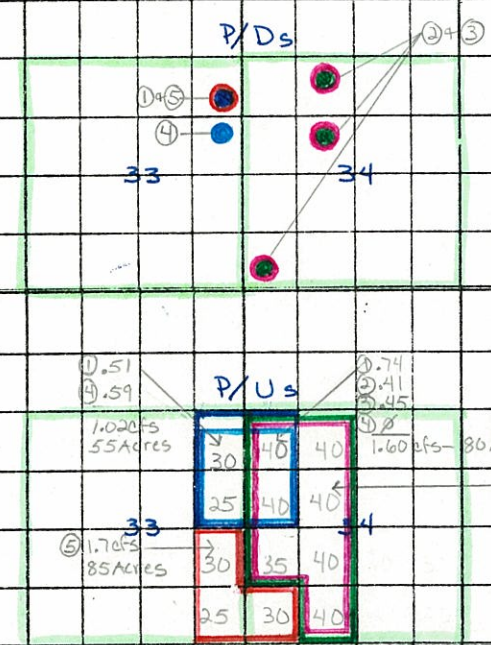


LAND LIST ATTACHMENT

T # 4592

Description and location of place of use: Rights as Recorded

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
① 45-02338																			
② 115	20E	33	30			25													55
③ 45-02384																			—
④ 45-04239																			—
⑤ A45-10104			30			25													55
⑥ A45-12757															30		25		55
																			(110)
① 45-02338		34					40	40											80
② 45-02384							40	40	40	40	40	35		40					275
③ 45-04239							40	40	40	40	40	35		40					275
④ A45-10104							40	40											80
⑤ A45-12757													30						30
																			(305)
																			(415) TOTAL ACRES



TOTALS ① 1.25 cfs 135 Acres
 ② 1.42 cfs 275 Acres
 ③ 3.34 cfs 275 Acres
 ④ .59 cfs 55 Acres (> rate per acre/No use on 80 Acres)
 ⑤ 1.70 cfs 85 Acres

RECORDED
 JAN 30 1996

45-02338 (1950)	1.25 cfs	135 Acres	(135 Unique Acres)	.009 cfs/acre (1.25 cfs)
45-02384 (1951)	1.42 "	275 "	(195 Unique Acres)	.005 " " (1.42 cfs)
45-04239 (1954)	7.24 "	275 "	(0 Unique Acres)	.026 " " (3.34 cfs)
A45-10104 (1954)	1.25 "	135 "	(0 Unique Acres)	.009 " " (.59 cfs)
A45-12757 (1959)	1.70 "	85 "	(85 Unique Acres)	.02 " " (1.70 cfs)
	(12.86 cfs)		(415 Unique Acres)	.0185 " " 8.30 cfs

3 Rev 4 min 14 Sec

60
240
110
254 1300

$1.18 \times 106 = 1.25 \text{ cfs w } 62\frac{1}{2} \text{ inches}$

R-20E.

T.
11
S.

32

70

19673

65

6-26-536

135

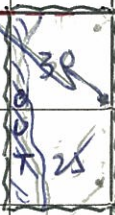
33

Well
Harry Fisher
Don't believe fitted on

2158W

6-26-240

RD



RD. samp

Burian Pipe

Dry Well

(Not used for 2 years)

TO ARTESIAN CITY

Subdivisions

4

AREA

135

Q

1.25 cfs. w 62 1/2 inches

NAME OF APPLICANT

H. Fisher & William Wiedemann.

Form No. 0

Twp. 11.S. R. 20.E.



