Transfer of Water Right. No inquiry is made by the State of the proposed depth and well diameter (which is asked on the regular application for permit, Form 202.) The form should be changed to show this information. }

I can make no precise statements about the interconnection (hydraulic communication) between the existing well owned by Mr. Tugaw in Section 12 and the proposed well for Section 10. There are no well logs on file for Section 12 (the Section 12 well is an older well, dating, I believe, from 1953). We can presume for Section 12 that alluvium of some unknown thickness overlies Idavada volcanics (welded ash flows, bedded tuffs, lava flows of rhyolite and latite, and minor interbedded sediments and basalt) and that the alluvium along Dry Creek is saturated to some depth some or all of the time. Water withdrawn by the Section 12 well influences only the aquifers to the north, either the shallower alluvium or the deeper, Idavada volcanics. The withdrawals there certainly have no immediate nor direct effects on water levels in the vicinity of Section 10, although, of course, there is the likelihood that some deeper continuous water level may run along the front of the highland adjacent to the proposed and existing wells. It's my belief that little can be said about relief to the irrigators in the vicinity of the proposed Section 10 well from a reduction in the pumping of the Section 12 well.

SS:mb

cc: Murland Packer
Norm Young

RECEIVED



ARTESIAN CITY

CLOSED-1-19-62 — MODIFIED-9-6-67

Explanation

- ▲ = USGS obs well
- = IDWR obs well

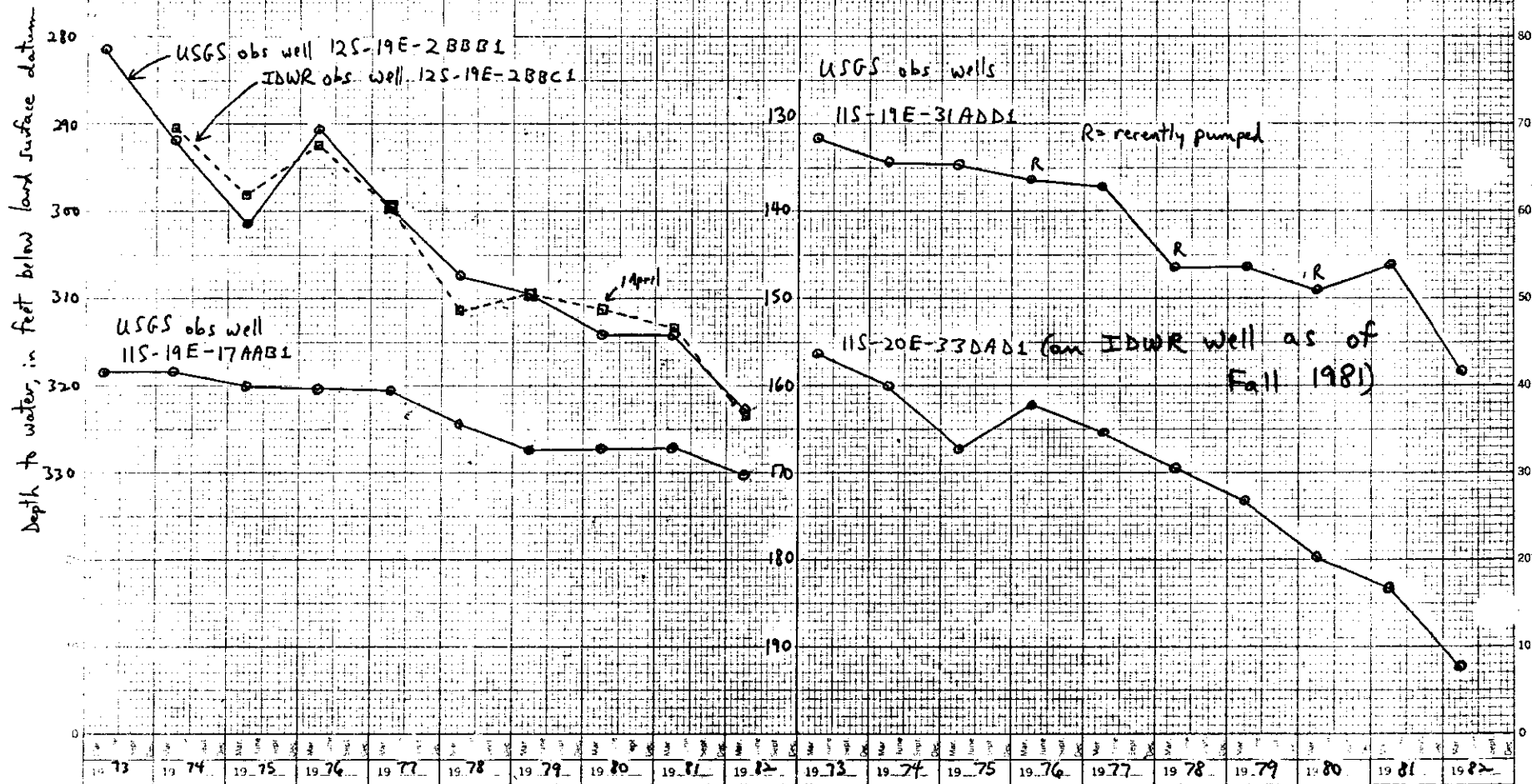
COTTONWOOD

CLOSED-1-19-62 — MODIFIED-9-6-67

Critical Groundwater Areas

MICROFILMED

Artesian City CGWA: Springtime Groundwater Levels



47 3853

10 YEARS BY MONTHS X 10 DIVISIONS
CLIPPING & ESTIM. TO 0.1 INCH

110

100

90

560

570

580

590

40

Cottonwood CGWA: Springtime Groundwater Levels

USGS obs well 13S-21E-18BBC1

Depth to water, in feet below land surface datum

IDWR obs wells:

320

330

340

350

360

13S-21E-5CCD1

12S-20E-25CCB1

19 73

19 74

19 75

19 76

19 77

19 78

19 79

19 80

19 81

19 82

19

19 79

19 80

19 81

82



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 12, 1982

NOT MAILED

Mr. Joseph Novak, Attorney at Law
520 Continental Bank Building
Salt Lake City, Utah 84101

RE: Application For Transfer No. 2604 on License No. 45-2449

Dear Mr. Novak:

This office is aware of your desire on behalf of Dr. Tugaw to receive approval of the above referenced Application For Transfer as soon as possible. The purpose of this letter is to update you on the status of review of the Application.

Based on Section 42-222, Idaho Code, the primary items that this Department must review regarding the Application are (1) injury to other water rights, (2) enlargement in the use of the original right, and (3) local public interest. Since the proposed new point of diversion is located within the Artesian City Critical Groundwater Area, the Department must be especially careful to insure that these items are fully considered. The critical designation implies existing inadequacy of groundwater supplies within the boundaries of the area.

First, regarding injury to other water rights, we note that adverse effects must be evaluated with respect to both net depletion from the aquifer and local interference. The transfer that has been proposed addresses the former concern by assuming the aquifer in Sec. 12, T. 12 S., R. 19 E. to be hydraulically connected to the aquifer in Sec. 10, T. 12 S., R. 20 E. Department staff is currently examining the nature of the aquifers to determine this connection.

Also with regard to injury of other water rights, the question of local interference is critical because our water right records indicate that nine irrigation wells are located generally downgradient within two miles of the proposed well. We have begun to collect groundwater data in this specific area, and we intend to make a determination of the possibility of additional drawdowns due to increased pumping.

RECEIVED
MAY 15 1982
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Mr. Novak
May 12, 1982
Page 2

Regarding enlargement of the water right, please be advised that we can not at this time see any means of including the entire land lists from both the existing development and the proposed development in the description of place of use. If the question of injury to existing water rights is resolved, the Department would limit the use to 347 acres.

Please be advised that the Department is working to prepare the data for the analysis of this application as rapidly as possible. No assurance has ever been made that this application would be approved. Any development of the proposed well is not authorized and is conducted at the risk of the applicant. Due to the critical nature of groundwater supplies in this area, extreme caution is advisable before making a commitment to develop the system.

It is my intent to advise you further on this matter as soon as the additional data is analyzed. Please contact me or Dave Tuthill @ 334-4104 if you have further questions on this matter.

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration

DRT:NCY:jg

MICROFILMED

STUDY/PROJECT REQUEST

TO: Resource Analysis Division Date Initiated May 13, 1982

FROM: Resource Administration Div. Requested Completion Date June 15, 1982

TITLE: Investigation of Potential Effects to the Groundwater Resource via
Application For Transfer No. ²⁶⁰⁴2504, Joseph Tugaw.

