

45-02426

State of Idaho

License and Certificate of Water Right

Water License No. G-23330Amount 3.5 second feet

Water District No. _____

Priority December 5, 1952

THIS IS TO CERTIFY that INDEPENDENCE RANCH, A co-partnership composed of F. Wayne Schow and Floyd Schow of Rupert, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 5, 19 52; that Permit No. G-23330 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.5 second feet, was issued thereunder on September 4, 19 53, showing that said works were completed on the 29th day of August, 19 53; and that on the 5th day of October, 19 53,

INDEPENDENCE RANCH

of Rupert, 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 ~~and subterranean flow~~ (subterranean flow), for the purpose of irrigation, under Use Permit No. G-23330 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 5464, on the 7th day of March, 19 55;

The right hereby confirmed dates from December 5, 19 52;

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 11, Tp. 12 S, R. 22 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	22 E.	11	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	<u>40</u>
			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

7th day of March, 19 55.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

45-2426

State of Idaho

License and Certificate of Water Right

Water License No. 21049

Amount 0.68 second foot

Water District No.

Priority May 6, 1949

THIS IS TO CERTIFY that GEORGE McDONOUGH
 of Montour, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated May 6, 1949; that Permit No. 21049
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 1.2 second feet, was issued thereunder on April 26, 1954, showing that said works
 were completed on the 19th day of April, 1954; and that on the 18th
 day of May, 1954,

GEORGE McDONOUGH

of Montour, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Payette
 River, a tributary of Snake River, for the purpose of irrigation
 under Use Permit No. 21049 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 5463, on the 2nd day of March, 1955;
 The right hereby confirmed dates from May 6, 1949;

The Point of Diversion is located in Lot 1

~~Section 24~~ Sec. 23, Tp. 7 N., R. 1 E., B. M. Gem 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 0.68 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	1 E.	14	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	- -
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	10	- -
			Lot 1	8	7.5
			Lot 2	27	26.35
		23	Number of Acres Actually Irrigated	-	33.85

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
 2nd day of March, 1955.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT 45-2426

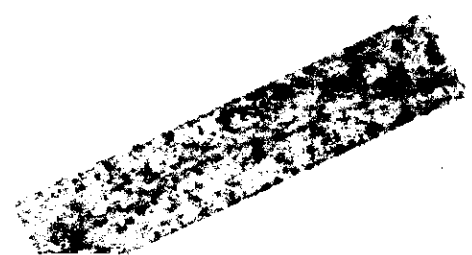
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G31110

Permit No. G- 23330

District No.

1. Name of Applicant: **INDEPENDENCE RANCH, a co-partnership, composed of F. Wayne Schow and Floyd Schow**
 Postoffice address: **Rupert** County: **Minidoka** State: **Idaho**
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. **4.8** or Idaho
 Miners' inches **240** or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Deep well**
4. Location of point of diversion or well is in the **SE** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **11**
 Twp. **12 S.** , Rge. **22 E.** , B. M., County of **Cassia**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B. M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B. M.
7. Kind of works: **Deep well, pump and ditches**
8. Estimated cost of works: **\$ 4,000.00 for well**
9. (a) Is reservoir to be used? **No**
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is **Three(3)** 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: **None**
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.



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

Bv

F. Wayne Schow
Floyd Schow

Date of first receipt at Department of Reclamation: 9:00 A. M. December 5, 1952

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-23330

Recorded in Book 83 Page 23330 Approved December 8, 1952

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 **February 8, 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 8, 1954**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before **December 8, 1955**

Witness my hand this 8th day of December, 1952

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 8th.....
day of December....., 19 52

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
12 S.	22 E.	11			40	40	40 40 40 40 240
Permit No. G-23330 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that Independence Ranch, A co-partnership, composed of F. Wayne Schow and Floyd Schow County of Minidoka, and State of Idaho, the holders of Permit No. G-23330, issued upon Application No. G-31110 b priority of December 5, 1952, authorizing the diversion of 4.8 second feet of the waters of a well (subterranean of Cassia, State of Idaho, for irrigation purposes, have fully complied with the provisions of the laws of the S Relating to the proof of completion of the works of diversion set out and described in said Permit; that said wo for diverting and conveying to the place of intended use 3$\frac{1}{2}$ second feet of the waters of said well; that the poi of said waters is in the SE$\frac{1}{4}$ SW$\frac{1}{4}$ Section 11, Township 12 South, Rge 22 East, B.M. and that the lands proposed to the use of said water are described as follows, to-wit: East Half Southwest Quarter and Southeast Quarter Sec. 1 MARK R. KULP State Reclamation Engineer Witness my hand this 4th day of September, A.D. 1953. Proof of Completion of Works made August 29, 1953 Certificate of Completion of Works issued September 4, 1953.							

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

A. H. NIELSON
N. H. NIELSON

September 12th, 1957

RECEIVED
SEP 13 1957
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

ATTENTION: Mark R. Kulp

Dear Sir:

This is to inform you that we will try to
meet with you at 4:00 p. m. Friday, September 13th,
1957, as per our telephone conversation.

Very truly yours,

NIELSON & NEILSON

By

Norman H. Nielson
Norman H. Nielson

NHN:om

123330



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

August 21, 1957

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

Gentlemen:

In accordance with a letter from Nielson & Nielson, Attorneys for claimants' of the Independence Ranch, owned by F. Wayne Schow and Floyd Schow, stating that an agreement has been made between the Independence Ranch owners and the McMurray Land and Livestock interests to withdraw the application for hearing before a local ground water board for Cassia County, set for August 29, 1957.

Therefore, the hearing before the local ground water board for Cassia County set for August 29, 1957, is hereby declared vacated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

CC: James Spofford
W. F. Richins
Judge Sherman A. Bellwood
F. Wayne Schow
Floyd Schow
McMurray Land & Livestock Company
Benoit & Benoit, Attorneys at Law
Bill Reid, Idaho Power Company

RWT:vhh

23330

August 21, 1957

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

Gentlemen:

In accordance with a letter from Nielson & Nielson, Attorneys for claimants' of the Independence Ranch, owned by F. Wayne Schow and Floyd Schow, stating that an agreement has been made between the Independence Ranch owners and the McMurray Land and Livestock interests to withdraw the application for hearing before a local ground water board for Cassia County, set for August 29, 1957.

Therefore, the hearing before the local ground water board for Cassia County set for August 29, 1957, is hereby declared vacated.

Very truly yours,

MARK R. ELLP
State Reclamation Engineer
By

Ray W. Thompson
Office Manager

CC: James Spofford
W. F. Richins
Judge Sherman A. Ballwood
F. Wayne Schow
Floyd Schow
McMurray Land & Livestock Company
Benoit & Benoit, Attorneys at Law
Bill Reid, Idaho Power Company

INT:rbh

COPY

45-2426

23330

August 21, 1957

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

Gentlemen:

In accordance with a letter from Nielson & Nielson, Attorneys for claimants' of the Independence Ranch, owned by F. Wayne Schow and Floyd Schow, stating that an agreement has been made between the Independence Ranch owners and the McMurtry Land and Livestock interests to withdraw the application for hearing before a local ground water board for Cassia County, set for August 29, 1957.

Therefore, the hearing before the local ground water board for Cassia County set for August 29, 1957, is hereby declared vacated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

CC: James Spofford
W. F. Richins
Judge Sherman A. Bellwood
F. Wayne Schow
Floyd Schow
McMurtry Land & Livestock Company
Benoit & Benoit, Attorneys at Law
Bill Reid, Idaho Power Company

RWT:vmh

45-2426
23380

August 21, 1957

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

Gentlemen:

In accordance with a letter from Nielson & Nielson, Attorneys for claimants' of the Independence Ranch, owned by F. Wayne Schow and Floyd Schow, stating that an agreement has been made between the Independence Ranch owners and the McMurray Land and Livestock interests to withdraw the application for hearing before a local ground water board for Cassia County, set for August 29, 1957.

Therefore, the hearing before the local ground water board for Cassia County set for August 29, 1957, is hereby declared vacated.

Very truly yours,

MARK K. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

CC: James Spofford
W. F. Richins
Judge Sherman A. Ballwood
F. Wayne Schow
Floyd Schow
McMurray Land & Livestock Company
Benoit & Benoit, Attorneys at Law
Bill Reid, Idaho Power Company

MT:vh

COPY

45-2426
23330

August 21, 1957

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

Gentlemen:

In accordance with a letter from Nielson & Nielson, Attorneys for claimants' of the Independence Ranch, owned by F. Wayne Schow and Floyd Schow, stating that an agreement has been made between the Independence Ranch owners and the McMurray Land and Livestock interests to withdraw the application for hearing before a local ground water board for Cassia County, set for August 29, 1957.

Therefore, the hearing before the local ground water board for Cassia County set for August 29, 1957, is hereby declared vacated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

CC: James Spofford
W. F. Richins
Judge Sherman A. Bellwood
F. Wayne Schow
Floyd Schow
McMurray Land & Livestock Company
Benoit & Benoit, Attorneys at Law
Bill Reid, Idaho Power Company

RWF:vhb

COPY

45-2426
23330

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

LOCAL BOARD OF RECLAMATION FOR CASSIA COUNTY, IDAHO

W. F. Richins of R. # 1 Furley, Cassia County, Idaho, possessing the necessary qualifications for a member of a local Ground Water Board for Cassia County, Idaho as specified in Section 42-237d of the Idaho Code for a hearing in the matter of the Independence Ranch, Claimant vs. Max McMurray or McMurray Land and Livestock Company Respondent is hereby appointed to be a member of said Board.

