

45-2442

State of Idaho
License and Certificate of Water Right

Water License No. G-23997 Amount One second foot
Water District No. Priority April 9, 1953

THIS IS TO CERTIFY that MARGARET TOONE
of St. Anthony, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 9, 19 53 ; that Permit No. G-23997
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
One second foot, was issued thereunder on September 20, 19 54, showing that said works
were completed on the 29th day of June, 19 54; and that on the 29th
day of June, 1954,

MARGARET TOONE
of St. Anthony, 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
, ~~subterranean~~ (subterranean flow), for the purpose of irrigation
, under Use Permit No. G-23997 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 5354, on the 20th day of September, 19 54 ;
The right hereby confirmed dates from April 9, 19 53 ;
The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 1, Tp. 12 S., R. 24 E., B. M. Cassia County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed One cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	24 E.	1	NE 1/4 NE 1/4) SE 1/4 NE 1/4) NE 1/4 SE 1/4)	120.19	120
12 S.	25 E.	6	SW 1/4 NW 1/4 (Lot 5)	33.70	33.67
			Number of Acres Actually Irrigated		153.67

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
20th day of September, 19 54 .

(SEAL) MARK R. KULP
State Reclamation Engineer.

45 2442

State of Idaho
License and Certificate of Water Right

Water License No. 20903

Amount 0.5 second foot

Water District No.

Priority January 14, 1949

THIS IS TO CERTIFY that LAVA HOT SPRINGS FOUNDATION
of Lava Hot Springs, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 14, 1949; that Permit No. 20903
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.5 second feet, was issued thereunder on December 3, 1953, showing that said works
were completed on the 3rd day of December, 1953; and that on the 5th
day of January, 1954,

LAVA HOT SPRINGS FOUNDATION
of Lava Hot Springs, 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
~~xxx~~ (subterranean flow) for the purpose of irrigation, domestic, bathing pools
and tourist park purposes under Use Permit No. 20903 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 5353, on the 20th day of September, 1954;
The right hereby confirmed dates from January 14, 1949;

The Point of Diversion is located
in the SE 1/4 SW 14, Sec. 22, Tp. 9 S., R. 38 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.5 cubic foot per second.

Description and location of use:

Twsp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Lots 9 and 10 Section 22; Lots 7 and 8 Section 21; Township 9 South, Range 38 East, B.M.		

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
20th day of September, 1954.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

45-2442

Application No. G-31779
Permit No. G- 23997
District No.

1. Name of Applicant: Margaret Toone (wife of Ray Toone)
Postoffice address: St. Anthony County: Fremont State: Idaho
2. Quantity of water claimed: 2 second feet of water
 - (a) Rate of withdrawal in cubic feet per second. 2 or Idaho
Miners' inches or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean well located in the Northeast Quarter of the Southeast Quarter of Section One, Township Twelve South, Range Twenty-four, E. B. M. in Cassia Co., Idaho
4. Location of point of diversion or well is ~~in the~~ NE 1/4 of the SE 1/4 of Section 1
Twp. 12 S , Rge. 24 E , B. M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B. M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B. M.
7. Kind of works: Well and pump
8. Estimated cost of works: \$ 6,000.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
~~years~~ less than one year
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: The land has the rights out of the mountain streams, which water right is not sufficient to adequately water said lands.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Applicant is the owner of the following described real estate located in Cassia County, Idaho, to wit: Lot One, Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section One, Township Twelve South, Range Twenty-four, East Boise Meridian; also Lot 5 of Section Six, Township Twelve South, Range Twenty-five, East Boise Meridian, except tax no. 1900; The applicant is also the owner of Lot 1, Block 5, Jordan and Motter's Addition to Albion. A well has been dug at the place indicated in this application, and it is expected that during the year 1953, the water will be placed to beneficial use.

Remarks:

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

Margaret Toone
Applicant.
By Agent.

Date of first receipt at Department of Reclamation: 2:00 P.M., April 9, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-23997
Recorded in Book 85 Page 23997 Approved Apr. 17, 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 June 17, 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 April 17, 1954
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before April 17, 1955
Witness my hand this 17th day of April, 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 17th day of April, 1953.

Countersigned: STATE OF IDAHO
By LEN JORDAN Governor
By IRA H. MASTERS Secretary of State.