Points of diversion,
Wells,

33



Permit Map No. ~~21648~~ 21648

As Approved

AUG 11 1950

MARK R. KULP

State Reclamation Engineer

45-02338

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4592
WATER RIGHT NO(S). 45-02338/45-02384/45-04239,
CLAIM NOS. A45-10104 & A45-12757

This is to certify that: LARRY M ADAMS
KATHY S ADAMS
RT 1
MURTAUGH ID 83344

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 45-02338 : IRRIGATION Priority: 08/08/1950	04/01 to 10/31	1.25 CFS	528.1 AF
Right No. 45-02384 : IRRIGATION Priority: 06/18/1951	04/01 to 10/31	1.42 CFS	599.9 AF
Right No. 45-04239 : IRRIGATION Priority: 06/01/1954	04/01 to 10/31	7.24 CFS	1100.0 AF
Right No. 45-10104 : IRRIGATION Priority: 06/01/1954	04/01 to 10/31	1.25 CFS	249.3 AF
Right No. 45-12757 : IRRIGATION Priority: 04/01/1959	03/15 to 11/15	1.70 CFS	340.0 AF
TOTAL:		* 8.30 CFS	* 1660.0 AF

SOURCE

GROUNDWATER

TRANSFER NO. 4592
WATER RIGHT NO(S). 45-02338/45-02384/45-04239,
CLAIM NOS. A45-10104 & A45-12757

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 33, Township 11S, Range 20E
 NENW , Sec. 34, Township 11S, Range 20E
 NESW , Sec. 34, Township 11S, Range 20E
 TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	20E	33	NENE 31	SENE 30	NESE 30	
			SESE 25			116
		34	NENW 38	NWNW 38	SWNW 39	
			SENE 40	NESW 40	NWSW 39	
			SWSW 30	SESW 39		303
			Total number of acres irrigated:			** 419

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of this transfer in no way confirms the right(s) claimed.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

TRANSFER NO. 4592
WATER RIGHT NO(S). 45-02338/45-02384/45-04239,
CLAIM NOS. A45-10104 & A45-12757

CONDITIONS OF APPROVAL AND REMARKS

- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4592 shall not exceed 8.30 cfs, nor total combined annual volume of 1,660 af for irrigation of a combined total of 415.0 acres.
- 9. Right Nos. 45-02338 and 45-10104 when combined shall not exceed a diversion rate of 1.02 cfs for irrigation of 55.0 acres.
- 10. Right Nos. 45-02338, 45-02384, 45-04239 and 45-10104 when combined shall not exceed a diversion rate of 1.60 cfs for irrigation of 80.0 acres.
- 11. Right Nos. 45-02384, 45-04239 and 45-10104 when combined shall not exceed a diversion rate of 3.90 cfs for irrigation of 195.0 acres.
- **12. Right No. 45-02338 is limited to the irrigation of 135.0 acres in the place of use described above in a single irrigation season.
- **13. Right No. 45-02384 is limited to the irrigation of 275.0 acres in the place of use described above in a single irrigation season.
- **14. Right No. 45-04239 is limited to the irrigation of 275.0 acres in the place of use described above in a single irrigation season.
- **15. Right No. 45-10104 is limited to the irrigation of 135.0 acres in the place of use described above in a single irrigation season.
- **16. Right No. 45-12757 is limited to the irrigation of 85.0 acres in the place of use described above in a single irrigation season.

Dated this 23rd day of

January, 1996



Chief, Water Alloc. Bureau

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4592APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1

1995

Name of applicant Larry M. and/or Kathy L. Adams Phone 432-5352
Post Office address Rt 1, Mustang, ID 83344 (Cell Phone 420-1938)

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU
2. Describe the reason for the proposed changes We want to combine all of our wells and a pond into a central system to service the place of use below.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------------|-------------------|-----------------------------|-------------------|-----------------------------|
| <u>45-02338</u> | <u>8-8-1950</u> | <u>1.25 cfs</u> | <u>Irrigation</u> | <u>4-1</u> to <u>10-31</u> |
| <u>A45-04239</u> | <u>6-1-1954</u> | <u>7.24 "</u> | <u>Irrigation</u> | <u>4-1</u> to <u>10-31</u> |
| <u>45-02384</u> | <u>6-18-1951</u> | <u>1.42 "</u> | <u>Irrigation</u> | <u>4-1</u> to <u>10-31</u> |
| <u>A45-12757</u> | <u>4-1-1959</u> | <u>1.70 "</u> | <u>"</u> | <u>3-15</u> to <u>11-15</u> |
| * <u>A45-10104</u> | <u>06-01-1954</u> | <u>9.91</u> <u>1.25 cfs</u> | <u>IRR</u> | <u>3-15</u> to <u>11-15</u> |
2. Total amount of water being transferred 9.91 cubic feet per second and/or 1676 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NE	33	11S	20E	Twinn Falls	
	NE	NE	NW	34	"	"	"	
	NW	NE	SW	34	"	"	"	
	SW	SW	SW	"	"	"	"	Removed per conversation w/applicant 4-3-95