MARK R. KULP
State Reclamation Engineer
AND
Chairman of Board
For
Mark R. Kulp-Statutory member of Board
AND
James Shefford-Member appointed by
Judge Sherman J. Bellucci
District Court for Cassia County

45-2426
23330

IN THE DISTRICT COURT OF THE 11th JUDICIAL DISTRICT

STATE OF IDAHO

In and for Cassia County

INDEPENDENCE RANCH,
a co-partnership composed of
F. Wayne Schow and Floyd Schow

Claimant

Vs.

MEZ MCMURRAY, or
McMurray Land and Livestock Company

Respondent

O R D E R

A written statement of claim as provided in section 42-237B Idaho Code having been filed with the State Reclamation Engineer of the State of Idaho and being by him deemed sufficient, and for the purpose of forming a local ground-water board in and for Cassia County, Idaho, pursuant to section 42-237D Idaho Code,

IT IS ORDERED that James Spofford of 4912 Bond Street, Boise, Idaho, a qualified engineer, be, and he hereby is, appointed to said local ground-water board in the above-entitled matter.

Dated this 31st day of July, 1957.

Sherman J. Bellwood

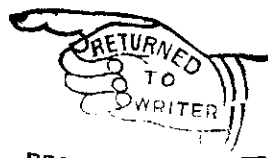
Sherman J. Bellwood
Judge, District Court

RECEIVED
AUG 1 1957
Department of Reclamation

45-10406

23330

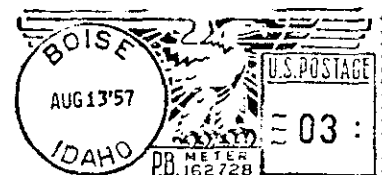
AFTER 5 DAYS, RETURN TO
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO



REASON CHECKED
Unclaimed Refused
Unknown
Insufficient address
Moved, Left no address
No such office in state
Do not re-mail in this envelope



The Independence Ranch
Rupert
Idaho



23330

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

A. H. NIELSON
N. H. NIELSON

August 17th, 1957

RECEIVED
AUG 19 1957
Department of Reclamation

Mark R. Kulp
Department of Reclamation
State House
Boise, Idaho

Re: Independence Ranch, Claimant
Vs: McMurray Land & Livestock Co.

Dear Sir:

It has come to our attention that our letter of August 15th, 1957 was not sufficient to withdraw the hearing which has heretofore been filed by the Independence Ranch against the McMurray Land & Livestock Co..

I, Norman H. Nielson, as the attorney for the Independence Ranch do hereby direct that the hearing which was heretofore requested by the Independence Ranch, Claimant vs. McMurray Land & Livestock Co. be dismissed and that the hearing scheduled for the 29th day of August, 1957, be cancelled.

Very truly yours,

NIELSON & NIELSON

By *Norman H. Nielson*
rn

Norman H. Nielson

NHN:om

23336

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

A. H. NIELSON
N. H. NIELSON

August 15th, 1957

RECEIVED
AUG 16 1957
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

ATTENTION: Mark R. Kulp
State Reclamation Engineer

Re: Hearing
Independence Ranch
Claimant
Vs: McMurray Land & Livestock Co.

Dear Sir:

On Monday the 12th day of August, 1957, Mr. Mez McMurray of the McMurray Land and Livestock Co. and Dr. Wayne Schow of the Independence Ranch Co. met together and went over the hearing on under ground water between them. They have decided that Mr. Schow will withdraw the application for hearing which was filed with your department and ask that the hearing be dismissed.

It appears that a group of underground water users in this area have gone over this matter and further information is needed before any action can be taken.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

Norman H. Nielson

NHN:om

23330

August 19, 1937

Mr. Martha W. Neilson
Attorney at Law
Burley, Idaho

Hearing
Interference Ranch Claimant
v
McMurray Land & Livestock Co. Respondent

Dear Mr. Neilson:

A hearing having been set on the above matter for August 29, 1937 at Burley, Idaho, it will be necessary to find a place for the hearing and a reporter to take and transcribe the proceedings.

Will you kindly see if arrangements for a place and a local reporter can be made. Expenses for a hearing place and for the reporting are to be paid from the Bureau of Reclamation and of the State Reclamation Engineer.

Very truly yours,

WILLIAM W. JONES
State Reclamation Engineer

WJW

23336

August 13, 1957

Mr. Norman H. Neilson
Attorney At Law
Burley, Idaho

Hearing
Independence Ranch Claimant
v
McMurray Land & Livestock Co. Respondent

Dear Mr. Neilson:

A hearing having been set on the above matter for August 29, 1957 at Burley, Idaho, it will be necessary to find a place for the hearing and a reporter to take and transcribe the proceedings. Will you kindly see if arrangements for a place and a local reporter can be made? Expense for a hearing place and for the reporting are to be paid from the Ground Water Administration Fund of the State Reclamation Engineer

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw

2333 6

Application for Amendment
LAND LIST
Permit No. G-23047

Comes now John P. Kobe

and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23047, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

W $\frac{1}{2}$ W $\frac{1}{2}$ Section 12 (160 acres) NE $\frac{1}{4}$ SE $\frac{1}{4}$ (30A) SECTION 11.

Township 12 South, Range 26 East, B.M.

making a total of 230 acres.

Signed at Pocatello, Idaho this 29th day of September
1958

/s/ John P. Kobe

Date of Receipt at office of Department of Reclamation October 1, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23047. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter

State Reclamation Engineer

Recorded in Book _____ of
Permits, at Page 23047
October 1, 1958

23047

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

LOCAL GROUND WATER BOARD FOR CASSIA COUNTY, IDAHO

W. F. Richins of Rt. # 1 Burley, Cassia County, Idaho, possessing the necessary qualifications for a member of a Local Ground Water Board for Cassia County, Idaho as specified in Section 42-237d of the Idaho Code for a hearing in the matter of the Independence Ranch, Claimant vs. Max McMurray or McMurray Land and Livestock Company Respondent is hereby appointed to be a member of said Board.

MARK R. KULP
State Reclamation Engineer
AND
Chairman of Board
For
Mark R. Kulp-Statutory member of Board
AND
James Spefford-Member appointed by
Judge Sherman J. Bellwood
District Court for Cassia County

23330

COPY

August 13, 1957

Mr. W. F. Richins
Rt. # 1,
Burley, Idaho

Dear Mr. Richins:

I am pleased to enclose your appointment as a member of the
Local Ground Water Board for Cassia County, Idaho in the
matter of Independence Ranch, Claimant, v. Mez McMurray or
McMurray Land and Livestock Co., Respondent.

I am sending a file of pertinent information and will keep
you informed of developments.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw
Encl.

J 23330

RECEIVED
AUG 13 1957

Department of Reclamation

Boise, Idaho
Aug 12, 1957

Mr Mark R. Kulp

Boise, Idaho

Dear Mr Kulp:

In answer to your letter of Aug 9th 1957 I will be happy to accept the appointment which you mention and will look forward to meeting you on that date.

Very truly yours

W. F. Richmis

D 23330

August 9, 1957

Mr. W. F. Richins
Route # 1
Burley, Idaho

Dear Mr. Richins:

We are in the process of forming a local ground water board as outlined in Section 42-237d of the Idaho Code which you will find in the enclosed re-print.

The Judge of the District Court for Cassia County, Judge Sherman J. Wellwood, appointed James Spofford to be a member of the board and Mr. Spofford and I will be pleased to have you accept as the local member.

The Independence Ranch, a co-partnership, composed of F. Wayne Schow and Floyd Schow, is the Claimant and Nez Mc Murray or the McMurray Land and Livestock Co. is the Respondent.

A hearing has been set for August 29, 1957, at Burley, Idaho.

You have been recommended as a fair minded impartial citizen of the county and we hope you will accept the appointment. May we have your acceptance at an early date?

Very truly yours,

Mark R. Kulp
State Reclamation Engineer
and Chairman

MRK:nls
cc: Mr. James Spofford

823330



GRAYDON W. SMITH
ATTORNEY GENERAL
STATE OF IDAHO
BOISE

RECEIVED
AUG 9 1957
Department of Reclamation

August 7, 1957

Mr. Mark R. Kulp
State Reclamation Engineer
B U I L D I N G

Dear Mr. Kulp:

I have the file of documents and correspondence received from your office in the matter of the claim of Independence Ranch of the diminishing of its ground water supply by Mez McMurray or McMurray Land & Livestock Company.

It appears that there will be a hearing on the matter early on August 29 next. Of course, I cannot represent either of the two parties concerned in the matter at the hearing. Presently I see no sufficient reason why I should attend the hearing; but, of course, if any legal questions arise I will be glad to study the transcript of the proceedings had and evidence taken to find therein if I can the answers. If the matter should go from there to the District Court, it seems probable that I should be present at the new trial to be held there, but it may well be that there will be no such appeal.

If you have presently any questions in mind, I will be glad to confer with you about them.

Yours very truly,

A handwritten signature in cursive script, appearing to read "J. R. Smead".