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12	24	1	x			x									x				120.19
12	25	6					x												33.70
																			153.89
			Less Tax No. 1900 - also lot one, block five, Jordan and Motters Addition to the townsite of Albion in Cassia County, Idaho																
			Permit No. G-23997																
			CERTIFICATE OF COMPLETION OF WORKS																
			TO ALL WHOM IT MAY CONCERN:																
			This is to certify that MARGARET TOONE of St. Anthony, County of Fremont, and State of Idaho, the holder of Permit No. G-23997, issued upon Application No. G-31779 bearing date of priority of April 9, 1953, authorizing the diversion of Two (2) Second feet of the waters of a well (subterranean flow) County of Cassia, State of Idaho, for irrigation purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use One (1) second foot of the waters of said well; that the point of diversion of said waters is in the NE 1/4 SE 1/4 Section 1, Township 12 South, Range 24 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 1, Twp. 12 South, Range 24 East, B. M., SW 1/4 NW 1/4 (lot 5) Section 6 Twp. 12 South, Range 25 East, B. M.																
			Witness my hand this 20th day of September, A. D. 1954.																
			/s/ MARK R. KULP State Reclamation Engineer																
			Proof of Completion of Works made June 29, 1954. Certificate of Completion of works issued September 20, 1954.																
			LICENSE ISSUED FOR 1 SEC. FT.																

pg. 5354

June 14, 1982

Mrs. Alta Penrod
P. O. Box 102
Albion, ID 83311

Dear Mrs. Penrod:

As requested in our telephone conversation, I have researched our records for water right filings on Marsh Creek, tributary to Snake River, within the legal description of Townships 10, 11, 12 South and Ranges 24, 25 East.

Water rights were decreed on Marsh Creek in three court cases:

Wood, et al., v. Stokes, et al. - Marsh Creek and tributaries
February 21, 1892

Bridger, et al. v. Tremayne, et al. - Marsh Creek - excess water
February 17, 1910

Charles Hansen v. Rinaldo Harper - Marsh Creek
January 15, 1919

Enclosed are copies of the abstract, Wood v. Stokes, Bridger v. Tremayne, and decree, Hansen v. Harper. Also enclosed are copies of licensed rights 45-2005, 45-2000, 45-2064, 45-2146 and application 45-7384 (approval pending).

Research was conducted for water rights filed up to 1982. I expect to have a full update of recent water right filings sometime in July. If you feel I may have missed any recent filings, please let me know.

Enclosed is a billing for the copies.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 17, 1982

Roger D. Ling
Attorney at Law
P. O. Box 396
Rupert, Idaho 83350

Dear Mr. Ling:

In my December 8, 1981 letter, I incorrectly described the place of use of water right 45-0308. Since that time, a complete copy of the Wood vs Stokes findings of fact and conclusions of law, as well as, findings of fact and conclusions of law for Vaughn vs Harroun have come to light. Copies are enclosed.

The lands owned by F. Cobb, to whom 45-0308 was decreed, are described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T12S, R24E and Lt 6, Sec. 6, T12S, R25E.

Transfer No. 35, (Harris) moved 36 inches of the right to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lt 1 of Sec. 1, T12S, R24E, leaving 44 inches remaining on the original place of use.

I believe the Lt 1, Sec. 6 description given for part of the original place of use in Transfer No. 35 to be in error.

Transfer No. 497, (Anderson) moved 27.5 inches (.55 cfs) of the right from the E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T12S, R24E, the place of use established by Harris, to the the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T12S, R24E.

These two transfers resulted in the following distribution of the right on the various tracts:

<u>Section</u>	<u>Tract</u>	<u>Amount of Water (inches)</u>	<u>Current Owner</u>
T12S, R24E, Sec. 1	Lt 1 (NENE)	4.25	Merrill
	SESE	4.25	Merrill
	NESE	49.5	Merrill
T12S, R25E, Sec. 6	Lt 6 (NWSW)	22.0	Penrod
		<u>80.0 Total</u>	

Transfer #497, begins with a finding that 55 inches (1.1cfs) is appurtenant to the E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1. This would seem to indicate that an unrecorded transfer occurred between 1909 and 1930 which moved another 19 inches of the right from the original place of use to the Anderson property. I have not recognized the unrecorded change because it may have occurred to the injury of other rights

Roger D. Ling

June 17, 1982

Page 2

and because, if recognized, it would result in a distribution of the right that would not even remotely approximate the current 30-50 split between the present owners.

On another matter, I am in the process of preparing a decision on Don Merrill's application for transfer of right No. 45-0307 which was heard on March 29, 1982. However, Mr. Merrill recently indicated to me that he may amend his application to bring the land description into line with lands actually receiving water. If an amendment is made, all parties will be notified and allowed to respond.