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	20E	33	31			30									30			25	116
		34					38	38	39	40	40	39	30	39					303
													30						303

RECEIVED
JUN 29 1995

Department of Water Resources

Total acres

419

* SRBA C'hip added per request/letter dated 12-19-95 (see File) 23 12-20-95

PART 1

6. General Information:

- a. Description of diversion system 37 wells connected to a common mainline system and a pond pump. Groundwater and surface water are comingled in the system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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

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

See Attached ASCS map

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

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

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

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

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

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

Subscribed and sworn to before me this 16th day of February, 19 95

(Signature of Applicant)

Jeanie Robertson
(Notary Public)

My commission expires 8-23-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by MTS Date 2-16-95 Protest filed by None

Prelim. check by J. Stanton Fee \$100 (5017753)

Receipted by MTS Date 2-16-95

Published in James News Copies of protest forwarded by _____

Pub. dates 4/27 & 5/4/95 Hearing held by _____ Date _____

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

_____ rec'd. by AD

Copy of transfer sent to lien holder _____

RECEIVED

FEB 16 1995

Department of Water Resources
Southern Region

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-02338

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.25 CFS
DOMESTIC	to	
	Totals	1.25 CFS

SOURCE

GROUNDWATER

Priority: 08/08/1950

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 33, Township 11S, Range 20E
TWIN FALLS CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	20E	33	NENE 30	SENE 25		55
		34	NWNW 40	SWNW 40		80
Total number of acres irrigated:						135

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-02384

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.42 CFS
DOMESTIC	to	
	Totals	1.42 CFS

SOURCE

GROUNDWATER

Priority: 06/18/1951

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 34, Township 11S, Range 20E
SEnw , Sec. 34, Township 11S, Range 20E
SWSW , Sec. 34, Township 11S, Range 20E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	20E	34	NENW 40	NWNW 40	SWNW 40	
			SEnw 40	NESW 40	NWSW 35	
			SESW 40			275
						275

Total number of acres irrigated: 275

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-04239

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	7.24 CFS

SOURCE

GROUNDWATER

Priority: 06/01/1954

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 34, Township 11S, Range 20E
SEnw , Sec. 34, Township 11S, Range 20E
SWSW , Sec. 34, Township 11S, Range 20E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	20E	34	NENW 40	NWNW 40	SWNW 40	
			SEnw 40	NESW 40	NWSW 35	
			SESW 40			275
						275

Total number of acres irrigated:

275

275

CONDITIONS/REMARKS:

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. A45-12757

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	1.70 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1959

LOCATION OF POINT(S) OF DIVERSION:SENENE , Sec. 33, Township 11S, Range 20E
TWIN FALLS CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	20E	33	NESE 30	SESE 25		55
		34	SWSW 30			30
Total number of acres irrigated:						85

CONDITIONS/REMARKS:

T # 11/200

WARRANTY DEED

For Value Received THEODORE STURGILL and HELGA STURGILL, Husband and Wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

LARRY ADAMS and KATHY ADAMS, Husband and Wife
whose address is:

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

W1/2 of Section 34, Township 11 South, Range 20
EBM

AND

A tract of land located in the East half of the East half of Section thirty-three, Township 11 South, Range 20 East Boise Meridian, described as follows:
Beginning at the Southeast corner of Section 33;
Thence West, 730 feet, on South line of Section 33;
Thence North, 400 feet;
Thence West, 490 feet;
Thence North, 5° 47' East, 1960 feet;
Thence North 11° 05' West, 560 feet;
Thence North 6° 00' East, 640 feet;
Thence North 11° 30' West, 920 feet;
Thence North 2° 30' East, 855 feet to North line of Section 33;
Thence East, 1195 feet to Northeast corner of Section 33;
Thence South, along east line of Section to the point of beginning.