PROBLEM AND/OR PURPOSE: Analyze the predicted impact of allowing development
of a new well, as proposed by the above referenced application.

SCOPE (level or extent of detail): Utilize existing data, plus conduct ^Afield
inspection of the area.

DESCRIPTIONS OF WORK REQUESTED: _____

1. Determine the predicted impact of the proposed well on existing down-
gradient wells.
2. Determine what interconnection exists between the well within Sec. 12,
T. 12 S., R. 19 E., and the proposed well.
3. Determine if there will be any relief provided to the wells located in
the neighborhood of the proposed well, by reducing pumping from the well
in Sec. 12 T. 12 S., R. 19 E.

REQUEST ORIGINATOR: Dave Tuthill *DT*

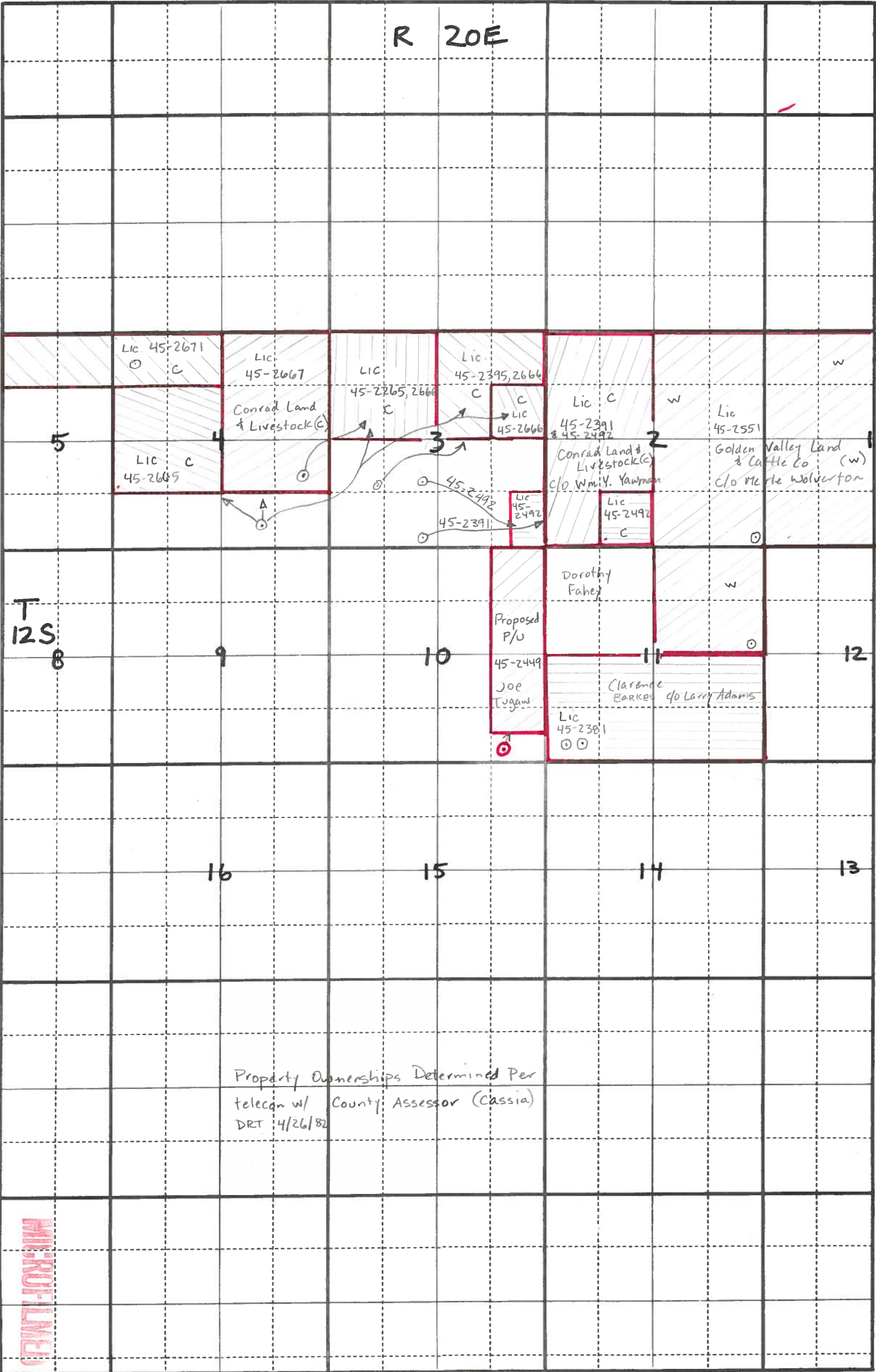
TYPE OF REPORT: Memorandum

DISPLAY TABLES: Possibly
YES X NO ANTICIPATED MAN-DAY EFFORT: 3

APPROVED BY _____ ASSIGNED TO: _____ DATE: _____

ACTUAL MAN-DAYS: _____

RECEIVED
MAY 15 1982



12-9-83

2, 3, 4, 9, 10, 11, 12, 13, 14, 15

12S, 20E.

groundwater

15 records found

AD P/D rate

#	Date	P/D	Rate cfs
✓ 45-2265	1948-7-20	NWSE, 4, 12S, 20E	1.7
45-2380	1951-06-05	SWSE, 12, 12S, 20E	2.04
✓ 45-2381	1951-06-05	SWSW, 11, 12S, 20E	4.14
✓ 45-2391	1951-10-31	SESW, 03, 12S, 20E	2.6
✓ 45-2395	1951-09-11	NWSW 03 12S 20E	1.35
✓ 45-2492	1955-04-19	NESW 03 12S 20E	2.92
45-2550	1957-06-24	SWSW 12 12S 20E	3.22
✓ 45-2551	1957-06-24	SESE 02 12S 20E	6.2
		SENE 11 12S 20E	
45-2589	1959-09-11	SWSE 12 12S 20E	1.1
✓ 45-2665	1961-08-29	SWSE 04 12S 20E	2.65
✓ 45-2666	1961-08-29	SWSE 04 12S 20E	3.77
✓ 45-2667	1961-08-29	SWSE 04 12S 20E	3.6
✓ 45-2671	1961-10-13	NWSE 04 12S 20E	3.03
45-7086A	1971-12-03	SENE 01 12S 20E	62.14
		SWSW 22 12S 21E	
		SWNW 27 12S 21E	
		SENE 21 12S 21E	
		NWSE 22 12S 21E	
		→ NENE 12 12S 20E	
		→ SESE 13 12S 20E	
		SWNW 18 12S 21E	
		SESE 12 12S 21E	
		NESW 17 12S 21E	
45-7201	1974-11-18	SWSW 12 12S 20E	9.66
		NENE 13 12S 20E	

MICROFILMED

CONVERSATION MEMORANDUM

DATE April 13, 1982FILE 45-2449NAME OF PARTY Joseph NovakEMPLOYEE Dave TuthillRE: T 2604

Mr Novak called to say that Dr. Tugan feels there would be no significant detriment to the wells within the Artesian City CGWA if the well is drilled at the new proposed P.d., and if pumping occurred there. He stated that Dr Tugan is aware of a well near to the proposed diversion that has not experienced drawdown in recent years. He stated that it was Dr Tugan's feeling that the proposed use should be approved.

I stated that we would further examine the predicted impacts of developing the proposed site, and that we would notify him of the results of this examination as soon as possible.

Dmr

CONVERSATION MEMORANDUM

DATE 3/31/82FILE 45-2449NAME OF PARTY Joseph NovakEMPLOYEE Dave TuthillRE: TRANSFER NO. 2604

I called Mr. Novak per his request, and explained our concerns related to this transfer app, as identified in the attached memo dated March 16, 1982.

Mr. Novak asked that I delay writing him to express these concerns until he has a chance to discuss the matter with Dr. Tugaw and Keith Higginson.

DRET



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

March 31, 1982

MEMO

TO: Dave Tuthill *DT*
FROM: Stan Szczepanowski *SS*
SUBJECT: Groundwater Levels in the Artesian City CGWA, Related
to Application #45-2449 and #45-7480 (Joseph Tugaw;
Wells in Cassia County) *Application*
For Transfer on

IDWR has two observation wells in the Artesian City CGWA. Each is near an existing and a proposed well, both of which are part of the above documents involving present and proposed use of groundwater.