J. R. SMEAD
Assistant Attorney General

JRS:hfs

23330

SHERMAN J. BELLWOOD
Judge, Eleventh Judicial District
Rupert, Idaho

RECEIVED
AUG 1 1957
Department of Reclamation

July 31, 1957

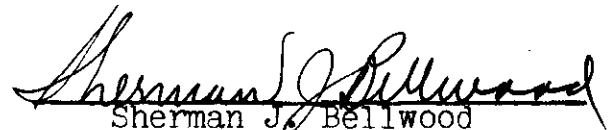
Mr. Mark R. Kulp
State Reclamation Engineer
State of Idaho
Boise, Idaho

Dear Sir:

Enclosed herewith are an original and three copies of the order appointing James Spofford to the Cassia County Ground-Water Board, pursuant to your letter of July 30th addressed to Hugh A. Baker, the other Judge of the 11th Judicial District.

Will you please advise the appointee?

Very truly yours


Sherman J. Bellwood
Judge, District Court

enc: 4
SB/jj

Spofford James Sr
4912 Bond
4-2940

23330

IN THE DISTRICT COURT OF THE 11th JUDICIAL DISTRICT

STATE OF IDAHO

In and for Cassia County

RECEIVED
AUG 1 1957
Department of Reclamation

INDEPENDENCE RANCH,
a co-partnership composed of
F. Wayne Schow and Floyd Schow

Claimant

Vs.

MEZ MCMURRAY, or
McMurray Land and Livestock Company
Respondent

O R D E R

A written statement of claim as provided in section 42-237B Idaho Code having been filed with the State Reclamation Engineer of the State of Idaho and being by him deemed sufficient, and for the purpose of forming a local ground-water board in and for Cassia County, Idaho, pursuant to section 42-237D Idaho Code,

IT IS ORDERED that James Spofford of 4912 Bond Street, Boise, Idaho, a qualified engineer, be, and he hereby is, appointed to said local ground-water board in the above-entitled matter.

Dated this 31st day of July, 1957.


Sherman J. Bellwood
Judge, District Court

123330

July 31, 1957

Attorney General

Graydon W. Smith

Building

Enclosed are copies of documents and correspondence pertaining to a claim of interference filed by a senior appropriator of ground water against a junior appropriator.

Previous local Ground Water Boards have had and appreciated the advice and counsel of your office and the assignment of someone from your staff is requested for this board.

Very truly yours,

MAR. A. BULL
State Reclamation Engineer

AK:lw
Enclosure

23330

NOTICE TO STATE RECLAMATION ENGINEER

STATE OF IDAHO)
 : ss.
County of Twin Falls)

F. WAYNE SCHOW, being first duly sworn, deposes and says:

That the Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow, is the holder of License and Certificate of Water Right No. G-23330, with a priority date of December 5, 1952, for 3.5 second feet of water from a subterranean well;

That an additional license and certificate of water right has been issued by the State of Idaho but that this affiant does not have said license and certificate of water right; that this license and certificate of water right is for .5 second feet of water and all of the water is appurtenant to the Northeast Quarter of the Southwest Quarter; Southeast Quarter of the Southwest Quarter; Northeast Quarter of the Southeast Quarter; Northwest Quarter of the Southeast Quarter; Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, all in Section 11, Township 12 South, Range 22, East Boise Meridian;

That the water from the subterranean well which this license represents is diminishing and has diminished since a well has been drilled and pumped, approximately one mile south and west of the property of this affiant; that this well was drilled during the winter of 1956-1957 and was used for the first time, to the best knowledge of this affiant, around the first day of June, 1957; that since this well has been put in operation the water table in the well of this affiant has dropped some twenty-odd feet;

That this well is owned, to the best knowledge of this affiant, by Mes McMurray or McMurray Land & Livestock Company and that the well is being pumped to produce a crop of potatoes on this property of Mes McMurray or McMurray Land & Livestock Company;

H 23330

That the water in the well of this affiant has dropped to such an extent that the pump is sucking air instead of water; that the crops of this affiant will suffer from lack of water unless some immediate action is taken by the Department of Reclamation to correct the situation that now exists;

That this affiant believes that unless the well of Mex McMurray or McMurray Land & Livestock Company, as outlined herein, is stopped from further pumping that the well of this affiant will be permanently injured and that the water table of the well of this affiant will be decreased substantially.

/s/ F. Wayne Schow

Subscribed and Sworn to before me this 29 day of July, 1957.

/s/ Betty Leonard
Notary Public for the State of Idaho
Residing at

(SEAL)

My commission expires:

7 - 2 - 61

23330

July 31, 1957

McMurray Land & Livestock Co.
Burley, Idaho

Gentlemen:

For your information, enclosed is a copy of a Notice to State Reclamation Engineer by F. Wayne Schow of the Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow, which seems to indicate that it is the belief of the Independence Ranch, as Claimant, that withdrawal of water from a well belonging to Mes McMurray or the McMurray Land and Livestock Company, Respondent, interferes with a senior underground water right of the Claimant.

Notice of Hearing is also enclosed, although, it is the responsibility of the claimant to serve you with the notice at least five (5) days before the date of the hearing which has been set for August 29, 1957, at Burley.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK/nls
Enc.

8-23330

July 31, 1957

McMurray Land & Livestock Co.
Burley, Idaho

Gentlemen:

For your information, enclosed is a copy of a Notice to State Reclamation Engineer by F. Wayne Schow of the Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow, which seems to indicate that it is the belief of the Independence Ranch, as Claimant, that withdrawal of water from a well belonging to Mez McMurray or the McMurray Land and Livestock Company, Respondent, interferes with a senior underground water right of the Claimant.

Notice of Hearing is also enclosed, although, it is the responsibility of the claimant to serve you with the notice at least five (5) days before the date of the hearing which has been set for August 29, 1957, at Burley.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK/nls
Enc.

23330

7/21/68

RECEIVED
Dec. 15, 1958
Department of Reclamation

Application for Amendment
LAND LIST
Permit No. G-23027

Comes now WILLARD S. WRAY

and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23027, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lots 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), 40 acres; Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 35 acres; Lot 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 40 acres;
Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 40 acres, all in Section Seven, Township One South, Range
Thirty-four East of the Boise Meridian, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres; E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres, all in Section Twelve,
Township One South, Range Thirty-three East of the Boise Meridian.

making a total of 320 acres.

Signed at Blackfoot, Idaho this 12th day of December

1958

/s/ Willard S. Wray

By Robert M. Kerr, Jr., his attorney

Date of Receipt at office of Department of Reclamation December 15, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No G-23027. This approval constitutes a new permit and
is issued as an amendment to the original permit, to which it refers, and of which it
becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

/s/ Geo. N. Carter

Recorded in Book 82 of
Permits, at Page 23027
December 15, 1958

State Reclamation Engineer

23027

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

—

In the matter of the claim of —)

Independence Ranch, a co-partner-)
ship composed of F. Wayne Schow and)
Floyd Schow, CLAIMANT)

—VS—)

Max McMurray or McMurray Land and)
Livestock Company, RESPONDENT.)

NOTICE OF HEARING

before a

Local Ground Water Board
for
Cassia County Idaho

Independence Ranch a co-partnership composed of F. Wayne Schow and Floyd Schow, holder of License and Certificate of Water Right No. G-23330 with a priority date of December 5, 1952 for 3.5 second feet of subterranean water with point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 Township 12 South Range 22 East B.M. and Permit No. G-25190 for .1 cubic feet per second with a priority of September 27, 1954 with same point of diversion as License No. G-23330 and on which proofs of Completion of Works and Application to Beneficial Use have been made, claims that since the completion of a well by Max McMurray or the McMurray Livestock Company approximately one mile South and West of the property of claimant and the pumping of said well beginning about June 1, 1957, to the best of claimants knowledge, the water table in claimants well has dropped some twenty-odd feet.

THE STATE RECLAMATION ENGINEER FINDS: That the Claimants Independence Ranch, whose Post Office Address is Rupert, Idaho, is the holder of License and Certificate of Water Right No. G-23330 and Permit No. G-25190, and

That McMurray Land and Livestock Company, whose address is Burley, Idaho, is holder of a part of Permit No. G-26827, with priority of March 25, 1957, and

That the statement of claimants Independence Ranch substantially meets the requirements of Section 42-237b of the Idaho Code, and

That the State Reclamation Engineer has initiated the formation of a Local Ground Water Board as outlined in Section 42-237 d

H 23330

THEREFORE:

It is the Order of the State Reclamation Engineer that a hearing be held on the above matter at Burley, Idaho, on August 29, 1957, and

That the Claimant Independence Ranch shall serve a copy of this notice on the Respondent Mes McMurray or McMurray Land and Livestock Company on or before August 20, 1957,

Given under my hand The Seal of the Department of Reclamation this 31st day of July, 1957, at Boise, Idaho.

Mark R Kulp

**MARK R. KULP
State Reclamation Engineer**

23330

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the matter of the claim of --)
Independence Ranch, a co-partner-)
ship composed of F. Wayne Schow and)
Floyd Schow, CLAIMANT)
-vs-)
Mez McMurray or McMurray Land and)
Livestock Company, RESPONDENT.)

NOTICE OF HEARING

before a

Local Ground Water Board
for
Cassia County Idaho

Independence Ranch a co-partnership composed of F. Wayne Schow and Floyd Schow, holder of License and Certificate of Water Right No. G-23330 with a priority date of December 5, 1952 for 3.5 second feet of subterranean water with point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 Township 12 South Range 22 East B.M. and Permit No. G-25190 for .1 cubic foot per second with a priority of September 27, 1954 with same point of diversion as License No. G-23330 and on which proofs of Completion of Works and Application to Beneficial Use have been made, claims that since the completion of a well by Mez McMurray or the McMurray Livestock Company approximately one mile South and West of the property of claimant and the pumping of said well beginning about June 1, 1957, to the best of claimants knowledge, the water table in claimants well has dropped some twenty-odd feet.