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

Dated: 9-18-90

Theodore Sturgill
THEODORE STURGILL
Helga Sturgill
HELGA STURGILL

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 18 day of Sept., 1990,
before me, a notary public in and for said State, personally appeared THEODORE STURGILL and
HELGA STURGILL, Husband and Wife

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at
Comm. Expires: 7-25-97

Notary Public
Idaho

TITLEFACT, Inc.

110 2 11 00

1994019412

State of Idaho
License and Certificate of Water Right

Water License No. 21648

Amount 1.25 c.f.s.

Water District No.

Priority Aug. 8, 1950

THIS IS TO CERTIFY that H. H. FISHER & WILLIAM WIEDENMAN - Assignee
THEODORE STURGILL
of Route #1, Murtaugh, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 8, 1950; that Permit No. 21648
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on August 15, 1955, showing that said works
were completed on the 4th day of August, 1955; and that on the 26th
day of July, 1961,

THEODORE STURGILL

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

, a tributary of subterranean flow, for the purpose of irrigation and
domestic use under Use Permit No. 21648 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

12 of Licenses at page 7341, on the 19 day of July, 1962;

The right hereby confirmed dates from August 8, 1950;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 33, Tp. 11 S., R. 20 E., B. M. County Twin Falls

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 1.25 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1. S.	20 E.	33	NE 1/4 NE 1/4	40	30
			SE 1/4 NE 1/4	40	25
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
		34			
Total number of acres to be irrigated:					135

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
19th day of July, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

45 2338

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

45-2338

Heade Sturgill
Rt #1 - Murtagh
Idaho

APPLICATION No 29359
 PERMIT No. 21648
 DISTRICT No.

1. Name of Applicant: H. H. FISHER and WILLIAM WIEDENMAN

Postoffice address: Kimberly

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

- (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:
- (c) Bonds to be issued:
- (b) Treasury stock:
- (d) Other resources:

2. Quantity of water claimed: 1.6

cubic feet per second.

wells

3. Source of water supply: Subterranean flow from well or / which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$
 of Section 33 , T. 11 S. , R. 20 E. , B.M., County of Twin Falls

5. Water is to be used for Irrigation and domestic purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 5,000.00

8. Kind of works: Well, pump and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five(5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

H. H. FISHER and WILLIAM WIEDENMAN *Applicant.*

By William Wiedenman Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. August 8, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21648

Recorded in Book 77 Page 21648 Approved August 11, 1950

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 **October 11, 1950** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **February 11, 1953**

The whole of said work to be completed on or before **August 11, 1955**

Beneficial use of water appropriated in accordance herewith, to be made on or before August 11, 1961

WITNESS My hand this 11th day of August, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 11th.....

day of August, 19 50.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

Secretary of State.

REMARKS: It is the intention of the applicants to drill one or more wells on each of the subdivisions named, i. e. NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, Twp. 11 S., Range 20 E., B.M., as may be necessary to develop the amount of water applied for.

14.

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 $\frac{1}{4}$	
11 S.	20 E.	33	40			40												80	
<u>A S S I G N M E N T</u> For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21648 to H. H. Fisher of Twin Falls, Idaho. WILLIAM WIEDENMAN Permit Holder <u>Wife of Permit Holder</u> State of Idaho) County of Twin Falls) ss On this 5th day of May, 1954, before me a Notary Public for the State of Idaho, residing at Twin Falls, Idaho personally appeared William Wiedenman, a divorced man, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written. EDWARD H. HEAP Notary Public, residing at Twin Falls, Idaho (SEAL) My commission expires Nov. 24, 1955. Received and filed for record in the department of Reclamation at Boise, Idaho, May 8, 1954. MARK R. KULP State Reclamation Engineer																			

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21648

Comes now HARRY H. FISHER, 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. 21648, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

To irrigate 40 acres of NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E.B.M. Water is conveyed from well located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33-11-20 through a pipe line along east side of Section 33, to the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 33, then through an open ditch to concrete ditch along the north line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and water is used on NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33-11-20, making a total of Sixty acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Twin Falls, Ida., this 4th day of August, 1955.