With respect to the transfer of #45-2449 to a new well in T12S R20E Section 10 SE1/4SE1/4, the IDWR obs well in T12S R20E Section 6 SW1/4NW1/4, was measured on March 16, 1982. A new spring-time low was recorded (302.15 feet to water). In March 1981, this well showed a good recovery (218.25 ft.) but in other past March readings, the levels have been between 209 and 261 ft. (1972 to 1979). Since spring and fall levels have often been fairly close in the past (hovering around 256 ft.), the great change occurred between spring 1981 and spring 1982 (a drop of 83.9 ft. in one year).

Regarding the applicant's well in T12S R19E Section 12 SE1/4SW1/4, the IDWR obs well in T12S R19E Section 2 NW1/4NW1/4 has shown a decline from March 1974 (290.4 ft.) to March 1978 when a stable level of around 311 ft. was reached for the following three springs (to and including March 1981). Therefore, the decline from 1976 to 1978 was 9.5 ft/yr and from 1981 to 1982 was 10.17 ft/yr.

It seems then from these indicators that water levels have not yet stabilized. What effect that climatic differences and pumping requirements from year to year have on these water levels is unclear.

REPRODUCTION

I do reaffirm my position, stated in my memo dated December 2, 1981 (to Glen Saxton), that the approval of the transfer and of the new well in application 45-7480 would be inappropriate. The applicant's scheme to develop land within a closed area by obtaining water from outside of this area circumvents our desire to bring about stable groundwater conditions in the Artesian City CGWA. The groundwater he wishes to divert is tributary to the resource in the CGWA. The effect is equivalent to the granting of a new well for irrigation in an area closed to such wells.

SS:mb

RECEIVED
JAN 10 1982

TO: DAVE TUTHILL

CONVERSATION MEMORANDUM

DATE 3/26/82

FILE 45-7480-T. 2604

NAME OF PARTY Joe Novack (ATTORNEY FOR TUGAW)

EMPLOYEE Jim Johnson

RE: MR. NOVACK CALLED KEN DUNN TO
INQUIRE ABOUT STATUS OF THE ABOVE RIGHTS.
KEN REQUESTED THAT I RETURN
THE CALL AND INFORM MR. NOVACK OF THE
STATUS.

WHEN UPON TALKING TO MR. NOVACK
I ~~HEARD~~ INFORMED HIM OF OUR INTENT
TO DRAFT A LETTER TO MR. TUGAW EXPRESSING
OUR CONCERN WITH APPROVEING THE APP. FOR
PERMIT - I COULD NOT INFORM MR. NOVACK
OF OUR PENDING ACTION ON THE TRANSFER
AS I AM NOT SURE WHAT IT IS.

I TOLD MR. NOVACK THAT ^{DAVE TUTHILL} YOU WOULD
CALL HIM AND DISCUSS IN MORE DETAIL
THE DEPARTMENT'S CONCERN.

HIS NUMBER IS 801-521-9000

FILED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

M E M O R A N D U M

TO: Glen Saxton

FROM: Dave Tuthill *DT*

DATE: March 16, 1982

RE: Application For Transfer on License No 45-2449

The above referenced Application For Transfer attempts to provide ground-water for 150 additional acres within Section 10, T. 12 S., R. 20 E. The proposal has the following problems:

1. The proposed new point of diversion is in a CGWA surrounded by other wells (see Loren Holmes' map), and it will very likely impact those wells adversely (see Stan's memo).
2. The positive effect of not pumping from the well in Sec. 12 would likely not be felt in the vicinity of the new well in Sec. 10 since the wells would be more than 4 miles apart and since the groundwater gradient flows north toward the Snake River.
3. The relief to the aquifer provided by replacing water from the proposed well in Sec. 24 will likely be negligible. A map review of topography in the area indicates that Dry Creek is likely in the same aquifer as the existing well in Sec. 12. Therefore, the net result of the transfer would be an increased demand on the aquifer.

I feel that approval of this transfer would have an adverse affect on other water rights so I recommend that it be denied.

APPROVED

MEMO

TO: Dave Tuthill *DT*

March 10, 1982

FROM: Jim Johnson *Jim*

RE: Transfer Application No. 2604 in the name of Joseph E. Tugaw

Based upon my review of the above transfer application I recommend that it not be approved on the basis that it would result in the injury of existing water rights within the Artesian City Critical Groundwater Area.

Analysis

The transfer proposes to add a new well for irrigation of 150 acres not previously irrigated. The new land and point of diversion~~are~~ are located within the Artesian City Critical Groundwater Boundaries and~~are~~ over 5 miles east of the existing place of use and point of diversion location of the water right.

With this great ~~of~~ distance between the two locations the effect would be allowing new development in the Critical Groundwater Area in an area which could not benefit from additional water supplies used on the lands the water right was transferred from (see remarks on transfer application). The net effect would be allowing new development of 150 acres within the Critical Groundwater Area and thus depleteing limited supplies available to fill existing water rights in the area of the new lands.

For more information concerning this see memo from Stan Szczepanowski dated December 2, 1981.

CONFIDENTIAL

ARTESIAN CITY
CLOSED-1-19-62 — MODIFIED-9-6-67

125

P.D. for 45-2449

PROPOSED NEW P.D.

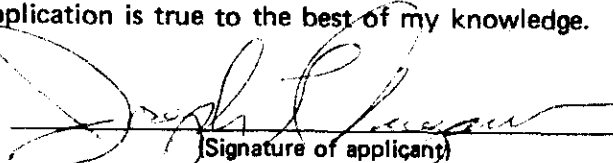
P.D. for NEW APP WITH P/U OF 45-2449 (45-7480)

COTTONWOOD
CLOSED-1-19-62 — MODIFIED-9-6-67

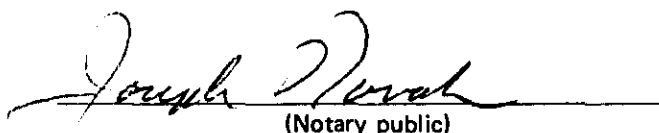
Critical Groundwater Areas

4. Remarks The purpose of this application is to transfer sufficient water under License No. 45-2449 to a new well to be drilled in SE1/4SE1/4 Section 10, Township 12 South, Range 20 East B.M. to irrigate 150 acres of land in said Section 10 and to retain the existing well to supplement the irrigation of lands in Sections 1 and 12, Township 12 South, Range 19 East B.M. Both wells are situated within the closed Artesian City Critical Ground Water Area. The water transferred will be replaced under an application for permit to divert additional water from the well covered by License No. 45-2486 situated in NW1/4NW1/4, Sec. 24, T12S, R19E, B.M. being outside of the closed area.

I hereby assert that no one will be injured by such change and 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.


(Signature of applicant)

Subscribed and sworn to before me this 27th day of August, 19 81.


(Notary public)

My commission expires July 20, 1982

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

FOR DEPARTMENT USE ONLY

Received by DR Date 8-28-81
Id. From 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.

Prelim. check by _____ Fee 50⁰⁰ #19794

Received by RG Date 9-1-81

Published in South Ida Press

Pub. dates 10/8 & 10/28/81

Watermaster recommendation requested on _____

_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial

by _____

45-7480 - PERMIT
P/O #2 CAPACITY OF well

45-2486

12/8/1954

45-2449

45-2486

P/O #1
O
P/O #2

150 AC

P/O #3 New LAND E

P/O #2 $\frac{3.9}{335 \text{ AC}} = 0.01 \text{ cfs/AC}$

$$335 \times 4.0 = 1340 \text{ AFA}$$

$$3.9 \times 1.9835 \times 245 = 1895. \text{ AFA}$$

45-2449 6/1/1953

P/O #1

$$\frac{2.8}{347} = 0.008 \text{ cfs/AC}$$

$$347 \times 4.0 = 1388 \text{ AFA}$$

$$2.8 \times 1.9835 \times 245 = 1360.7 \text{ AFA}$$

> Rights when
combined
should not
exceed 4.0 AFA
FOR OVERLAPPING
LANDS →

MICROFILMED

December 4, 1981

MEMO:

TO: Transfer Application File 45-2449

FROM: Loren O. Holmes *LH*
Southern Region Supervisor

This application proposes to transfer part of the right to lands in Sec. 10, T12S, R20E for supplemental use and pump groundwater at the new location.

The Applicant justifies the acreage expansion by proposing to use the water on an alternating basis, either in one place or the other, and by the filing of application 45-7480 which appropriates groundwater from outside the CGWA for the original P/U under this license.