I hope this clears up the questions you had. If you need any further material or information, please do not hesitate to contact me.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

cc:Paul Penrod
Bob Fleenor

✓
September 21, 1954

RE: Permit No. G-23997

Mrs. Margaret Toone
St. Anthony
Idaho

Dear Mrs. Toone:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. G-23997 confirming your right to the use of 1 second foot of water from a well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 12 South, Range 24 East B.M. with priority of April 9, 1953, for irrigation of 153.67 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 12 South, Range 24 East B.M. and Lot 5 Section 6, Township 12 South, Range 25 East B.M.

We also enclose departmental receipt No. 26933 for the \$13.00 fees paid in connection with completion of works and beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

W
Chief Clerk

A:hll
Enc.

23997



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

September 17, 1954

RE: Permit No. G-23997

RECEIVED
SEP 20 1954
Department of Reclamation

Mrs. Margaret Toone
St. Anthony,
Idaho

Dear Mrs. Toone:

The report of our field engineer on examination for completion of works and beneficial use on your Permit No. G-23997 shows that your well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 12 South, Range 24 East B.M. will deliver 52 $\frac{1}{2}$ inches of water which has been used to irrigate 153.67 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 12 South, Range 24 East B.M.; and Lot 5 Section 6, Township 12 South, Range 25 East B.M.

A Certificate of completion of works and license can therefore be issued for 1 second foot of water as applied for upon receipt of the statutory fees amounting to \$5.00 for Certificate of Completion of Works and \$8.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:hll

23997

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23997

REPORT ON PROOF OF Completion of Works & Beneficial Use

MARGARET TOONE, St. Anthony, Idaho

app. one cfs

1. cfs
max

153.67 acres

4-40's

R-24E.

R-25E.

Use 2- $\frac{1}{2}$ in lines sprinklers

3" lines

32 nozzles

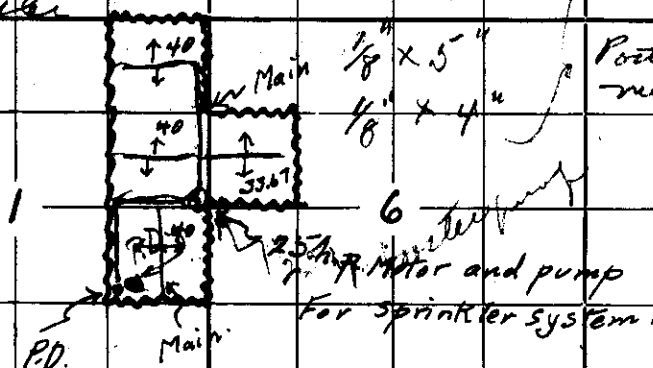
6" $\frac{3}{4}$ in

$\frac{1}{8}$ x 5"

$\frac{1}{8}$ x 4"

Post
main (A)

T.
12
S.



Subdivisions = four

Area = ~~1600~~ 153.67 acres.

Q = 52 $\frac{1}{2}$ inches

T = 92°F

50 inches = pub. notice

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

Permit No. 0-23997

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

1. Name of applicant Margaret Toone, St. Anthony, Idaho

2. Source of water supply: Subterranean from a well

3. Location of point of diversion: Is in the NE¹ SE¹ of Section 1

T. 12 S. R. 24 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well is 400' deep by 18" diameter, cased 160'. Bore down 155'. Lift is 65', H=55'. Worthington Pump No. T 1440384. 15 hp U. S. Motor 220 V., Serial No. 952151. Delivery was 52¹/₂" T. 52°F. A booster pump for a sprinkler system is located in the 40 to the NE and pumps from a pond. Worthington Pump No. T 1440385. U. S. Motor 25 hp No. 2233070. Water is delivered by ditch $\frac{1}{2}$ mile long to the sump for the sprinkler system.

5. Water is used for: Irrigation.

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

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

Lot 1, SE¹ NE¹, NE¹ SE¹ Section 1;
Twp. 12 South, Range 24 East, B. M.

Lot 5, Section 6;
Twp. 12 South, Range 25 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?

This system is set up in this manner because
Remarks: There is decreed water for this place and it is delivered to the same pump and delivered to the fields by the sprinkler system.

Inspection was made in company with Mr. Pennrod, the renter.

This examination was made on the 31 day of Aug, 1954

(Signed) E. H. Humphrey, Examiner.

23997

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.

Margaret Toone

St. Anthony, Idaho

Permit No. G-23997

Examination for Completion of Works
and Beneficial Use

County Cassia

1-12S.-24E.

Q = 2.0 c.f.s.

S = Well

N.D. = SW. Cor. NE. SE., Sec. 1, T. 12S. -
R. - 24E.

alta Perrod

Use = Irrigation

T = 52°F

200 cf in 3M. 10B.
190 $\overline{1.052}$ 180 1.052
190 $\overline{200}$ 190 $\overline{50}$
190 $\overline{1500}$ 52.5 ft
9500

Priority = April 9, 1953
Due = April 17, 1955

15 hp. U.S. motor

220V, 40V, 1800 rpm

952157

Worthington Pump

T1440384

Size 8 AGE cone curb no protect.