THE STATE RECLAMATION ENGINEER FINDS: That the Claimants Independence Ranch, whose Post Office Address is Rupert, Idaho, is the Holder of License and Certificate of Water Right No. G-23330 and Permit No. G-25190, and

That McMurray Land and Livestock Company, whose address is Burley, Idaho, is holder of a part of Permit No. G-26827, with priority of March 25, 1957, and

That the statement of claimants Independence Ranch substantially meets the requirements of Section 42-237b of the Idaho Code, and

That the State Reclamation Engineer has initiated the formation of a Local Ground Water Board as outlined in Section 42-237d

G 23330

THEREFORE:

It is the Order of the State Reclamation Engineer that a hearing be held on the above matter at Burley, Idaho, on August 29, 1957, and

That the Claimant Independence Ranch shall serve a copy of this notice on the Respondent Mez McMurray or McMurray Land and Livestock Company on or before August 20, 1957.

Given under my hand and The Seal of the Department of Reclamation this 31st day of July, 1957, at Boise, Idaho.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

23330

July 31, 1957

Independence Ranch
c/o Mr. Norman H. Neilson
Attorney At Law
Burley, Idaho

Dear Mr. Neilson:

I have enclosed two copies of "Notice of Hearing" in the matter of Independence Ranch, Claimant, -vs- Mez McMurray or McMurray Land and Livestock Company, Respondent. One of the notices should be served on the Respondent at least five (5) days before the date of the hearing which has been tentatively set for August 29, 1957.

I already have requested Judge Hugh A. Baker of the Eleventh Judicial District to appoint a competent geologist or engineer for a Local Ground Water Board for Cassia County so that the formation of the board may be completed before the date tentatively set for the hearing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK/nls
Enc.

23330

October 19, 1962

Re: License Nos. 22607 & 22981
Ralph McQuain

Mr. Harley M. McDowell,
Idaho Land & Appraisal Service,
Box 2161,
Boise, Idaho

Dear Mr. McDowell:

Enclosed herewith are two legal notices in regard to
change of place of use of the water.

Kindly have the notices inserted in a paper published
in Lincoln County, the location of the lands. Publication to
be in two successive weekly issues prior to November 16, 1962,
the date set for the hearing.

Kindly send this office the Affidavits of Publication
prior to November 16, 1962.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl.
RWT:pmk

22981

July 31, 1957

Independence Ranch
c/o Mr. Norman H. Neilson
Attorney At Law
Burley, Idaho

Dear Mr. Neilson:

I have enclosed two copies of "Notice of Hearing" in the matter of Independence Ranch, Claimant, -vs- Max McMurray or McMurray Land and Livestock Company, Respondent. One of the notices should be served on the Respondent at least five (5) days before the date of the hearing which has been tentatively set for August 26, 1957.

I already have requested Judge Hugh A. Baker of the Eleventh Judicial District to appoint a competent geologist or engineer for a Local Ground Water Board for Cassia County so that the formation of the board may be completed before the date tentatively set for the hearing.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK/nls
Enc.

1-23330

July 31, 1957

Independence Ranch
c/o Mr. Norman H. Neilson
Attorney At Law
Burley, Idaho

Dear Mr. Neilson:

I have enclosed two copies of "Notice of Hearing" in the matter of Independence Ranch, Claimant, -vs- Mes McMurray or McMurray Land and Livestock Company, Respondent. One of the notices should be served on the Respondent at least five (5) days before the date of the hearing which has been tentatively set for August 24, 1957.

I already have requested Judge Hugh A. Baker of the Eleventh Judicial District to appoint a competent geologist or engineer for a Local Ground Water Board for Cassia County so that the formation of the board may be completed before the date tentatively set for the hearing.

Very truly yours,

Mark R. Kuip
State Reclamation Engineer

MRK/nls
Enc.

23330

July 31, 1957

Independence Ranch
c/o Mr. Norman H. Neilson
Attorney At Law
Burley, Idaho

Dear Mr. Neilson:

I have enclosed two copies of "Notice of Hearing" in the matter of Independence Ranch, Claimant, -vs- Nez McMurray or McMurray Land and Livestock Company, Respondent. One of the notices should be served on the Respondent at least five (5) days before the date of the hearing which has been tentatively set for August 29, 1957.

I already have requested Judge Hugh A. Baker of the Eleventh Judicial District to appoint a competent geologist or engineer for a Local Ground Water Board for Cassia County so that the formation of the board may be completed before the date tentatively set for the hearing.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK/nls
Enc.

23330

July 30, 1957

Hugh A. Baker, Judge
Eleventh Judicial District
Rupert, Idaho

It becomes necessary to form a local Ground Water Board for Cassia County, Idaho as outlined in Section 42-237d of the Idaho Code to hold a hearing on claim of interference among ground water rights (42-237c Idaho Code).

You are requested to appoint a qualified engineer or geologist to be a member of a Local Ground Water Board for Cassia County, Idaho.

The claimant is Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow of Rupert and the Respondent is Mez McMurray or McMurray Land and Livestock Company of Burley, Idaho.

Previous procedure in similar cases has been to complete the information of the Local Ground Water Board before setting a date and issuing the Notice of Hearing but this causes an unreasonable delay and I am attempting to reduce the delay by setting a date for the hearing now. The date set is August 26, 1957.

Among the qualified engineers whose names I have suggested at the request of the judges on previous occasions are:

Carl E. Tappan - R. F. D. No. 1, Caldwell, Idaho
James Spofford - 4912 Bond St., Boise, Idaho
Lester C. Walker - 5421 Plymouth St., Boise, Idaho
Lynn Crandall - Watermaster- District 36, Idaho Falls, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw

J 23330

July 30, 1957

Hugh A. Baker, Judge
Eleventh Judicial District
Rupert, Idaho

It becomes necessary to form a local Ground Water Board for Cassia County, Idaho as outlined in Section 42-237d of the Idaho Code to hold a hearing on claim of interference among ground water rights (42-237e Idaho Code).

You are requested to appoint a qualified engineer or geologist to be a member of a local Ground Water Board for Cassia County, Idaho.

The claimant is Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow of Rupert and the Respondent is Mez McMurray or McMurray Land and Livestock Company of Burley, Idaho.

Previous procedure in similar cases has been to complete the information of the local Ground Water Board before setting a date and issuing the Notice of Hearing but this causes an unreasonable delay and I am attempting to reduce the delay by setting a date for the hearing now. The date set is August 25, 1957.

Among the qualified engineers whose names I have suggested at the request of the judges on previous occasions are:

Carl E. Tappan - R. F. D. No. 1, Caldwell, Idaho
James Spofford - 4912 Bond St., Boise, Idaho
Lester C. Walker - 5421 Plymouth St., Boise, Idaho
Lynn Crandall - Watermaster, District 36, Idaho Falls, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw

23330

COPY

July 30, 1957

Hugh A. Baker, Judge
Eleventh Judicial District
Rupert, Idaho

It becomes necessary to form a Local Ground Water Board for Cassia County, Idaho as outlined in Section 42-237d of the Idaho Code to hold a hearing on claim of interference among ground water rights (42-237c Idaho Code).

You are requested to appoint a qualified engineer or geologist to be a member of a Local Ground Water Board for Cassia County, Idaho.

The claimant is Independence Ranch, a co-partnership composed of F. Wayne Behow and Floyd Behow of Rupert and the Respondent is Max McMurray or McMurray Land and Livestock Company of Burley, Idaho.

Previous procedure in similar cases has been to complete the information of the Local Ground Water Board before setting a date and issuing the Notice of Hearing but this causes an unreasonable delay and I am attempting to reduce the delay by setting a date for the hearing now. The date set is August 26, 1957.

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Carl E. Tappan - R. F. D. No. 1, Caldwell, Idaho
James Spofford - 4912 Bond St., Boise, Idaho
Lester C. Walker - 5421 Plymouth St., Boise, Idaho
Lynn Crandall - Watermaster- District 36, Idaho Falls, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw

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

A. H. NIELSON
N. H. NIELSON

July 25, 1957

RECEIVED
JUL 26 1957

Department of Reclamation

Ph = 8 4541 orchard.

Department of Reclamation
State House
Boise, Idaho

Attention: Mark Kulp

Dear Mr. Kulp:

We are writing to you in regard to Water License G 22300 with date of priority of December 5, 1952. There is another license that goes with this for an additional ten inches but we do not have that license before us. This is in the name of Independence Ranch. 25190 23330 23329

Mr. Wayne Schow, one of the owners of the water right, has been to our office in regard to the water of this well. He states that the pump is now sucking air instead of water and that the water level has been dropped in their well approximately twenty feet. He states further that this has been done since a well owned by Mez McMurray which is south and west of the Independence Ranch well has been put into operation.

This, of course, is a very serious situation with the Independence Ranch as they need this water for the crops they have on the property. It is necessary that some action be taken immediately on this matter and in talking with Mr. Thompson, your assistant there at Boise, he suggested that I write you this letter and that something would be done upon receipt of this letter by you.

Will you please take some action immediately? We will also file with your Department a petition for a hearing on this case; however, we are at a disadvantage in that we do not have the information which should go in the petition relative to the McMurray well.