The expansion can be dealt with by limiting the annual volume to 1021.9 AF/yr (2.5 cfs for 184 days) and limiting acreage irrigated to 347 acres in any given season.

Even though the new well would be in the same CGWA, there is probably no hydrologic connection between it and the original P/D.

Unless the Applicant can show that pumping groundwater at the proposed new diversion point in Sec. 10 will not injure other existing rights in the area, the application should be denied.

MICROFILMED



P/D
Application 45-7480
P/D
LIC 45-7486

ARTESIAN CITY CR CGWA

New P/U
& Proposed well

Cottonwood
CGWA



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 2, 1981

MEMO

TO: Glen Saxton

FROM: Stan Szczepanowski *SS*

SUBJECT: Application #45-7480 (for an 800 ft. irrigation well, 3 cfs, in T12SR19E Section 24 NW1/4NW1/4, Cassia County) and Application for Transfer of Water Right #2604 (based on application #45-2449), ^{the} point of diversion to be ~~moved to~~ T12SR20E Section 10 SE1/4SE1/4, Cassia County *added in*

The applicant for #45-7480 and for the transfer application seems to be seeking a new water source within the Artesian City Critical Groundwater Area (CGWA) while also retaining use of an existing well in T12SR19E Section 12 SE1/4SW1/4 (see figure). This would be inconsistent with our desire to protect hydrogeologic conditions in the CGWA. If we allow him to drill the new well and use the old well in Section 12, then he should be required to install and to keep in good working condition, a totalizing flow meter on each well so that we can be certain he does not exceed his requested discharge of 2.8 cfs.

The proposed well in Section 10 may be within one-half mile of a 900 ft. irrigation well in Section 11 SW1/4SW1/4. Water levels in each well will probably drop somewhat because of the closeness of the wells.

Regarding the other proposed well, in Section 24, there will likely be lowered water levels in the proposed ^{well} and in a nearby irrigation well which is found in T12SR19E Section 13 SW1/4SW1/4 (owned by the applicant). Incidentally, it is damaging to the stabilization of water levels in the Artesian City Critical Groundwater Area to allow well drilling upgradient from the critical area. The water removed would otherwise have moved into the critical area as needed recharge.

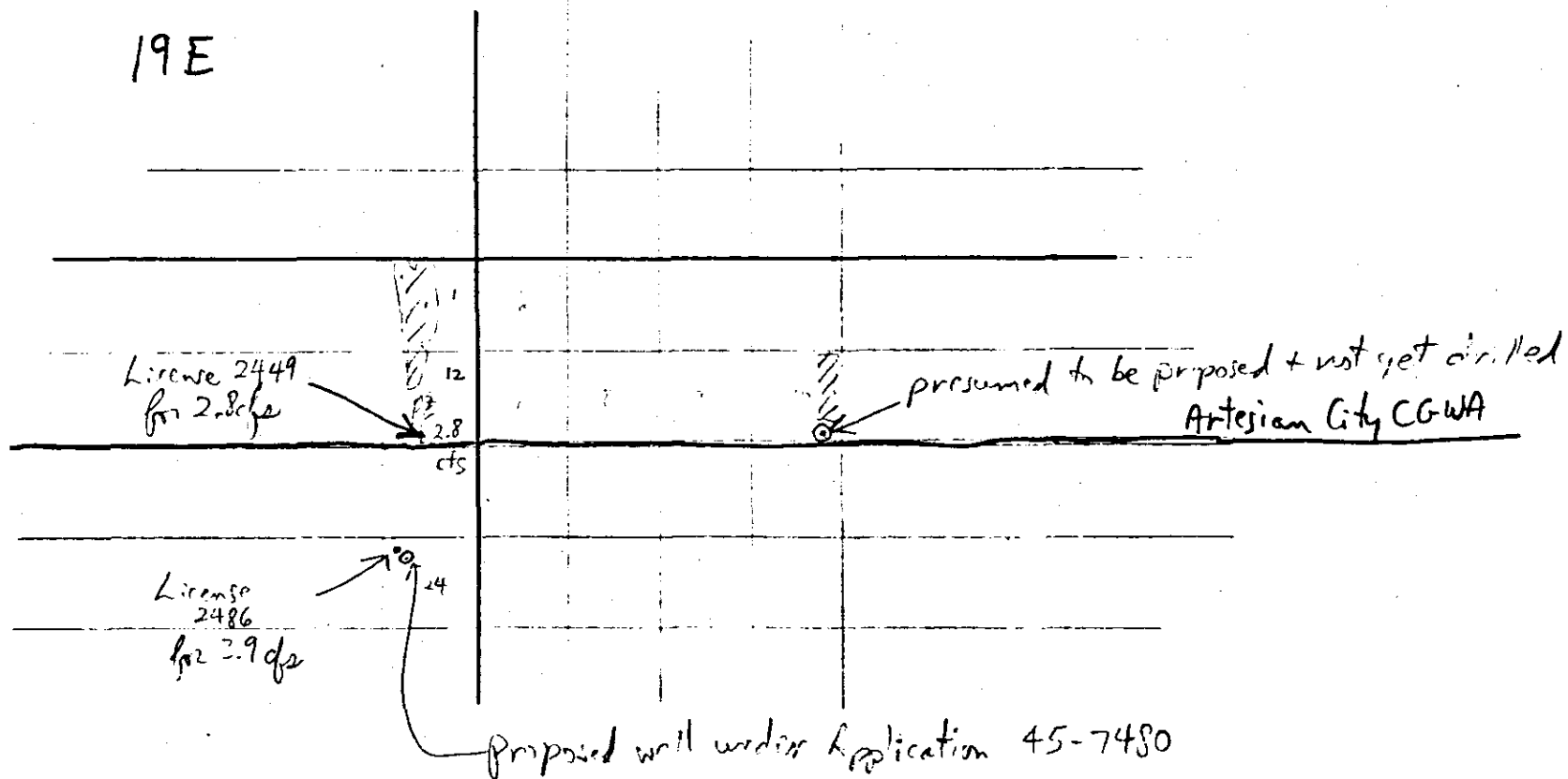
SS:mb

MICROFILMED

20 E

19 E

12 S



MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: LH

1. Right number 45-2449 Applicant TUGAW, Joseph E.
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 (not on Lic.)
 - 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 (1) P/O Enlarged by Transfer
(2) New PD is Distant from old PD
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) None
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: LH

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

RECOMMENDED ACTION

- ☐ Approve
☒ Deny See File Memo
Conditions* _____

1
MICROFILMED

1389 A1
1021 1978
RECEIVED
DEC 7 1981

Department of Water Resources

4. By Loren O. Halverson Date 12/4/81

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 45-2449

Notice is hereby given that Joseph E. Tugaw of Salt Lake City, Utah has applied to the Department of Water Resources for a change of place of use and to add a diversion point of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 45-2449 and is recorded as follows:

Amount: 2.80 cfs

Priority: June 1, 1953

Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T12S, R19E, B.M., in Cassia County

The water is used for irrigation of 347 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, T12S, R19E, from April 1 to October 1

TO BE CHANGED AS FOLLOWS:

Amount: 2.80 cfs

T12S, R19E;

Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, /SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T12S, R20E, B.M., Cassia County

Place of Use: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, T12S, R19E;

Sec. 12/ E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T12S, R20E.

The water to^{be}/used for irrigation of 546.8 acres from April 1 to October 1.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before October 26, 1981.

A. KENNETH DUNN
Director

Published in the South Idaho Press on October 8 and October 15, 1981

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

September 29, 1981

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Notice of Proposed Change of Water Right No. 45-2449 & 45-2283, 45-2232, 45-2575

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.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

November 22, 1956

RE: Permit No. G-24171

Valeria I., Everett M., & George W. Fuller
Murtaugh
Idaho

Att: Mr. George W. Fuller

Dear Mr. Fuller:

We enclose Certificate of Completion of Works and License and Certificate of Water Right issued under Permit No. G-24171 confirming your right to the use of 2.8 cubic feet second of water from a well (subterranean flow) with point of diversion on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 12 S., Range 19 E., B.M., with priority June 1, 1953, for domestic and irrigation of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, (Supplemental) SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1.

We also enclose departmental receipt No. G-2261 for the amount of ~~\$27.00~~ for the Certificate of Completion of Works & \$24.00 for the License fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:ala

Encl:

24171

Off Enc 294

WILLIAM H. BAKES

ATTORNEY AT LAW
TWIN FALLS, IDAHO

November 13, 1956

TWIN FALLS BANK
& TRUST BLDG.