400' x 18" esd 160'

Bowls down 155'
lift 65' H = 55'

Booster Pump for
sprinkler

Worthington # T1440384

Size 10 GEAO.4

U.S. motor 25 hp # 2233078

220V.

Switched = EM # 9040

3/32" 3/16" = sprinkler

✓
July 8, 1954

RE: Permit No. G-23997

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

We acknowledge receipt of your letter of July 2 enclosing depositions of Margaret Toone and two witnesses also affidavit of publication in the Burley Herald-Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. G-23997.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc Mrs. Margaret Toone

#23997

NIELSON & NIELSON
ATTORNEYS AND COUNSELLORS AT LAW
BURLEY, IDAHO

July 2, 1954

A. H. NIELSON
N. H. NIELSON

RECEIVED
JUL 7 1954
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Re: Permit No. G-23997

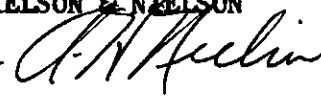
In the above matter we are sending the Deposition of
Witness and the Deposition of Holder of Margaret Toone, together
with the Affidavit of Publication.

We believe these instruments are now complete. Would
you notify us if there is any additional information required.

Very truly yours,

NIELSON & NIELSON

By



A. H. Nielson

AHN:m

Encl.

23997

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 stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four... consecutive weeks, commencing with the issue dated June 3, 1954, and ending with the issue dated June 24, 1954...

Subscribed and sworn to before me this 21st day of June, 1954

Notary Public in and for the State of Idaho,

Residing at Burley, Idaho.

My Commission Expires June 4, 1955

[illegible]

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

Notice is hereby given that at ten A. M. on the 29th day of June, 1954, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, a Notary Public, proof will be submitted of the completion of works for the diversion of (1) one cubic foot per second of the waters of one certain well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Twp. 12 S., Rge. 24 E., B. M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23997 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 Margaret Toone, St. Anthony, 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 one (1) cubic foot per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is one (1) cubic foot per second.

4. The place where said water is used is Lot 1, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 12 S., Range 24, EBM. & Lot 5, Section 6, Township 12 S.,

Range 25, EBM, in Cassia County, Idaho.

5. The date of priority which said user is prepared to establish is April 9, 1953.

MARK R. KULP,
State Reclamation Engineer.
Published in Burley Herald, June 3-10 1954

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 stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for**four**... consecutive weeks, commencing with the issue dated **June 3, 1954**, and ending with the issue dated **June 24, 1954**..

Subscribed and sworn to before me this **29th** day of **June**, 19**54**..

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

My Commission Expires **June 4, 1955**

A23997

NOTICE OF PROOF OF CONTAMINATION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at ten A. M., on the 29th day of June, 1954, at Burley, County of Cassia, State of Idaho, before A. H. Nelson, a Notary Public, proof will be submitted of the completion of work for the diversion of (1) one cubic foot per second of the waters of certain water in the NW 1/4, Section 1, Twp. 12 S., Rge. 24 E., B. 1 and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23997 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 Margaret Toome, St. Anthony, Idaho.

2. Said works of diversion will be fully completed on the date set

of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is one (1) cubic foot per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is (1) cubic foot per second.

4. The place where said water is used is Lot 1, SE 1/4 of the NW 1/4, NE 1/4 of the SE 1/4 of Section 1, Township 12 S., Range 24 E., B. 1, Lot 5, Section 6, Township 12 S.,

Range 24 E., in Cassia County,

5. The date of priority which said water was prepared to establish is April 1, 1953.

W. MARK R. NULS
State Reclamation Engineer
Published in Burley Herald, June 22, 1954.

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 stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four..... consecutive weeks, commencing with the issue dated June 3, 1954, and ending with the issue dated June 24, 1954

Subscribed and sworn to before me this 24th day of June, 1954.

#23997

Hazell Woodall
Notary Public in and for the State of Idaho,

Residing at Burley, Idaho.

My Commission Expires June 4, 1955

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

Notice is hereby given that at ten A. M. on the 29th day of June, 1954, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, a Notary Public, proof will be submitted of the completion of works for the diversion of (1) one cubic foot per second of the waters of one certain well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Twp. 12 S., Rge. 24 E., B. M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23997 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 Margaret Toone, St. Anthony, 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 one (1) cubic foot per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is one (1) cubic foot per second.