HARRY H. FISHER

Date of receipt at Office of Department of Reclamation Aug. 11, 1955.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public of the State of Idaho, No. 21648. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

Permit No. 21648
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that H. H. FISHER of Twin Falls, County of Twin Falls, and State of Idaho, the holder of Permit No. 21648, issued upon Application No. 29359 bearing date of priority of August 8, 1950, authorizing the diversion of 1.6 second feet of the waters of subterranean flow from wells County of Twin Falls, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Two (2) second feet of the waters of one well; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, Twp. 11 South, Range 20 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 11 South, Range 20 East, B.M.

Witness my hand this 15th day of August, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made August 4, 1955
Certificate of Completion of Works issued August 15, 1955

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21648

Comes now H. H. FISHER, 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. 21648, and requests that the list of lands to be irrigated, as described in said Permit, be changed to read as follows: To irrigate 40 acres of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section Thirty-three (33), Township 11 South, Range 20 E.B.M., making a total of eighty acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Twin Falls, Idaho, this 9th day of May, 1957

/s/ H. H. Fisher

Date of receipt at Office of Department of Reclamation May 14, 1957.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21648. 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/ Mark R. Kulp
State Reclamation Engineer

Recorded May 14, 1957.

ASSIGNMENT

For value received, we hereby assign all our right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21648 to THEODORE STURGILL of R. F. D. #1, Kimberly, Idaho.

/s/ H. H. Fisher
H. H. Fisher
Permit Holder

/s/ Louise A. Fisher
Louise A. Fisher
Wife of Permit Holder

STATE OF IDAHO,)
COUNTY OF TWIN FALLS,) SS.

On this 9th day of May, 1956, before me, a Notary Public for the State of Idaho, residing at Twin Falls, Idaho, personally appeared H. H. FISHER and LOUISE A. FISHER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

/s/ Edward H. Heap
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

My commission expires
Nov. 23, 1959

SEAL

Application for Amendment
Land List

Permit No. 21648

Comes now THEODORE STURGILL 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. 21648, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

135 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33; W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34; all in Township 11 South
Range 20 E. B. M., making a total of 135 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Twin Falls, Idaho, this 16 day of July, 1962.

s/ THEODORE STURGILL
Address: R. F. D. #1, Murtaugh, Idaho

Date of Receipt at office of Department of Reclamation : July 18, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 21648. 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/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Recorded: July 19, 1962

LICENSE ISSUED FOR 25 SEC. FT.

page 7341



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 23, 1996

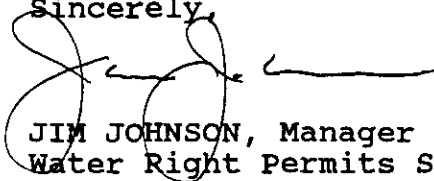
LARRY M ADAMS
KATHY S ADAMS
RT 1
MURTAUGH ID 83344

RE: Transfer of Water Right Nos. 45-02338/45-02384/45-04239
Claim Nos. A45-10104 and A45-12757

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4592). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
JAN 30 1996

DO NOT SCAN

TRANSFER REVIEW SHEET
(04-95)

Transfer # 4592

Date Reviewed 08-15-95
Q8

Right(s) 45-02338 A45-10104 }
45-02384 A45-12757 } SRBA B/U Claims
45-04239 _____

☒ Print Split Summary ☒ Run POU Comparison Report

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

Proof of Ownership Warranty Deed 9-18-90 + SRBA Claims Sturgill to Adams
Owners WY2534 + EX2EX Sec 33, T11S R20E
Consent to Transfer from Travelers rdvd 6-22-95

Transfer ☒ All of Right _____ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Right