RECEIVED
NOV 14 1956

Department of Reclamation
PHONE 241

Department of Reclamation
State House
Boise, Idaho

Re: Permit no. G-24171
Attention Edna R. Rutledge

Dear Mr. Kulp:

I enclose herewith an application for Amendment to permit to appropriate the Public waters in the State of Idaho of the above entitled permit number together with a check in the amount of \$29 pursuant to your letter of November 6, 1956.

Yours very truly,

William H. Bakes

William H. Bakes

WHB/mhk
Enc.

24171

November 6, 1956

RE: Permit No. G-24171

Mr. George W. Fuller
Route 1
Murtough, Idaho

Dear Mr. Fuller:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. G-24171 in the name of yourself, Valerie L. Fuller and Everett M. Fuller, which shows that your well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 12 South, Range 19 East, B.M. will deliver 140 inches or 2.8 second feet of water which has been used to irrigate 335 acres of land in the E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ Section 1; E $\frac{1}{2}$ W $\frac{1}{2}$, Section 12, Township 12 South, Range 19 East, B.M.

A Certificate of Completion of Works and License can, therefore, be issued for 2.8 second feet of water upon receipt of the statutory fees amounting to \$5.00 for completion of works and \$24.00 license fee, the latter being at the rate of \$2.00 for each 40 acre sub-division irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll

24171

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-24171

REPORT ON PROOF OF Completion of Works & Beneficial Use

George W. Fuller, Valerie L. Fuller & Everett M. Fuller

Route 1, Murtaugh

app. 6.0 cfs

Int. 1.0
av. 33

10852 license on

2215 for 12" or E $\frac{1}{2}$ NW $\frac{1}{4}$

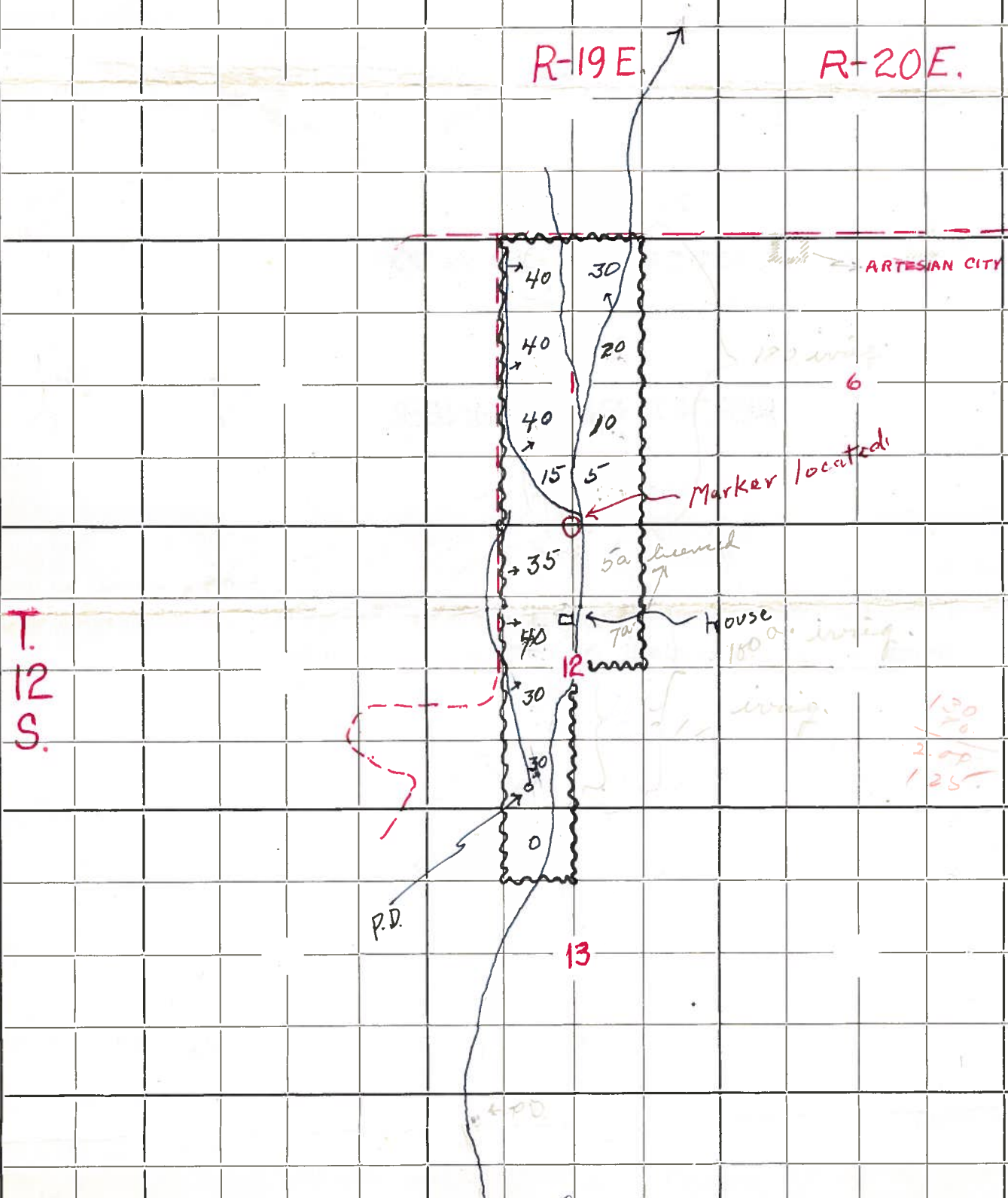
28 cfs
max

220
120
100

130 to 140' for 2nd well Bill Perry

320 N.
240 S.
400 S
960

Satisfied if only 30"
excess water.



Subdivisions = 12

Area = 335

Q = 140 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-24171

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

1. Name of applicant George W., Valerie L. and Everett M. Fuller, Rte. 1, Murtaugh, Idaho

2. Source of water supply: Subterranean from a well

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12
T. 12 S. R. 19 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 125-hp. U. S. Motor
serial No. 951516, Johnston Turbine, no number. Concrete curbing 5' by 5',
no pump house, no protection. Delivery to the West through a 10" pipe 72' long,
up into the ditch to the fields by gravity. Water was not measured but
capacity of this pump is at least 140 inches.

5. Water is used for: Irrigation and domestic purposes

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

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

W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1;

W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12;

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13;

Twp. 12 South, Range 19 East, B. M.

See the Map

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

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

Remarks: Crops are mostly hay with some beets and potatoes.

This examination was made on the _____ day of Sept, 1924

(Signed)

E. M. Humphrey
Examiner.

24171

N. Well. #
 125 hp U.S. 951516
 440V 151A. 1800 rpm
 Johnston Pump. No. 20
 5' x 5' x 2' n. Cone. pump
 290' pump 8" x 10"
 270' short (210' to 280' variation)
 12' bowls
 del. to W. 10' x 72' to
 ditch to fields by gravity
 1/2" + where panels
 on East 4'
 530
 125 x 110 x 70 x 550
 $\frac{140}{50} \times 62\frac{1}{2} = 175 = h.$
 allow 140"
 30 hp = 100' x 100'

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
 NOV 5 1956
 Department of Reclamation

George W., Valerie L. & Everett M. Fuller
 Route 1, Murtaugh, Idaho

Permit No. G-24171

42845 murtaugh

Examination for Completion of works
 and Beneficial Use

County Cassia

12-12 S-19E

Q = 6.0 c.f.s.

S = Well

P.D. = SE, SW, Sec. 12, T. 12S-R. 19E

Net = Irrigation 5.98 c.f.s.
 Domestic 1/50 "

Called exactly on time
 men all gone

fy 27-55
 E.H.W.

Priority = June 1, 1953
 Sec. = June 6, 1955

Ch. Sept 10-56.
 Find map and ck acreage

South Well. 1954
 150 hp @ 230 1705

NW NW 8 S 24

$110 \times 150 \times 70 \times 550 = \frac{B}{62} = 226$

230

226" measured by attorney
 Frank Lunde

14' bowls 12' x 250' col.
 dd = rmp.

738' x 20" - 16" - 12"
 col 70'

U.S. 150 hp. # 1074118
 440V. 180A - 1800 rpm

Layne B. Lumb. 21973

6' x 6' cone base
 no protect

Clock control panel
 Fremont Co. to health
 a level 5' x 5'

Fence 10' x 12' around
 12" gate valve
 300' x 12" O.D. pipe to ditch

August 30, 1956

RE: Permit No. G-24171

Mr. George W. Fuller
Route 1
Martaugh, Idaho

Dear Mr. Fuller:

Inspection was not made in connection with Permit No. G-24171 in the name of yourself, Valerie L. and Everett M. Fuller, last year because at the time I called there was no one present to accompany me on the inspection.