4. The place where said water is used is Lot 1, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 12 S., Range 24, EBM, & Lot 5, Section 6, Township 12 S.,

Range 25, EBM, in Cassia County, Idaho.

5. The date of priority which said user is prepared to establish is April 9, 1953.

MARK R. KULP,
State Reclamation Engineer.
Published in Burley Herald, June 3-10-17-24, 1954.

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 stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 3, 1954, and ending with the issue dated June 24 1954

Subscribed and sworn to before me this 29th day of June, 1954

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

My Commission Expires June 4, 1955

723997

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23997

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. Margaret Toone, resident of St. Anthony, Idaho, housewife and interested in farming. Formerly a resident of Albion, Cassia County, Idaho, where my mother now resides.

~~Ques. 2. If you are a 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.~~

~~xxxx~~

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

Ans. G-23997 Well was completed and water pumped from said well on April 9, 1953, water was pumped from the well and used for irrigation on June 20, 1953.

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

Ans. The well is located in the SW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, Tp. 12S., Range 24, 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. There is a sump in which an additional pump is located, which pump places the water in a pipeline system, the sump being located in the SE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 1 Tp. 12S, Range 24, EBM; well, pump, as above described, pipeline system -- 1 cu. foot per second, all the ditches and pipelines are located on my property. The well is 400 ft. deep, 16 inch casing extends 165 ft. below the surface of the ground, the water is 10 ft. below the top of the ground, the draw down is not noticeable. The pump discharges 1 cu. ft. per sec.; this has been estimated by a number of people who are well acquainted with the use of water. In the pipeline system there are 62 nozzels & 65 lbs. of pressure created by the pump.

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. Irrigation, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1 Tp. 12S. Rge. 24, EBM/ in Cassia County, Idaho. Each subdivision has 40 acres except Lot 5, which contains 33.67 acres. All of said lands have been irrigated with the water from the well. Grain and hay are now being grown and a portion of the property is being placed to pasture. The well has been dug and a pump placed in it and the sump, as heretofore described. The land produces better crops than it did prior to 1953.

G-23997

~~Ques. 7. For other than irrigation purposes, state how applied, amount or horse power, general
nature of use.~~

~~Ans.~~

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

Ans. one inch per acre.

~~Ques. 9. State when, how, in what amount and to what extent the water diverted under above
mentioned permit has been used.~~

~~Ans.~~

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

Ans. The water from the wegl has been used since June 20, 1953 during the irrigation season on all the property hereinbefore described.

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

Ans. There is not any water right to Lot 5 above described, there is a water right to the balance of the property for 60 inches from Marsh Creek with date of priority March 1, 1875. This water is not sufficient to irrigate the lands and they are usually dry by the 1st of August of each year.

(Sign)

Margaret Toome

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia

State of Idaho, on this 30th day of June, A. D. 1954.

A. N. Heelan

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

My commission expires: February 20, 1958.

23997

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23997

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

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

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

Ans. Matthew Tremayne, 73 years of age, Albion, Cassia County, Idaho; retired
druggist and small farmer.

Ques. 2. Are you acquainted with Margaret Toone, the
holder of Permit No. G-23997? How long have you known ^{her} ~~him~~ and where does
he reside?

Ans. Yes, I have known her for more than 30 years. She resides at St. Anthony, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-23997, 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 con-
veying water from point of diversion to place of use.

Ans. Water from a well situated in the Southwest corner of the Northeast Quarter
of the Southeast Quarter of Section 1, Township 12 S., Range 24, EBM; ~~the water is~~
and is used on the property hereinafter described; all of said places of diversion
are located on lands belonging to Margaret Toone.

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

Ans. 1 cubic foot per second of water.

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

Ans. 1 Cubic foot per second. I estimated the water, but I have used irrigation
water most of my life and believe I am competent to make such estimation.

23997

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.

The water is used for irrigation on the following described real estate located
Ans. in Cassia County, Idaho, to-wit: Lot 1, Southeast Quarter of the Northeast Quarter, Northeast Quarter of the Southeast Quarter of Section 1, Township 12 S., Range 24, EBM. / There is approximately 40 acres in each subdivision except Lot 5, which there is 33.67 acres. Grain and hay is being grown on the land. A well has been dug, a pump installed, a sump has been constructed near the SE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, Tp. 12 S, Range 24, EBM, and a pump placed in said sump. The water is pumped into a pipeline system to irrigate the property.
~~State whether for power or other purposes than irrigation, state how water has been applied and to what extent~~

~~Ans.~~

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

Ans. Lot 5, Section 6, Township 12 South, Range 25, did not have a water right prior to the digging of the well, the other lands have water rights from Marsh Creek which is not sufficient to raise all the crops which the land will produce. It will take an inch to the acre for profitable irrigation.