Season/Vol. C/4.0

- (1) ☒ Priority (2) _____ Use (3) _____ Season (4) _____ Rate (5) _____ Volume
(6) ☒ Source (7) _____ P/D (8) _____ P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
Limit combined uses

(2) IRR only - Drop DOM from 45-02384

(3) Adjust/Identify standard season on all rts. 4-1 to 10-31

(4) Limit A45-10104 to .59 cfs when combined with 45-02338 / 4239 $\frac{2338, 2384 + 10104}{3.34 \text{ cfs}} =$

(5) $2338 + 10104 = 1.02 \text{ cfs} / 55 \text{ Acres} / 220 \text{ afa}$

$2338, 2384, 4239 + 10104 = 1.66 \text{ cfs} / 80 \text{ Acres} / 320 \text{ afa}$

$2384, 4239 + 10104 = 3.90 \text{ cfs} / 195 \text{ Acres} / 780 \text{ afa}$

$12757 = 1.7 \text{ cfs} / 85 \text{ Acres} / 340 \text{ afa}$ $4239 / 3.34 \text{ cfs}$

(7) Add/Combine all P/D > single system

(8) Combine P/U

GW Supplemental per application - No surface water rts appear in these sections
on POU overlap (2)

Combined Rts. Limits

Transfer Remarks TOTAL 415 Acres

P/P/U WB4

Conditions T01, R31, 028, T07, T08, T09

T17

Database/Processing Notes T Files All

1 Approval Document Copy "A" Claims to "X" prefix on AJ side when approved
Special Edit Headers - "Claim Nos." * rate/vol ** Acres + conditions (See Profile)

WR Reports File

Transfer Memo Complete ☒

MEMORANDUM

TO: FILE NOS. 45-02338, 45-02384, 45-04239, A45-10104 & A45-12757

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER NO. 4592

DATE: January 22, 1996

=====

Transfer No. 4592 was filed to change/add points of diversion and change the place of use under Water Right Nos. 45-02338, 45-02384 and 45-04239, and SRBA Claim Nos. A45-10104 and A45-12757. The applicant proposes to combine all the wells into a single system serving a permissible place of use of 419 total acres.

The application did not originally include the overlapping SRBA Claim No. A45-10104. After discussion and correspondence with staff, applicant and lawyers representing the applicants and the lienholder, the claim has been included in the approval. This right fully overlaps the originally advertised place of use and was added without readvertisement. No amendment fee was collected because of conflicting information provided to the applicant resulting the apparent oversight.

Irrigation season and diversion volume were adjusted to current standards. No overlapping surface water rights were found although the application notes commingling of groundwater and surface water in system. Review of these rights as developed find that they require specific combined limits and a total combined diversion rate of 8.30 cfs, total combined annual diversion volume of 1,660.0 af for irrigation of a combined total of 415.0 acres.

Recommended conditions include irrigation overlap, nonconfirmation of claims, combined limits, permissible place of use, multiple points of diversion/measuring devices, future annual reporting and standard transfer conditions.

12/22/1995
JAN 30 1996

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

December 19, 1995

RECEIVED

DEC 20 1995

Department of Water Resources

Pamela Skaggs
Department of Water
Resources
1301 North Orchard
Statehouse Mail
Boise, Idaho 83720-9000

RE: Transfer No. 4592
(Water Rights 45-02338/02384/04329 and 12757)

Dear Pamela:

Apparently in all of the work that Larry Adams was doing getting the water straightened out we neglected to respond to your August 29, 1995 letter. Larry desires to complete that transfer with the suggested change that you addressed and so whatever you can do to set that process in motion Larry would be glad to promptly accommodate it and upon receipt of your letter that you are going ahead I will have him send the \$50.00 fee and I will have him sign any papers necessary.

We apologize for not complying with your request but with Travelers, the water and the harvest it simply didn't get handled.