If a man could be in this area tomorrow or Saturday morning we would like to go over the matter with him.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

NHN/fg

23330

RECEIVED
JUL 30 1957
Department of Reclamation

NOTICE TO STATE RECLAMATION ENGINEER

STATE OF IDAHO)
) ss.
County of Twin Falls)

F. WAYNE SCHOW, being first duly sworn, deposes and says:

That the Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow, is the holder of License and Certificate of Water Right No. G-23330, with a priority date of December 5, 1952, for 3.5 second feet of water from a subterranean well;

That an additional license and certificate of water right has been issued by the State of Idaho but that this affiant does not have said license and certificate of water right; that this license and certificate of water right is for .5 second feet of water and all of the water is appurtenant to the Northeast Quarter of the Southwest Quarter; Southeast Quarter of the Southwest Quarter; Northeast Quarter of the Southeast Quarter; Northwest Quarter of the Southeast Quarter; Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, all in Section 11, Township 12 South, Range 22, East Boise Meridian;

That the water from the subterranean well which this license represents is diminishing and has diminished since a well has been drilled and pumped, approximately one mile south and west of the property of this affiant; that this well was drilled during the winter of 1956-1957 and was used for the first time, to the best knowledge of this affiant, around the first day of June, 1957; that since this well has been put in operation the water table in the well of this affiant has dropped some twenty-odd feet;

That this well is owned, to the best knowledge of this affiant, by Mex McMurray or McMurray Land & Livestock Company and that the well is being pumped to produce a crop of potatoes on this property of Mex McMurray or McMurray Land & Livestock Company;

A 2330

That the water in the well of this affiant has dropped to such an extent that the pump is sucking air instead of water; that the crops of this affiant will suffer from lack of water unless some immediate action is taken by the Department of Reclamation to correct the situation that now exists;

That this affiant believes that unless the well of Mez McMurray or McMurray Land & Livestock Company, as outlined herein, is stopped from further pumping that the well of this affiant will be permanently injured and that the water table of the well of this affiant will be decreased substantially.

W. H. Payne

Subscribed and Sworn to before me this 29 day of July, 1957.

W. H. Leonard
Notary Public for the State of Idaho,
Residing at

My commission expires:

7-2-61

H 23330

FILED
JUN 11 1957
IDAHO
COUNTY OF TWIN FALLS

NOTICE TO STATE RECLAMATION ENGINEER

STATE OF IDAHO)
 : ss.
County of Twin Falls)

F. WAYNE SCHOW, being first duly sworn, deposes and says:

That the Independence Ranch, a co-partnership composed of F. Wayne Schow and Floyd Schow, is the holder of License and Certificate of Water Right No. G-23330, with a priority date of December 5, 1952, for 3.5 second feet of water from a subterranean well;

That an additional license and certificate of water right has been issued by the State of Idaho but that this affiant does not have said license and certificate of water right; that this license and certificate of water right is for .5 second feet of water and all of the water is appurtenant to the Northeast Quarter of the Southwest Quarter; Southeast Quarter of the Southwest Quarter; Northeast Quarter of the Southeast Quarter; Northwest Quarter of the Southeast Quarter; Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, all in Section 11, Township 12 South, Range 22, East Boise Meridian;

That the water from the subterranean well which this license represents is diminishing and has diminished since a well has been drilled and pumped, approximately one mile south and west of the property of this affiant; that this well was drilled during the winter of 1956-1957 and was used for the first time, to the best knowledge of this affiant, around the first day of June, 1957; that since this well has been put in operation the water table in the well of this affiant has dropped some twenty-odd feet;

That this well is owned, to the best knowledge of this affiant, by Mez McMurray or McMurray Land & Livestock Company and that the well is being pumped to produce a crop of potatoes on this property of Mez McMurray or McMurray Land & Livestock Company;

23330

That the water in the well of this affiant has dropped to such an extent that the pump is sucking air instead of water; that the crops of this affiant will suffer from lack of water unless some immediate action is taken by the Department of Reclamation to correct the situation that now exists;

That this affiant believes that unless the well of Mez McMurray or McMurray Land & Livestock Company, as outlined herein, is stopped from further pumping that the well of this affiant will be permanently injured and that the water table of the well of this affiant will be decreased substantially.

Hayne Schaw

Subscribed and Sworn to before me this 29 day of July, 1957.

Dwight Leonard
Notary Public for the State of Idaho,
Residing at

My commission expires:

7-2-61

Independence Ranch, Schow and Schow Citizens' vs.
Mez Mc Murray or Mc Murray Land and Live Stock Co. Respondent

Claimant Independence Ranch PO Address: Rupert

Lic. G-23330 3.5 cfs 12/5/52

P.D. SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11 T 12 S R 22 EBM
for SE $\frac{1}{4}$ 11 and E $\frac{1}{4}$ SW $\frac{1}{4}$ 11

and

Permit No. G25190 1 cfs 2/25/57 % Norman H. Nielson Attorney
Burley, Idaho

P.D. Same.

for 16 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11
and 5 " SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11

Proofs made 2/15/57

Respondent.

Mez Mc Murray or Mc Murray Land and Livestock
Burley Idaho

% Benoit and Benoit

Box 536, Twin Falls, Idaho.

Letter to Judge Baker 7/30/57

Order setting Aug 26 7/31/57

Permit No G-26927 March 25 1957

6.4 cfs. P.D. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 15 T 12 S R 22 EBM

for 8 $\frac{1}{2}$ Sec 15

amended 5/9/57 to include NE $\frac{1}{4}$ Sec 15

$\frac{100}{320}$ assigned 5/9/57 on NE $\frac{1}{4}$ Sec 15
to A.D. MacKenzie

same $\frac{100}{320}$ from A.D. MacKenzie to

J.O. Mc Murray

23330

✓
March 8, 1955

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys At Law
Burley, Idaho

ATTENTION: Norman H. Nielson

Dear Mr. Nielson:

We enclose license and Certificate of water right issued under Permit No. G-23330 confirming the right of the Independence Ranch to the use of 3.5 second feet of water from a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, Township 12 South, Range 22 East, B. M. with priority of December 5, 1952 for irrigation of land in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of said Section 11.

We also enclose departmental receipt No. 27226 for the \$12.00 License fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

23336

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

March 4, 1955

A. H. NIELSON
N. H. NIELSON

MAR 7 1955
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Re: Permit G-23330

Gentlemen:

Enclosed you will find a check for \$12.00 on the above permit which is the license fee under said permit.

Would you please issue a license in the name of Independence Ranch and return the same to this office. Thank you.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

Norman H. Nielson

NHN:mim

Encl. ck.

23330

✓
January 27, 1955

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. Norman H. Nielson

Dear Mr. Nielson:

Reference is made to your letter of January 26 in regard to the above numbered Permit in the name of the Independence Ranch.

A license has not been issued on this Permit and reference to our files shows that on July 20, 1954, we wrote them to the effect that a license could be issued for 3.5 second feet upon receipt of the statutory fee of \$12.00.

Following that, we received a letter from you dated August 7 in regard to including an additional amount in this Permit, to which we replied that this could not be done, but that a new application could be filed for the additional amount, and thereafter Permit No. G-25190 was issued to them for the additional amount.

As mentioned in our letter of September 29, this would have no effect on the statutory fees in connection with the license on Permit No. G-23330 and a license can be issued on that Permit upon receipt of the statutory fee of \$12.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1

23330

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO
January 26, 1955

A. H. NIELSON
N. H. NIELSON

JAN 27 1955
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Re: Permit No. G-23330

Dear Sir:

We are writing in regard to the above permit and are wonder about the license to be issued by your department. It is our understanding that a license would be issued soon as the fees were forwarded to your office.

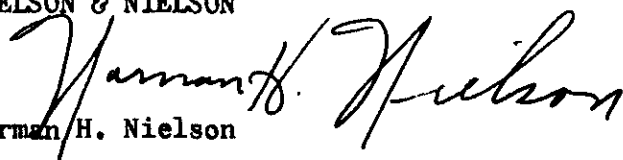
Would you please make a check of your file on this permit and see if a license has been issued to the Independence Ranch and if not, the reason the license has not been issued. Thank you.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson



NHN:mim

23330

23330 ✓

September 29, 1954

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. Norman H. Nielson

Dear Mr. Nielson:

We have your letter of September 25 enclosing application of Independence Ranch for an additional 0.1 second foot of water from the well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, Township 12 South, Range 22 East B.M. accompanied by their check for the \$5.00 filing fee.

This is additional water from the same well described in Permit No. G-23330.

In reply to that portion of your letter in regard to the statutory fees in connection with Permit No. G-23330. The new filing will not affect the fees on Permit No. G-23330, but when the proofs are made on the new Permit there will be an additional fee of \$4.00 for the license and an additional \$5.00 for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

23330

V
August 10, 1954

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATTENTION: Mr. Norman H. Nielson

Dear Mr. Nielson:

In reply to your letter of August 7 in regard to an additional filing on the well described in Permit No. G-23330 of the Independence Ranch.

Since the report of our field engineer showed that this well would produce 180 inches of water and License could only be issued for 175 inches (or 3.5 second feet) as applied for, a new application could be accepted for the additional amount to be used on the other land described and we enclose a form of application for such permit herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

23330

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

August 7, 1954

A. H. NIELSON
N. H. NIELSON

RECEIVED
AUG 9 1954
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Gentlemen: Re: Permit No. G-23330

We are writing in regard to the above permit. Proof has been made on this permit, but after the time the papers were sent to your office and a survey run on the ground, it was learned that the description, as set out in the well permit, was not completely accurate.