I will be able to come by your place for the inspection sometime in the afternoon on September 10, providing you wish to have an inspection made and will either be there or have someone there to represent you.

If I do not hear from you to the contrary, I will be there sometime in the afternoon, September 10, probably toward evening.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

24171

July 22, 1955

RE: Permit No. G-24171

George W., Valerie L. & Everett M. Fuller
Route 1
Murtaugh, Idaho

Gentlemen:

As required by State Law, an inspection is required before any permit can be brought to license.

I intend to make inspection in connection with your Permit No. G-24171 in the afternoon of July 27, probably between 3:00 and 4:00.

Please be prepared to accompany me on the inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

Hshll

24171

✓
June 27, 1955

RE: Permit No. G-24171

Mr. William H. Bakes
Bank and Trust Bldg.
Twin Falls, Idaho

Dear Mr. Bakes:

We have corrected the depositions of George W. Fuller and two witnesses to include the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Township 12 South, Range 19 East, B.M. in accordance with your letter of June 24.

This completes the proof but before final action is taken the law requires that a field examination be made by an engineer from this Department.

We cannot say just when this examination will be made, but our field engineer will contact Mr. Fuller at the time he makes the examination in order that he may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou

CC: Mr. George W. Fuller

24171

WILLIAM H. BAKES

ATTORNEY AT LAW
TWIN FALLS, IDAHO

TWIN FALLS BANK
& TRUST BLDG.

PHONE 241

June 24, 1955

RECEIVED
JUN 27 1955
Department of Reclamation

Department of Reclamation
Boise
Idaho

Attention Jeanne L. Anderson
Chief Clerk

Re: Permit No. G-24171

Dear Miss Anderson:

Thank you for your letter of June 23rd.

Please be advised that the omission to
include the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 was an over-
sight and should have been included.

Yours very truly,

William H. Bakes

William H. Bakes

WHB:am

J 24171

✓
June 23, 1955

RK: Permit No. G-24171

Mr. William H. Bakes
Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Bakes:

We acknowledge receipt of the corrected depositions of George W. Fuller and two witnesses in proof of Completion of Works and Beneficial Use on Permit No. G-24171.

In the land description we note that the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 is omitted. This is in the original Permit and also the published notice. Was the omission intentional, or should it be included?

Very truly yours,

MARK R. KILP
State Reclamation Engineer
By

Chief Clerk

A:cu

CC: Mr. George W. Fuller

24171

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-24171

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. George W. Fuller, Farmer, Murtaugh, Idaho

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

Ans. _____

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

Ans. Permit No. G-24171, Date of Permit, June 6, 1953, Priority Same.

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

Ans. The source of the water is a well situated in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12, Twp 12, Range 19 EBM.

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

Ans. The works of diversion are a well together with pump (185 HP Johnson Turbine Pump) and laterals flowing in a northerly direction, sufficient to carry 250 miners' inches. The well is 850 feet deep. Water is found at 205 feet. The well has 18' casing down 155 feet; 10' casing down to 650 - 750 feet. Pump will handle 200 inches of water (rated capacity of pump and also measured over a weir.)

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. This water is used as supplemental water for the following described lands: 320 acres in Section one (1); 240 acres in Section Twelve (12), all said lands lying and being in Township 12, Range 19 East of the Boise Meridian. All said lands are cultivated lands, and said supplemental water has resulted in the complete use of said lands. Lands irrigated are: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ all of Sec. 1; and W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ all of Sec. 12. also NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13

G 24171

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

Ans. none

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

Ans. none

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

Ans.

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

Ans. Applicant started using said water on April 27, 1954, diverted 200 inches during 1954. The water was pumped continuously.

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. Holder also has for use upon the same lands 146 inches out of dry creek having a priority of 1879; 183 miners inches priority 1884. Actually all this amounts to is water during the spring run off which is for about 30 days during the spring (April and May.)

(Sign) George W. Fuller

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 Twin Falls, County of Twin Falls,

State of Idaho, on this 20th day of May, A. D. 1955.

William W. Baker
Notary Public for Idaho
Residing at Twin Falls, Idaho

My commission expires June 11, 1958

24171

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-24171

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. Everatt M. Fuller 48, Rancher, Murtaugh, Idaho

✓ Ques. 2. Are you acquainted with George W. Fuller, the holder of Permit No. G-24171? How long have you known him and where does he reside?

Ans. Yes. Murtaugh, Idaho. Since his birth.

Ques. 3. Have you read or heard read said Permit No. G-24171, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. The source of the water is a well situated in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12, Twp. 12, Range 19, RBM; the works of diversion are a well together with pump (Johnson Deep Well turbine) and laterals flowing in a northerly direction, sufficient to carry miners' inches.

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. Five second feet.

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. 200 miners inches

N 24171

$W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, all in Sec. 1; and $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, all in Section 12; Township 12 North, Range 19 East of Boise M.

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. This water is used as supplemental water for the following described lands: 320 acres in Section one (1); 240 acres in Section Twelve (12), all said lands lying and being in Twonship 12, Range 19 East of Boise Meridian. All said lands are cultivated lands, and said supplemental water has resulted in the complete use of said lands.

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

Ans. None

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

Ans. Deep clay-loam soil, bottom land between two ridges. Estimate of 500 miners inches for profitable cultivation.

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

Ans. Yes. Partner to the extent of 1/3rd 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. Irrigated with said water during the crop year of 1954, and particularly during the months of August and September.

(Signed) Everett M. Muller

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

County of Twin Falls, State of Idaho, on this 20st day of May, A. D. 1955.

William A. Baker

Notary Public.

For Idaho, residing at Twin Falls, Ida.

My commission expires June 11, 1958

24171

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No.

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. Ralph Tibbit 64, Farmer, Murtaugh, Idaho

✓ Ques. 2. Are you acquainted with George W. Fuller, the holder of Permit No. G-24171? How long have you known him and where does he reside? Several years (doesn't know how many) Murtaugh, Idaho

Ans. Yes Murtaugh, Idaho

Ques. 3. Have you read or heard read said Permit No. G-24171, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. The source of the water is a well situated in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12, Twp. 12, Range 19 EBM; the works of diversion are a well together with pump (Johnson Deep Well turbine) and laterals flowing in a northerly direction, sufficient to carry miners' inches.

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. Five second feet

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. 200 miners inches

24171

W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ S, E $\frac{1}{2}$ SW $\frac{1}{4}$ all in Sec. 1; and W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ all in Section 12, ~~Range~~ Township 12 North, Range 19 East of Boise M.

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. This water is used as supplemental water for the following described lands: 320 acres in Section one (1); 240 acres in Section Twelve (12), all said lands lying and being in Township 12, Range 19 East of Boise Meridian. All said lands are cultivated lands, and said supplemental water has resulted in the complete use of said lands. see above.

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

Ans. None

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

Ans. Deep clay-loam soil, bottom land between two ridges. Estimate of 500 miners inches for profitable cultivation.

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

Ans. No.

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

Ans. Irrigated with said water during the crop year of 1954, and particularly during the months of August and September.

(Signed) *Ralph Yipert*

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 Twin Falls, County of Twin Falls, State of Idaho, on this 20th day of May, A. D. 19 55.

William H. Baker

Notary Public.

for Idaho, residing at Twin Falls, Idaho.

My commission expires June 11, 1958.

24171

✓
June 21, 1955

RE: Permit No. G-24171

Mr. William H. Bakes
Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Bakes:

We have your letter of June 20 enclosing depositions of George W. Fuller 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. 24171.

These depositions are incomplete in several particulars and we return them for the following corrections:

(1) Question 3 of Mr. Fuller's deposition should be answered.

(2) Questions 1 and 2 of the depositions of the two witnesses should be more fully answered.

(3) Question 6 of Mr. Fuller's deposition and Question 7 of the depositions of the two witnesses should give the legal description by subdivision, Section, Township, and Range of the land irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

Enc.

CC: Mr. George W. Fuller

24171

WILLIAM H. BAKES

ATTORNEY AT LAW
TWIN FALLS, IDAHO

TWIN FALLS BANK
& TRUST BLDG.

June 20, 1955

PHONE 241

RECEIVED
JUN 21 1955
Department of Reclamation

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Enclosed herewith please find Proof of Application of Water to Beneficial Use and Completion of Works, Deposition of Holder and two Depositions of Witnesses together with an Affidavit of Publication.