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. My land adjoins the land of the applicant, Margaret Toone, and I have on a number of occasions visited the well and saw the operation of the pump. The pump was installed sometime in April, 1953 and water obtained at that time.

(Signed)

Matthew Tremayne

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 29th day of June, A. D. 1954.

P. J. McElroy

Notary Public.

My commission expires: February 20, 1958.

23997

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23997

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. Henry Brackebury, age 68 years, Albion, Cassia County, Idaho, retired farmer
now a forest ranger.

Ques. 2. Are you acquainted with Margaret Toone, the
holder of Permit No. G-23997? How long have you known ^{her}~~him~~ and where does
he reside?

Ans. Yes, St. Anthony, Idaho, for over twenty-five years.

Ques. 3. Have you read or heard read said Permit No. G-23997, 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 con-
veying water from point of diversion to place of use.

Ans. Water from a well situated in the Southwest corner of the Northeast Quarter
of the Southeast Quarter of Section 1, Township 12 S., Range 24, EBM; and is used on
the property hereinafter described; all of said places of diversion are located on
lands belonging to Margaret Toone.

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

Ans. 1 cubic foot per second of water.

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

Ans. 1 cubic foot per second. I estimated the water, but I have used irrigation
water most of my life and believe I am competent to make such estimation.

23997

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. The water is used for irrigation on the following described real estate located in Cassia County, Idaho, to-wit: Lot 1, Southeast Quarter of the Northeast Quarter, North-east Quarter of the Southeast Quarter of Section 1, Township 12 S., Range 24, EBM. Lot 5, Section 6, Township 12 S., Range 25, EBM. There is approximately 40 acres in each subdivision except Lot 5, which there is 33.67 acres.

~~Ques. 8. If for purposes other than irrigation, state how water has been ex-~~
~~plained and to what extent.~~

Ans. Grain and hay are being grown on the land. A well has been dug, a pump installed, a sump has been constructed near the SE corner of the SE 1/4 of Section 1, Township 12 S., Range 24, EBM; and a pump placed in said sump. The water is pumped into a pipeline system to irrigate the property.

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. Lot 5, Section 6, Township 12 South, Range 25, did not have a water right prior to the digging of the well, the other lands have water rights from Marsh Creek which is not sufficient to raise all the crops which the land will produce. It will take an inch to the acre for profitable irrigation.

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. I live within a half mile of the well of Margaret Toone, and I have on a number of occasions visited the well and saw the operation of the pump. The pump was installed sometime in April, 1953, and water obtained at that time.

(Signed) Henry Bruchman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 29th day of June, A. D. 19 54.

[Signature]

Notary Public.

My commission expires: February 20, 1958.

23997

Burley, Idaho

June 2, 1954

Dear Mr. Kulp:

This is to acknowledge the receipt of a legal for Margaret Toone of St. Anthony, which we will publish in the Burley Herald June 3-10-17-24, 1954. Thanks

Very truly yours

The Burley Herald-Bulletin

By

Mrs. Hazel G. Nordall

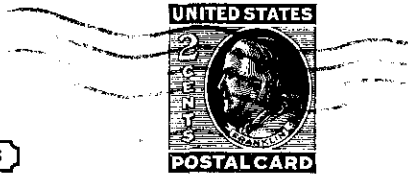
23997

RECEIVED
JUN 4 1954

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Dept. of Reclamation
Boise, Idaho

23997



THE OTHER SIDE OF CARD IS FOR ADDRESS

✓
June 1, 1954

RE: Permit No. G-23997

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

In accordance with your memorandum of May 27, we have completed the notice for Completion of Works and Beneficial Use proof on Permit No. G-23997 of Margaret Toone and have set June 29, 1954, as the date for making these proofs.

A copy of the notice has been sent to the Burley Herald with instructions in regard to publishing it and we enclose herein the necessary forms of deposition to be used in making these proofs.

Very truly yours,

MARK R. KUIP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

23997

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. G-23997

BOISE, IDAHO

Date: May 29, 1954

Burley Herald

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 29, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Margaret Toome of St. Anthony, 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

23997

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

Notice is hereby given that at ten A. M., on the 29th
day of June, 19 54, at Burley, County of
Cassia State of Idaho, before A. H. Nielson, a Notary Public,
proof will be submitted of the completion of works for the diversion of (1) one
cubic ~~foot~~ ^{foot} per second of the waters of Section 1, Twp. 12 S., Rge. 24 E., B.M.
one certain well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. G-23997 heretofore issued by the Department of Reclama-
tion of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are Margaret Toone, St. Anthony, 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 one (1) cubic ~~foot~~ ^{foot} per second.