We were wondering if it were possible to secure a new permit showing the same well as on permit No. G-23330, and put into this new permit sixteen acres in the Southwest Quarter of the Southwest Quarter of Section Eleven, Township Twelve South, Range Twenty-two, East Boise Meridian; and five acres in the Southeast Quarter of the Northwest Quarter of Section Eleven, Township Twelve South, Range Twenty-two, East Boise Meridian. Could you inform us just how this could be worked out. Thank you.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson
Norman H. Nielson

NHN:mim

2330

✓
July 20, 1954

RE: Permit No. G-23330

Independence Ranch
C/O Floyd Schow
Rupert, Idaho

Dear Mr. Schow:

The report of our field engineer on examination for beneficial use is now on file. Mr. Humphrey, our engineer, tried on two separate occasions to contact you so that you could accompany him on the inspection, but failed to reach you.

This report shows that you have irrigated 240 acres in the SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11, Township 12 South, Range 22 East B.M. from your well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section.

A License can, therefore, be issued for 3.5 second feet of water, as applied for, upon receipt of the statutory fee of \$12.00, which is at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

23330

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23330

REPORT ON PROOF OF Beneficial Use
INDEPENDENCE RANCH(F. Wayne Schow & Floyd Schow) Rupert, Idaho

3.5 cfs
max

app. 3.5 cfs

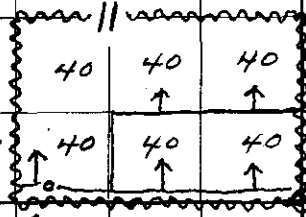
2110 2000
6-11-50

2400 acres

T.
12
S.

R-22E.

TO BURLEY



1943 Survey Marker
U.S. Gen. Land Office.

P.D.

STATE HWY

Subdivisions = Six

Area = 240 a.

Q = 180 inches

T = 56 1/2 ° F.

Sparkling
Meter.

TO OAKLEY

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

Permit No. G-23330

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Independence Ranch 'F. Wayne & Floyd Schow), Rupert, 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 11

T. 12 S., R. 22 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: G. E. Motor 200 HP, 440 V. 235 A., No PKJ 304005. Layne Bowler Pump No 19608, concrete base 8' square. Canvas covered top mounted on poles. Delivery to the SE through a 10" by 8' pipe to a 3' stand pipe 7' high. Delivery to the W and E by gravity.

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):

Southeast Quarter and East Half Southwest Quarter Section 11, Twp. 12 South, Range 22 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: _____

Inspection was made in company with the renter, Mr. Storey. Was impossible to contact either Wayne or Floyd Schow, by telephone.

This examination was made on the 14 day of July, 1954

(Signed) E. M. Humphrey Examiner.

23330

600' x 16"

397' = lift

370' = h.

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
JUL 16 1954

Department of Reclamation

Independence Ranch
(F. Wayne & Floyd Schow)
Rupert, Idaho
Permit No. G-23330

Rupert 271

Examination for Beneficial Use

County Cassia

11-125-22E.

Q = 4.8 c.f.s.

S = Well

P.D. = SE. SW., Sec. 11, T. 12 S. - R. 22 E.

Use - Irrigation

Ron Storey

500 cf in 2 m. 20 s.

180"

$\frac{120}{140} = 2.57 \times 100 = 257$

Priority = Dec. 5, 1952
Done = Dec. 8, 1955

P/W = 9-4-53

T = 56 1/2 ° F

Q = 180 "

G. E. motor 200 hp.

440V. 235 amp.

PKJ 304005

Layne B. Pump # 19605

Cone. base 8' sq.

Canvas covers on poles

del to SE thru 10" x 8' pipe
to 56" stand pipe 7. h.

gate valve in pipe -

del. to W. & E.

G. E. & Trumbull a. Tral
on panel to S. 8'

November 12, 1953

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We have your letter of November 19, 1953, in reply to our letter of October 28, calling attention to the fact that 5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 15 South, Range 22 East, B.M., were not included in the permit or published notice.

Since final action on this permit will not be taken until after a field inspection has been made by our engineer, the whole matter will be held in abeyance until that time.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

23330

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

November 10, 1953

RECEIVED
NOV 12 1953
Department of Reclamation

Department of Reclamation,
State House,
Boise, Idaho.

Re: Permit # G-23330

Dear Sir:

In your letter of October 28, 1953, you stated that the five acres which the proof described in the southeast quarter of the Northwest quarter of Section 11, Township 12 South, Range 22 East Boise Meridian was not included in the permit or proof, it appears that it was an oversight on my part that the five acres was not included in the proof which was made.

Is there any way that this five acres can be included in the watering of the land which is included in this permit as it is a very valuable piece in which the permit holder needs.

Very truly yours,

NIELSON & NIELSON

By *Norman H. Nielson*
Norman H. Nielson

NHN:rp

23330

✓
October 28, 1953

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We acknowledge receipt of your letter of October 20, 1953, enclosing depositions of Floyd Schow and two witnesses, also affidavit of publication in the Burley Bulletin, all submitted in proof of beneficial use on Permit No. G-23330.

These have been placed on file but before final action is taken in the matter a field inspection will have to 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 the Messrs. Schow at the time he makes the examination so that arrangements may be made to show him over the grounds.

However, since neither the permit nor the published notice includes the 5 acres which the proofs describe in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 12 South, Range 22 East, B.M., when the license is issued that 5 acres cannot be included.

*also SWS for 4th in
to audit for 7/1/54*

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: Mr. Floyd Schow

23330

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

October 20, 1953

RECEIVED
OCT 21 1953
Department of Reclamation

A. H. NIELSON
N. H. NIELSON

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed you will find the Deposition of Holder and the Depositions of Witnesses in Permit No. G-23330 in the name of the Independence Ranch, a copartnership, together with the Affidavit of Publication.

We are sorry that we have not sent this matter to you before, but due to stenographic difficulties in our office we have not been able to get these depositions typed. We have written these depositions in pencil and then had the deponent sign them and later had them typed.

Very truly yours,

NIELSON & NIELSON

By

Norman H. Nielson

Norman H. Nielson

NHN:ws
Encs.

23330

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23330

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Independence Ranch, a copartnership composed of F. Wayne Schow and Floyd Schow,
Rupert, 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-23330, date of permit December 8, 1952, date of priority Dec. 8, 1952

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

Ans. One subterranean well, the Southeast quarter of the Southwest quarter of Section
11, Township 12 South, Range 22 East Boise Meridian.

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.

Ans. One subterranean well, ditch conveys water from source, the amount of water the
ditches can convey is 6½ second feet, the well is 700 feet deep, the 16 inch casing
goes down 210 feet, from 210 to 414 feet is a rock formation, from 415 to 658 feet there
is a 12 inch casing, the depth to water is 395 feet, the pump used discharges more
than 175 miners inches of water.

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

Ans. The water is used to irrigate 250 acres of land, that the property irrigated is all
of the Southeast quarter of Section 11, Township 12 South, Range 22 East Boise Meridian,
40 acres of the South East quarter of the Southwest Quarter
the Southeast (10 acres of the Southwest quarter of the Southwest quarter) and the East 25
acres of the Northeast quarter of the Southwest quarter of Township 12 South, Range 22
East Boise Meridian, also 5 acres located in the Southeast quarter of the Northwest
quarter of Section 11, Township 12 South, Range 22 East Boise Meridian, that a well has
been drilled at a cost of \$10,000.00, a pump has been sunk at a cost of \$14,000.00 and
leveling has been done at a cost of \$5,600.00 together with the cost of fence in the
amount of \$700.00, that the land described herein was desert land and has been reclaimed
and placed on the tax rolls as cultivated land.

23330

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

Ans. _____

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

Ans. ~~The full amount of water that the well could produce would be required to irrigate the land described in this deposition.~~

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. ~~All of the water discharged by the pump has been used in the irrigation of the land set out in this deposition.~~ Water has been used during cropping season of 1953

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 no other water that can be diverted to the land described in the deposition other than that discharged from the well described herein.~~

(Sign) *Floyd Schow*

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 5th day of October_____, A. D. 1953.,

My commission expires May 12, 1954

Harmon H. Nielson
Notary Public in and for Idaho, residing
at Burley, therein

\$ 23330

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23330

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. William M. Storey, occupation farmer, Post Office address Rupert, Idaho.

Ques. 2. Are you acquainted with the Independence Ranch, a copartnership, the holder of Permit No. G-23330? How long have you known him and where does he reside?

Ans. Post Office address of copartnership is at Rupert, Idaho, partnership consists of F. Wayne Schow and Floyd Schow

Ques. 3. Have you read or heard read said Permit No. G-23330, 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. Source of water supply subterranean well, place of diversion is the Southeast quarter of the Southwest quarter of Section 11, Township 12 South, Range 22 East Boise Meridian, that the deep well and ditches are capable of conveying 6 $\frac{1}{2}$ second feet of water to the place of use.

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. 6 $\frac{1}{2}$ second feet of water can be conveyed, have observed approximately 3 $\frac{1}{2}$ second feet of water being conveyed

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

Ans. I have observed 3 $\frac{1}{2}$ second feet of water discharged from the pump and have measured 3 $\frac{1}{2}$ second feet of water discharged from the pump and have measured the same by the use of a weir.