These would have been returned earlier but Mr. Fuller did not mail the Affidavit of Publication to me until today.

Yours very truly,

William H. Bakes

William H. Bakes

WHB:am
Encs.

24171

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 20th day of May, 1955, at Twin Falls, County of Twin Falls, State of Idaho, before William H. Bakes, Notary Public, proof will be submitted of the completion of works for the diversion of four cubic feet per second of the waters of subterranean from a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 12 So., Range 19, E.B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24171 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Veleria I. Fuller, Everett M. Fuller, George W. Fuller, Route 1, Murtaugh, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is four cubic feet per second.

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

4. The place where said water is used is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 13, & NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1; all in Township 12 North, Range 19 East of Boise Meridian.

5. The date of priority which said user is prepared to establish is June 1, 1953.

MARK R. KULP
State Reclamation Engineer
Published in the Burley Herald,
April 21-28, May 5-12, 1955.

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Junior W. Ross

....., 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 stertyped 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 April 21, 1955, and ending with the issue dated May 12, 1955.

Subscribed and sworn to before me this 13th day of May, 1955.

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

My Commission Expires June 4, 1956

Bursley Idaho

April 13, 1955

Dear Mr. Kulp:-

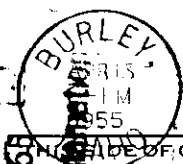
This is to acknowledge
receipt of legal for Geo. H. Fuller,
which we have marked to run
April 21-28, May 5-12, 1955.

Thanks

J 24171

Bursley Herald Bulletin
by Hazel E. Nordall

RECEIVED



THE REVERSE OF CARD IS FOR ADDRESS



Mr. K. R. Kulp,
Reclamation Engineer
Dept. of Reclamation,
Boise, Idaho

L24171

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 20th day of May, 1955, at Twin Falls, County of Twin Falls, State of Idaho, before William H. Bakes, Notary Public, proof will be submitted of the completion of works for the diversion of four cubic feet per second of the waters of subterranean from a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 12 So., Range 19, E.B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24171 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Veleria I. Fuller, Everett M. Fuller, George W. Fuller, Route 1, Murtaugh, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is four cubic feet per second.

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

4. The place where said water is used is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 13, & NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ W $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1; all in Township 12 North, Range 19 East of Boise Meridian.

5. The date of priority which said user is prepared to establish is June 1, 1953.

MARK R. KULP
State Reclamation Engineer
Published in the Burley Herald,
April 21-28, May 5-12, 1955.

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Junior M. Ross, 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 April 21, 1955, and ending with the issue dated May 12, 1955.

Subscribed and sworn to before me this 13th day of May, 1955
Hazel G. McDuff
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1955

U.S. No. 1
13

RECEIVED
MAY 16 1955
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. G-24171

Date: April 12, 1955

Burley Herald-Bulletin

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 20, 1955** the date set for proof, the expense of the publication to be paid by the applicant, C/o **George W. Fuller** of **Route 1, Murtaugh, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

24171

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 20th day of May, 1955, at Twin Falls, County of Twin Falls, State of Idaho, before William H. Baker, Notary Public, proof will be submitted of the completion of works for the diversion of four cubic feet per second of the waters of in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 12 So., Range 19, E.B.M. subterranean from a well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24171 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Veteria I. Fuller, Everett M. Fuller, George W. Fuller, ^{Route 1, Murtaugh, Idaho} ,/
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is four cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is four cubic feet per second.
4. The place where said water is used is of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13, & NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1; all in Township 12 North, Range 19 East of Boise Meridian
5. The date of priority which said user is prepared to establish is June 1, 1953.

MARK R. KULP

State Reclamation Engineer

24171

✓
April 11, 1955

RE: Permit No. G-24171

Mr. George W. Fuller
Route 1
Martaugh, Idaho

Dear Mr. Fuller:

We shall send to the Burley Herald-Bulletin notice for proof of completion of works and beneficial use to be made on Permit No. G-24171 on May 20, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

We are sending Mr. William H. Bakes, Notary Public, the forms required for making this proof and at the time set, you should appear before him together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Mr. William H. Bakes

Forms enclosed to Mr. Bakes.

24171

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 4, 1955

(P. O.) Murtaugh, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Burley Herald-Bulletin of Burley, Idaho published in

the county in which the works are situated.

George W. Fuller

(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.

24171

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 1, 1955

Valeria, Everett M. and George W. Fuller
Route 1
Murtaugh, Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. ~~0324171~~. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than ~~June 6, 1955~~.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

8 24171

November 5, 1954

RE: Permit No. G-24171

Mr. William H. Bakes
Bank and Trust Building
Twin Falls, Idaho

Dear Mr. Bakes:

In reply to your letter of November 4, there is no objection to making the proofs on Permit No. G-24171 at a later date, as they are not actually due until June 6, 1955.

The reason we wrote you in regard to this matter is that we assumed from your letter of June 25, 1954 that the Permit Holder wished to make proofs at this time.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ashll

24171

WILLIAM H. BAKES

ATTORNEY AT LAW
TWIN FALLS, IDAHO

TWIN FALLS BANK
& TRUST BLDG.

PHONE 241

November 4, 1954

RECEIVED
NOV 5 1954
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. G-24171

Attention Jeanne L. Anderson

Dear Miss Anderson:

I have your letter of November 3. The applicants in the matter, George W., Valeria I., and Everett M. Fuller desire to make a proof of completion of works and beneficial use. However, they did not wish to do so for a period of several weeks.

Please advise if there is any objection to this.

Yours very truly,

William H. Bakes

William H. Bakes

WHB:ay

N 24171

✓
November 3, 1954

RE: Permit No. G-24171

Mr. William H. Bakes
Bank and Trust Building
Twin Falls, Idaho

Dear Mr. Bakes:

Since we have received no reply to office letters addressed you on June 28 and October 11, 1954, in the former of which we returned notice for proof of completion of works and beneficial use on Permit No. G-24171, for certain corrections, we assume that the Permit Holders, George W. Fuller, Valeria I. Fuller and Everett M. Fuller, do not wish to make the proofs at this time.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ashll

cc: George W., Valeria I., and Everett M. Fuller

24171

October 11, 1954

RE: Permit No. G-24171

Mr. William H. Bakes
Bank and Trust Building
Twin Falls, Idaho

Dear Mr. Bakes:

On June 26, 1954, we returned notice which you send us on June 25th for Completion of Works and Beneficial Use proof on Permit No. G-24171 in the name of George W. Fuller, Valeria I. Fuller and Everett M. Fuller for certain corrections.

To date this notice has not been returned and we are wondering if the permit holders still wish to make the proofs at this time.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

24171

✓
June 26, 1954

RE: Permit No. G-24171

Mr. William H. Bakes
Bank and Trust Building
Twin Falls, Idaho

Dear Mr. Bakes:

We have your letter of June 25th, enclosing notice for Completion of Works and Beneficial Use proof on Permit No. G-24171.

However, paragraph 4 should give the legal description by subdivision Section, Township and Range where the water has been applied and we return both copies of the notice for such correction.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

24171

WILLIAM H. BAKES

ATTORNEY AT LAW
TWIN FALLS, IDAHO

TWIN FALLS BANK
& TRUST BLDG.

June 25, 1954

PHONE 2664

RECEIVED
JUN 26 1954
Department of Reclamation

Bureau of Reclamation
State House
Boise, Idaho

Attention Jeanne Anderson

Dear Miss Anderson:

Enclosed herewith is Form 36 and Form 11 in the matter of the Proof of Completion of Works and an Application of Water to Beneficial Use of George W. Fuller, Valeria I. Fuller, and Everett M. Fuller. These will be published in the Herald-Bulletin of Burley, Idaho for 4 weeks and proof will be made of my office on the 2nd day of August.

Yours very truly,

William H. Bakes

William H. Bakes

WHB:ay
Enclosures

H 24171

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....June 25, 1954.....
(P. O.).....Twin Falls, 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.

William A. Baker
attorney at law

(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.

24171

May 26, 1954

RE: Permit No. G-24171

Mr. William H. Bakes
Twin Falls Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Bakes:

In reply to your letter of May 25, we return the depositions of the holder and the two witnesses offered in proof of beneficial use on Permit No. G-24171.

However, in making proof of completion of works and beneficial use on this permit, new depositions will be required; but, of course, the same Notary Public can be used.