3. The use to which said water has been applied is Irrigation
purposes, and the amount applied to beneficial use is
one (1) cubic ~~foot~~ ^{foot} per second.

4. The place where said water is used is Lot 1
SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the
SE $\frac{1}{4}$ of Section 1, Township 12 S., Range 24, EBM, & Lot 5 Section 6,
Township 12 S., Range 25, EBM, in Cassia County, Idaho,

5. The date of priority which said user is prepared to establish is
April 9 ~~June 20~~ 1953.

MARK R. KULP

State Reclamation Engineer

#23997



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

May 26, 1954

RE: Permit No. G-23997

RECEIVED
MAY 29 1954
Department of Reclamation

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

In checking the notice for completion of works and beneficial use on Permit No. G-23997 of Margaret Toone, received this morning, we note two points in the notice which differs from the permit.

The permit calls for 2 second feet instead of 1 second foot and the land list includes Lot 1, Block 5 of Jordan and Motters Addition to the town-site of Albion in addition to the land described in the notice.

No doubt, these omissions are intentional but we want to be sure before sending a copy of the notice to the newspaper for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannette L. Anderson
Chief Clerk

A:hll

May 27, 1954

Dear Miss Anderson:

23997
In the above matter, according to Mrs. Toone, all she can show is the development of fifty inches of water and that the water has not been used on Lot One, Block Five, Jordan & Motters Addition. The omissions were intentional.

Very truly yours,

NIELSON & NIELSON

By

AHN:ws

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

May 25, 1954

A. H. NIELSON
N. H. NIELSON

RECEIVED
MAY 26 1954
Department of Reclamation

State Reclamation Engineer
State of Idaho
Boise, Idaho

Dear Sir: Re: Permit No. G-23997

In the above matter we are sending Form No. 11 signed
by the applicant and Form No. 36 in duplicate.

During the year 1953 the well was dug, pump installed,
and the water used on the premises described in the permit. All
diversion works from the well are now completed.

Anytime in June for the proof would be acceptable with
me.

Very truly yours,

NIELSON & NIELSON

By

A. H. Nielson

AHN:m

Enc.

23997

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

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

Margaret Trone

(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.

23997

✓
April 7, 1954

RE: Permit No. G-23997

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

In reply to your letter of April 6, 1954, we enclose herewith, a copy of Permit No. G-23997 in the name of Margaret Toone.

The fee for making this is \$1.00, for which you may send us your check.

You will note that this permit describes 153.89 acres as the place of use for the water from the well described in the permit. If the water is to be used on other lands, an application for change of place of use may be made on Form 12 enclosed.

Application for change of place of use on a decreed water right should be made on Form 20, which is in accordance with Sec. 42-222 Idaho Code.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

23997

R-26592

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

April 6, 1954

A. H. NIELSON
N. H. NIELSON

RECEIVED
APR 7 1954
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

On April 7, 1953, we sent an application on behalf of Margaret Toone to appropriate water of the State of Idaho. If the application for permit was returned to us we delivered it to Mrs. Toone. However, she is unable to find the permit.

Would it be possible for us to obtain a copy of the application for permit?

Mrs. Toone has approximately 150 acres of land with a water right from Marsh Creek in Cassia County, Idaho, besides the well mentioned in the application. Mrs. Toone is anxious to obtain a blanket right to use the water from Marsh Creek and from the well at any point on her land she desires.

Form 20 of your Department does not seem to us to be appropriate to be filled out in this matter of a blanket permit.

Could you suggest the appropriate procedure that would receive the approval of your Department to request such permission?

Very truly yours,

NIELSON & NIELSON

By

A. H. Nielson

AHN:ws

23997

March 9, 1954

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. A. H. Nielson

Dear Mr. Nielson:

We have your letter of March 8 requesting forms of application for transfer of water rights from one parcel of property to another.

We are not quite sure whether you refer to decreed or licensed water right or to water applied for under a permit.

If the former, enclosed application for transfer should be used, but if the latter, amendment to the application on Form 12.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

23997

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

March 8, 1954

A. H. NIELSON
N. H. NIELSON

RECEIVED
MAR 9 1954
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

Would you please send us a set of blanks
to make application for the transfer of water rights
from one parcel of property to another?

Thank you.