J 23330

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

Ans. Water is used for irrigation and is used to irrigate the Southeast quarter of Section 11, 10 acres of the Southwest quarter of the Southwest quarter of Section 11, 40 acres in the Southeast quarter of the Southwest quarter, 25 acres in the Northeast quarter of the Southwest quarter and 5 acres in the Southeast quarter of the Northwest quarter of Section 11, Township 12 South, Range 22 East Boise Meridian, land has been reclaimed from desert land and has been placed in cultivated use.

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

Ans. _____

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

Ans. Land reclaimed was desert land was a sandy loam type of soil. Holder of permit needs more than the 3 1/2 second feet of water which he has used to irrigate the land which he holds.

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

Ans. _____

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. We have been employed in working the property described in this deposition and have used the water on a number of occasions to irrigate the said land.

(Signed) William M. Leroy

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 _____ 5th day of _____ October _____, A. D. 19 _____ 53 _____.

Harmon H. Nielson
Notary Public.

My commission expires _____ May 12, 1954 _____.

23330

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23330

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. William G. Storey, Occupation farmer, Post Office address Rupert, Idaho

Ques. 2. Are you acquainted with Independence Ranch, a copartnership, the holder of Permit No. G-23330? How long have you known him and where does he reside?

Ans. Post Office address of copartnership is at Rupert, Idaho, partnership consists of E. Wayne Schow and Floyd Schow

Ques. 3. Have you read or heard read said Permit No. G-23330, 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. Source of water supply subterranean well, place of diversion is the Southeast quarter of the Southwest quarter of Section 11, Township 12 South, Range 22 East Boise Meridian, that the deep well and ditches are capable of conveying $6\frac{1}{2}$ second feet of water to the place of use.

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. $6\frac{1}{2}$ second feet of water can be conveyed, have observed approximately $3\frac{1}{2}$ second feet of water being conveyed

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

Ans. I have observed $3\frac{1}{2}$ second feet of water discharged from the pump and have measured $3\frac{1}{2}$ second feet of water discharged from the pump and have measured the same by the use of a weir.

J 23330

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

Ans. Water is used for irrigation and is used to irrigate the Southeast quarter of Section 11, 10 acres of the Southwest quarter of the Southwest quarter of Section 11, 40 acres in the Southeast quarter of the Southwest quarter, 25 acres in the Northeast quarter of the Southwest quarter and 5 acres in the Southeast quarter of the Northwest quarter of Section 11, Township 12 South, Range 22 East Boise Meridian, land has been reclaimed from desert land and has been placed in cultivated use.

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

Ans. _____

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

Ans. Land reclaimed was desert land and was a sandy loam type of soil. Holder of permit needs more than the 3 1/2 second feet of water which he has used to irrigate the land which he holds

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

Ans. None

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. We have been employed in working the property described in this deposition and have used the water on a number of occasions to irrigate the said land.

(Signed) William G. Stoney

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 _____, State of Idaho, on this 5th day of October, A. D. 1953.

Harman H. Nielson
Notary Public.

My commission expires May 12, 1954

23330

[illegible]

Junior W. Ross

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 Sept. 1, 1953, and ending with the issue dated Oct. 1, 1953...

ending with the issue dated Oct. 19, 1933.
 Junior W. Ross
 me this 2nd day of Oct, 1933
 Hazel H. Stoddall
 Notary Public in and for the State of Idaho,
 Residing at Burley, Idaho.

23330

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE
 Notice is hereby given that at 10 A.M. on the 5th day of October, 1953, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the application to beneficial use of $3\frac{1}{2}$ cubic feet per second of the waters of a subterranean well in accordance with the terms and conditions of Permit No. Q-23330, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Independence Ranch, a co-partnership, composed of F. Wayne Schow and Floyd Schow, of Rupert, Idaho.

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

The amount applied to beneficial use is $3\frac{1}{2}$ second-feet.

The place where said water is used The Southeast Quarter and the East Half of the Southwest Quarter of Section 11, Township 12 South, Range 22, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is a subterranean well.

The right to take water from such works is based upon Permit No. 23330.

The source of supply from which such water is diverted is a subterranean well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Twp. 12 S., Range 22 E., B.M.

The date of priority which said user is prepared to establish is December 5, 1952.

MARK R. KULP
 State Reclamation Engineer
 Published in the Burley Herald,
 Sept. 10-17-24, Oct. 1, 1953.

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 Sept. 1, 1953, and ending with the issue dated Oct. 1, 1953.

Subscribed and sworn to before me this 7th day of Oct., 1953.

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

23330

NOTICE FOR PUBLICATION
NOTICE OF HURLEY RECLAMATION
OF WATER TO BENEFICIAL USE
This is to certify that on the 19th day of October 1922 at Hurley, County of Cassia, State of Idaho before me, Notary Public, proper will be submitted of the application to have certain water to be used for agricultural purposes, to wit: for the Reclamation of the State of Idaho.

The names and addresses of the person or persons holding said water is Independence Ranch, a partnership, composed of E. Wayne Schow and Floyd Schow, of Hurley, Idaho.

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

The place to which said water is used is the Southeast Quarter and the East Half of the Southwest Quarter of Section 14, Township 13 South, Range 22, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is a subterranean well.

The right to take water from such works is based upon Permit No. 13322.

The source of supply from which said water is derived is a subterranean well in the SW 1/4, Section 11, Twp. 13 S., Range 22 E., B.M.

The date of priority which said water is claimed to establish is the 19th day of 1922.

MARR R. KULP
State Reclamation Engineer
Published in the Hurley Herald,
Hurley, Idaho, Oct. 19, 1922.

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 stero-typed 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 Sept. 10 1953... and ending with the issue dated Oct. 1, 1953...

Subscribed and sworn to before me this 2nd day of Oct, 1953...

Notary Public in and for the State of Idaho,
Residing at Burley, Idaho
My Commission Expires June 4, 1955

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

James 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 Sept. 10 1953, and ending with the issue dated Oct. 1, 1953.

Subscribed and sworn to before me this 2nd day of Oct, 1953.

James W. Ross
Hazel G. Stoddall
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho,
My Commission Expires June 4, 1955

23330

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE
Notice is hereby given that at 10 A.M. on the 5th day of October, 1953, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, proof will be submitted of the application to beneficial use of 3 1/2 cubic feet per second of the waters of a subterranean well in accordance with the terms and conditions of Permit No. G-23330 heretofore issued by the Department of Reclamation of the State of Idaho.
The name and postoffice address of the person or corporation holding said permit are Independence Ranch a co-partnership, composed of P. Wayne Schow and Floyd Schow, of Rupert, Idaho.
The use to which said water has been applied is irrigation.
The amount applied to beneficial use is 3 1/2 second feet.
The place where said water is used The Southeast Quarter and the East Half of the Southwest Quarter of Section 11, Township 12 South, Range 22, East Boise Meridian.
The name of the canal or ditch or other works by which said water is conducted to such place of use is a subterranean well.
The right to take water from such works is based upon Permit No. 23330.
The source of supply from which such water is diverted is a subterranean well in the SE 1/4 SW 1/4, Section 11, Twp. 12 S., Range 22 E., B.M.
The date of priority which said user is prepared to establish is December 5, 1952.
MARK R. KULP
State Reclamation Engineer
Published in the Burley Herald, Sept. 10-17-24, Oct. 1, 1953.

Burlington, Idaho
Sept. 9, 1953

Dear MR. Kulp:

This is to acknowledge receipt of three legals. The Lester Allen and Floyd Schow have been marked to run Sept. 10-17-24, Oct. 1, 1953, whereas John Ellison Estate goes Sept. 17-24, Oct. 1-8, 1953. Thanking you, we remain,

Very truly yours
Herald-Bulletin

By

Hayes G. Stoddard

23330

RECEIVED
SEP 11 1953

Dept. of Reclamation



THE SIDE OF CARD IS FOR ADDRESS

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

23330

✓
September 8, 1953

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We enclose Certificate of Completion of Works issued on Permit No. G-23330 in the name of Independence Ranch, for the diversion of $3\frac{1}{2}$ second feet of water from a well in the $SE\frac{1}{4}$ $SW\frac{1}{4}$ Section 11, Township 12 South, Range 22 East, B.M., for irrigation of land in the $E\frac{1}{2}$ $SW\frac{1}{4}$ and $SE\frac{1}{4}$ of said Section 11.

We also enclose departmental receipt No. 26168 for the \$5.00 fee in connection therewith.

We have sent to the Burley Herald Bulletin notice of beneficial use proof to be made on this permit October 5, 1953, with instructions to publish it once a week for four weeks prior to that date and to send the applicant the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof, consisting of one for the permit holder and one for each of two disinterested witnesses.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

a:79.

J 23330

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. G-23330

Date: September 8, 1953

Burley Herald-Bulletin

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 5, 1953** the date set for proof, the expense of the publication to be paid by the applicant, **Independence Ranch C/o** of **Floyd Schow, Rupert, 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

23330

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 5th day of October, 19 53,
at Burley, County of Cassia, State of Idaho, before
Norman H. Nielson, Notary Public, proof will be submitted of the
application to beneficial use of ~~1-3/4~~ 3 1/2 cubic feet per second of the waters of a subterranean well
in accordance with the terms and conditions of Permit No. 4-23330
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Independence Ranch, a co-partnership, composed of F. Wayne Schow and
Floyd Schow, of Rupert, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 3/ 1/2 second feet

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

The Southeast Quarter and the East Half of the Southwest Quarter of Section 11,
Township 12 South, Range 22, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

a subterranean well

The right to take water from such works is based upon Permit No. 23330

The source of supply from which such water is diverted is a subterranean well in the SE 1/4 SW 1/4

Section 11, Twp. 12 S., Range 22 E., B.M.