We enclose other forms for making this proof, which, of course, cannot be made until after four weeks publication. Meanwhile, Forms 36 and 11 sent in our letter of May 24, should be returned to this department for transmission to the designated newspaper with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

24171

WILLIAM H. BAKES

ATTORNEY AT LAW

TWIN FALLS, IDAHO

TWIN FALLS BANK
& TRUST BLDG.

PHONE 2664

May 25, 1954

RECEIVED
MAY 26 1954
Department of Reclamation

Mark Kulp
Dept. of Reclamation
Boise, Idaho

Attention Jeannie L. Anderson
Chief Clerk

Dear Sir:

Thank you for your letter of May 24. Will you please advise the writer if it would be permissible to return the affidavits to this office and furnish proof before the same Notary.

If so, would you please return said affidavits. Otherwise, would you please return three copies of each form in order that new affidavits may be made.

Yours very truly,

William H. Bakes

William H. Bakes

WHB:ay

24171

May 24, 1954

RE: Permit No. G-24171

Mr. William H. Bakes
Twin Falls Bank and Trust Bldg.
Twin Falls, Idaho

Dear Mr. Bakes:

We acknowledge receipt of your letter of May 21 enclosing depositions of George W. Fuller and others also depositions of two witnesses offered in proof of beneficial use on Permit No. G-24171.

The record of this permit shows that both proofs of completion of works and beneficial use are due at the same time and before these proofs are made, notice must be published once a week for four weeks prior to the time set for making the proofs.

These proofs are not actually due until June 6, 1955; although they can be made at any earlier date that the applicants are prepared to make them.

Notice should be made in duplicate on Form 36 enclosed setting the time and place and naming the Notary Public before whom the proofs are to be made. Both copies of Form 36 to be returned to this department together with Form 11, which is authorization for us to have the notice published in the designated county newspaper at permit holder's expense.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

24171

WILLIAM H. BAKES

ATTORNEY AT LAW
TWIN FALLS, IDAHO

TWIN FALLS BANK
& TRUST BLDG.

PHONE 2664

May 21, 1954

9 24171

RECEIVED
MAY 22 1954
Department of Reclamation

Mark Kulp
Dept. of Reclamation
State House
Boise, Idaho

Dear Sir:

Enclosed herewith please find Proof of Application of Water to Beneficial Use, Deposition of Witness, and Deposition of Holder.

Please advise where proof of this will be taken.

Yours very truly,

William H. Bakes

William H. Bakes

WHB:ay
Enclosures

6-6-55

9 24171

June 15, 1953

RE: Permit No. G-24171

Mr. Arthur E. Babbel
Bank & Trust Building
Twin Falls, Idaho

Dear Mr. Babbel:

We enclose Permit No. G-24171 in the names of Valeria I. Fuller, Everett M. Fuller and George W. Fuller, and direct their attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-38, for the \$6.25 filing fee.

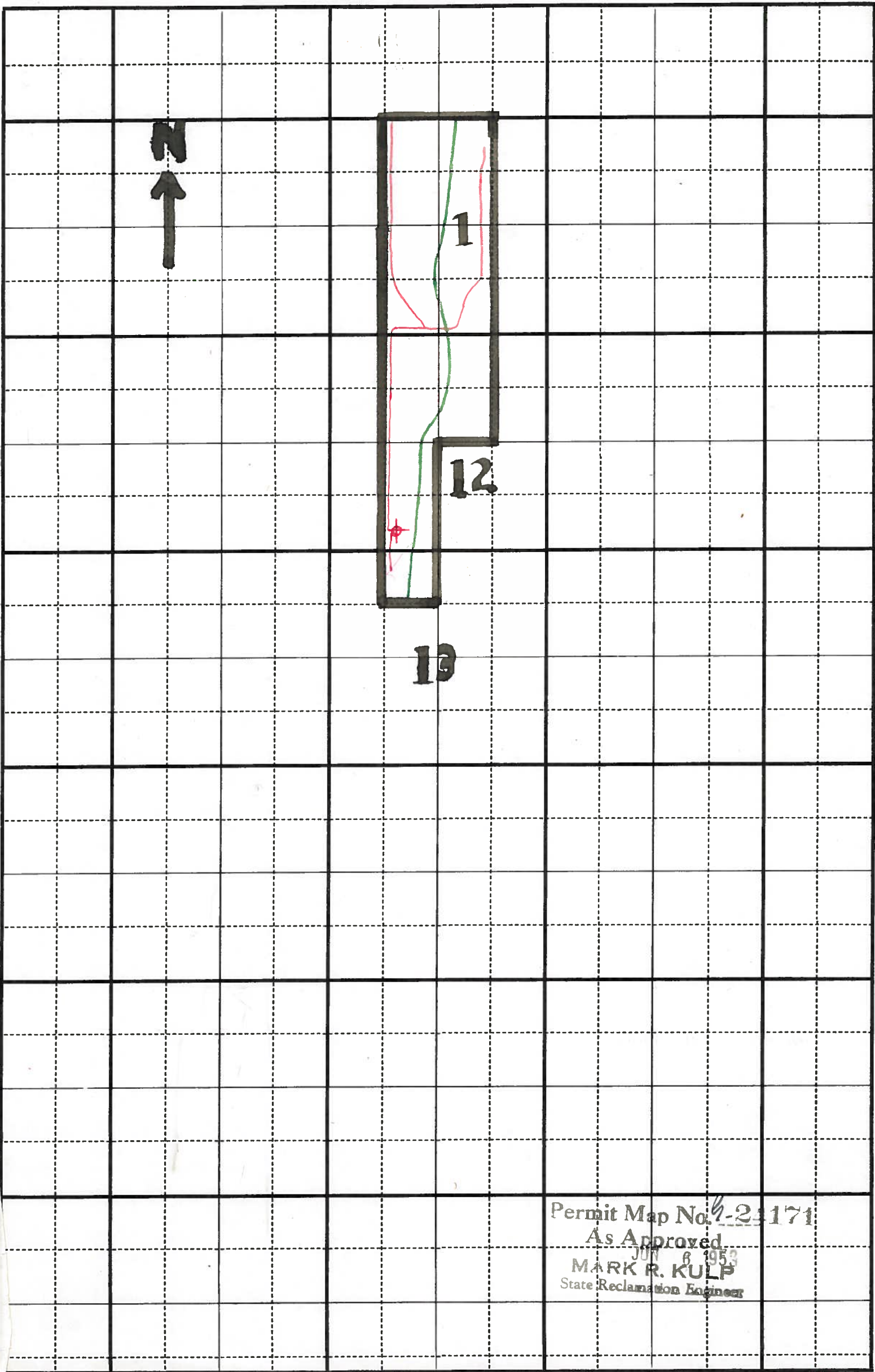
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.

24171



Permit Map No. 2-24171
As Approved
JUN 8 1953
MARK R. KULP
State Reclamation Engineer

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

P 24171

Legend: Well - - - - -
Pipe Lines & Ditches - - - - -
Dry Creek - - - - -

ARTHUR E. BABBEL
ATTORNEY AT LAW
BANK & TRUST BLDG.
TWIN FALLS, IDAHO

May 29, 1953

RECEIVED
JUN 1 1953
Department of Reclamation

Department of Reclamation
State Capitol Building
Boise, Idaho

Re: Valeria I. Fuller,
Everett M. Fuller,
George W. Fuller.

Gentlemen:

Enclosed is application for filing on subsurface waters in Cassia County, Idaho. The Fullers have drilled the well, but to date the well has not been tested. As soon as they receive favorable action on this application, a pump will be installed and a test made.

Kindly give this matter your prompt consideration, as my clients are desirous of using this well as soon as possible.

Yours very truly,

Arthur E. Babel
Arthur E. Babel

AEB:th
Encl.

24171

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

**APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 2:00 P.M., on the 20th day of May, 1955, at Twin Falls, County of Twin Falls, State of Idaho, before William H. Bakes, Notary Public, proof will be submitted of the completion of works for the diversion of four cubic feet per second of the waters of subterranean from a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 12 So., Range 19, E.B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24171 heretofore issued by the Department.

Address of the person or corporation holding said permit: **Idaho I. Fuller, Everett M. Fuller, George W. Fuller, Route 1, Murtaugh, Idaho.**

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is four cubic feet per second.

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

4. The place where said water is used is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 13, & NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12 all in Township 12 North, Range 19 East of Boise Meridian.

5. The date of priority which said user is prepared to establish is June 1, 1953.

MARK R. KULP

State Reclamation Engineer

Published in the Burley Herald
April 21-28, May 5-12, 1955. **4-25-55**