Very truly yours,

NIELSON & NIELSON

By

A. H. Nielson

AHN:ws

23997

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

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

B O I S E

Permit No. G-23997 Date April 30, 1953

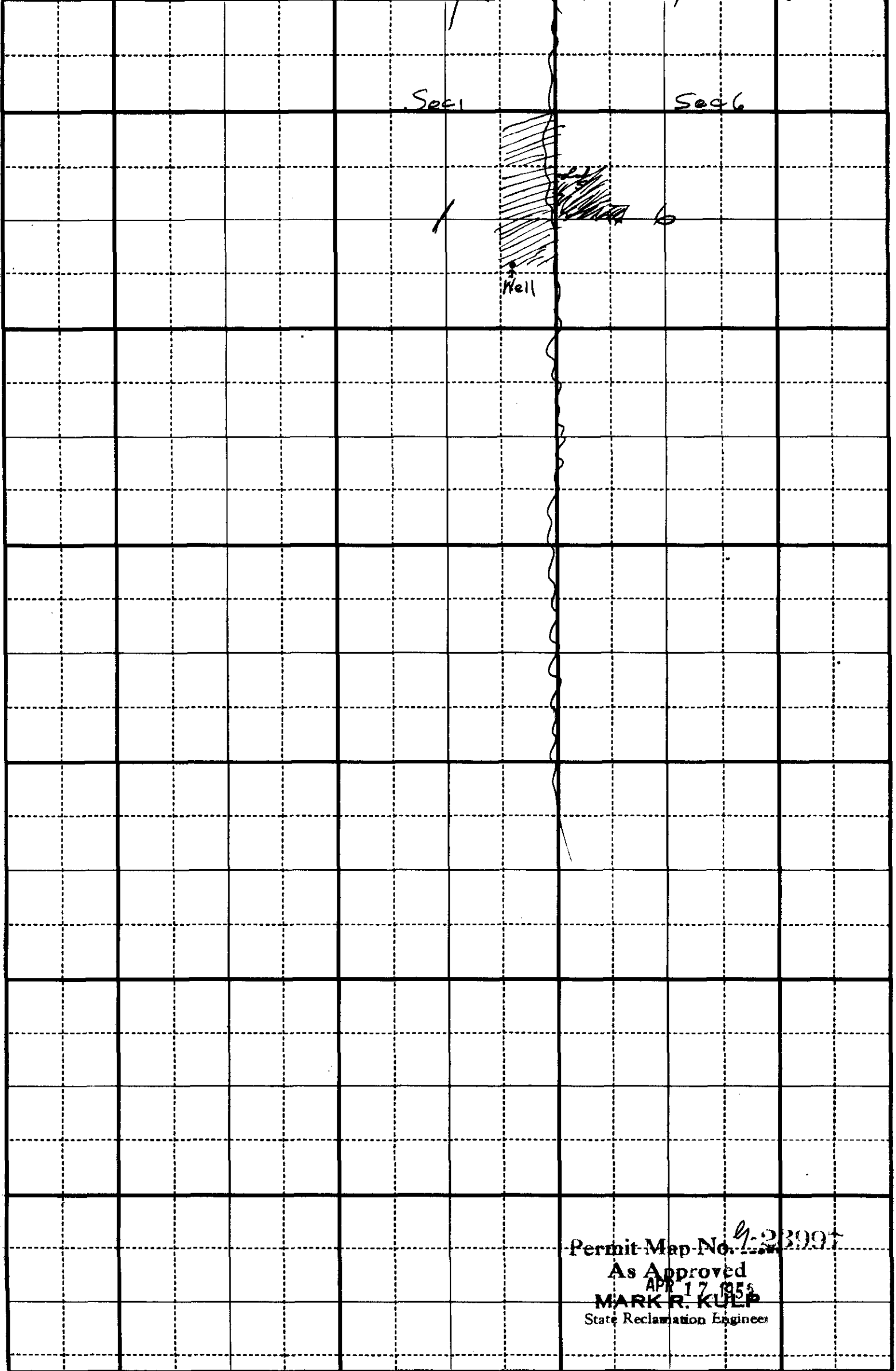
We enclose herewith the above numbered permit. RE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

MARK R. KULP
State Reclamation Engineer

Mrs. Margaret Toone
St. Anthony, Idaho

Enc: Receipt No. 25769 for the \$5.25 filing fee.

23997



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

Notice is hereby given that at ten A. M., on the 29th day of June, 1954, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, a Notary Public, proof will be submitted of the completion of works for the diversion of (1) one cubic foot per second of the waters of one certain well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Twp. 12 S., Rge. 24 E., B. M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23997 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 Margaret Toone, St. Anthony, 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 one (1) cubic foot per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is one (1) cubic foot per second.

4. The place where said water is used is Lot 1, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 12 S., Range 24, EBM. & Lot 5, Section 6, Township 12 S., Range 25, EBM, in Cassia County, Idaho.

5. The date of priority which said user is prepared to establish is April 9, 1953.

MARK R. KULLP

State Reclamation Engineer.

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