The date of priority which said user is prepared to establish is December 8, 1952

MARK R. KULP

State Reclamation Engineer.

23330

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

Sept. 5, 1953

A. H. NIELSON
N. H. NIELSON

RECEIVED
SEP 8 1953
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Re: Permit No. G-23330

Gentlemen:

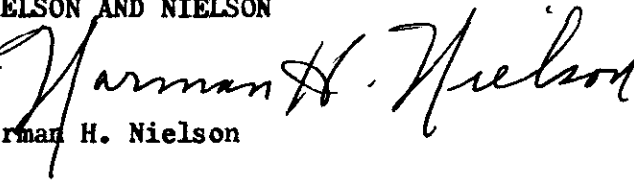
In regard to the above application, and your letter of September 4th, the application should show $3\frac{1}{2}$ second feet rather than the 1-3/4. Would you please make this change?

Very truly yours,

NIELSON AND NIELSON

By

Norman H. Nielson



NHN/kb

23330

September 4, 1953

RE: Permit No. G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We have your letter of September 2, 1953, enclosing proof of completion of works for $3\frac{1}{2}$ second feet of water under Permit No. G-23330 in the name of Independence Ranch, accompanied by Mr. Floyd Schow's check for the \$5.00 fee in connection therewith.

The notice for beneficial use proof also enclosed is a little confused because in one place you say proof will be submitted of the application to beneficial use of $1\text{-}3\frac{1}{4}$ cubic feet per second, and later on you state that the amount applied for is $3\frac{1}{2}$ second feet.

We assume that the intention is to make beneficial use proof on $3\frac{1}{2}$ second feet, but we await your further advice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

23330

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

September 2, 1953

RECEIVED
SEP 4 1953
Department of Reclamation

23830

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed you will find Form 6, together with 2 forms
No. 10, and Form No. 11 in the proof of completion and notice
of application of water to beneficial use.

Would you please take the appropriate action on these
papers?

Very truly yours,

NIELSON AND NIELSON

By

Norman P. Nielson

Norman H. Nielson

NHN/kb

23330

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 29, 1953

(P. O.) Rupert, 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.

Floyd S. Chinn
by Harman Nelson

(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.

23330

Permit No. 23330

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Cassia

Floyd Schow, one of the partners being first duly sworn, upon his oath deposes and says:
of the Independence Ranch, a co-partnership composed of Floyd Schow and F. Wayne Schow.

First: That he is the holder and owner of Permit to Appropriate the Public Waters
of the State of Idaho, No. 23330, and that his postoffice address is Rupert

State of Idaho

DIVERGED

Second: That the name of the stream ^{FROM} which said water is to be directed is
a subterranean well

Third: That the point of diversion of said water is in the Southeast Quarter of the
Southwest Quarter of Section 11, Township 12 South, Range 22, E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder
was required to be completed by December 8, 1955.

Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit
were (XXXXXXXX) fully completed and consisted of the following:

I. Kind of works: 1. subterranean well and ditches diverting the water from the well.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe inches, average grade
per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use
3 1/2 second feet of water.

Eighth: That water appropriated under said permit is available for 225
acres of land described as follows: The Southeast Quarter and the East Half of the
Southwest Quarter of Section 11, Township 12 South, Range 22, EBM. A Highway cuts
through the above described property and cuts out a portion of the land which would
otherwise be irrigable.

Ninth: Remarks: That the well is producing 175 miner's inches of water; that
the well is 704 feet deep; that the water stands at 340 feet in the well; that the
water is pumped 398 feet; that the well has a Layne Bowler pump with a 200 h.p. motor;
(Rock from 210 ft. to 215 ft.)
that the casing in the well is 16" from the top down 210' and 12" down to 600 feet.

Floyd Schow
(Sign Here)

Subscribed and sworn to before me this 29th day of August, 1955

My commission expires May 12, 1954.

Harman H. Jackson
Notary Public.

23330

December 19, 1958

RE: Permits Nos. G-23329 and G-23330

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. Norman H. Nielson

Dear Mr. Nielson:

We enclose Permits Nos. G-23329 and G-23330 in the name of the Independence Ranch, and direct 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. 25227 for the \$12.00 filing fees on these two permits.

Please advise us of the street address or route number for the applicants, in order that our records may be complete.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

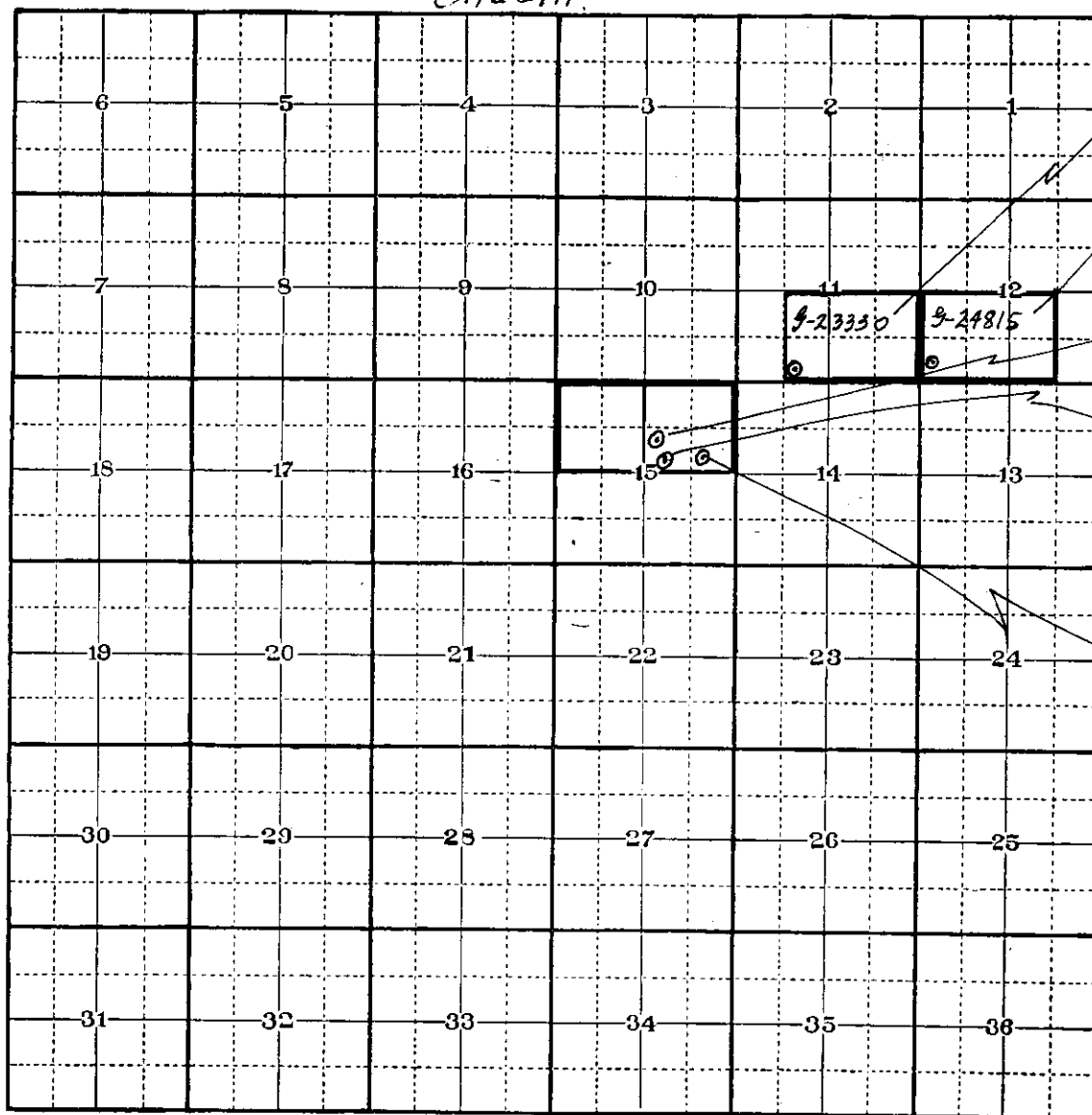
Chief Clerk

fg
Enc.

23330

SCALE: ONE INCH TO ONE MILE

Township 12 S. Range 22 E.
CASSIA.



G-23330 URG-25190
 Independence Ranch.

G-24815
 Alfred & Jones
 9.8 c.f.s. on S²S.12
 P.D. in SW⁴SW⁴ " "

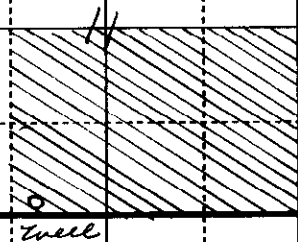
G-23990
 Herbs & Bondiman,
 6.4 c.f.s. on N²NW³, Sec. 15
 P.D. in SW⁴NE⁴ " "

G-26561
 Douglas Schow
 3.1 c.f.s. on NE⁴NE⁴, S.15.
 P.D. in SW⁴NE⁴ " "

G-26399
 A.D. MacKenzie
 3.1 c.f.s. on NE⁴NE⁴, S.15.
 P.D. in SE⁴NE⁴, " "
 Now up for relinquishment

G-23330

Imp. 12 S. Rge. 22 E. R.M.



Permit Map No. 4-23330
As Approved
DEC 8 1952
MARK R. KULP
State Reclamation Engineer