Very truly yours,


William A. Parsons

WAP:rt

RECORDED

JAN 30 1996

FAX COVER SHEET

DATE: Thursday, September 7, 1995

TIME: 11:34 am (Mountain Time)

PAGES (INCLUDING COVER): 6ORIGINAL TO FOLLOW: () Yes ☒ No

OUR FILE NUMBER: 3426-12

MATTER: Travelers - Mountain Meadows - Water Rights Follow-up

SEND TO FAX PHONE: 327-7866

TO:

Pamela Skaggs
Technical Records Specialist
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706
Office: 327-7943

MESSAGE:

As promised, here is a copy of the April 10, 1995 letter from Mel Schulte. I'll also include my letter of April 6, 1995.

-Chris Meyer

From:

CHRISTOPHER H. MEYER

GIVENS PURSLEY & HUNTLEY LLP

Suite 200, Park Place

277 North Sixth Street

Post Office Box 2720

Boise, Idaho 83701-2720

Telephone: (208) 342-6571

Direct Dial: (208) 388-1236

Fax: (208) 343-9492

If transmission is incomplete, call Marlene Campbell-Schilz at (208) 388-1233.

***** CONFIDENTIALITY NOTICE *****

THIS FACSIMILE MAY CONTAIN CONFIDENTIAL INFORMATION THAT IS PROTECTED BY THE ATTORNEY-CLIENT OR WORK PRODUCT PRIVILEGE. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) NAMED ABOVE. IF YOU ARE NOT A NAMED RECIPIENT OR AN EMPLOYEE RESPONSIBLE FOR DELIVERING THE FACSIMILE, YOU ARE INSTRUCTED NOT TO DELIVER, DISTRIBUTE OR COPY THIS FACSIMILE, NOR SHOULD YOU DISCLOSE ITS CONTENTS OR TAKE ANY ACTION IN RELIANCE ON THE INFORMATION IT CONTAINS. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE TO ARRANGE FOR THE RETURN OF THE TRANSMITTED DOCUMENTS TO US. [REDACTED]

JAN 30 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GovernorA. KEITH HIGGINSON
Director

April 10, 1995

Christopher H. Meyer
Attorney at Law
Givens Pursley & Huntley
Suite 200 Park Place
277 No. 6th Street
Boise ID 83701

RECEIVED

APR 11 1995

Givens, Pursley & Huntley

Dear Chris:

The draft copy of the Consent to Transfer form you provided with your April 6, 1995 letter will suffice. The only comment I have is delete the "A" prefix on all water right numbers. That prefix indicates a Snake River Basin Adjudication (SRBA) claim has been filed which is true of all of the rights associated with the Adam's transfer applications.

You are right, there are some rights and SRBA claims not associated with a transfer application at the present time. I'll try to explain why.

First, A45-10104 is a beneficial use claim that adds more water to acres covered by other rights. It is the department's policy to not use a beneficial use SRBA claim in a transfer application until an SRBA review of the claim has been made and a recommendation made to the court. It is very likely the validity of A45-10104 together with A45-10158 and A45-10164 will be confirmed by the SRBA. When they are, the SRBA recommendation will tie the rights together as we are now proposing by way of transfers for the other rights.

There is no reason or need to file a transfer application for 36-07378 and 36-02654. They have one diversion point, one system and the same place of use. There is nothing to change or tie together so a transfer application would not accomplish a thing.

Call me at 208-736-3033 if you have questions or need to discuss these matters in more detail.

Cordially,

A handwritten signature in cursive script that reads 'Mel Schulte'.

Mel Schulte
Sr. Water Rights Agent

CC: William A. Parsons

JAN 30 1996

FILE COPY

GARY G. ALLEN
JOSEPH M. SAIRD
CHRISTOPHER J. SEESON
MICHAEL C. CREAMER
ROY L. GOURCH
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L.W. GRANT, III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
KARL T. KLEIN
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'HORODAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 5TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

April 6, 1995

JUDITH K. HOLCOMBE
JAMES A. MCCLURE
OF COUNSEL

DAVID E. MADE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-8371

FACSIMILE
(208) 343-9482

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 386-1236

Mr. Mel Schulte
Senior Water Rights Agent
Southern Regional Office
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Matter: Travelers - Mountain Meadows - Water Rights Follow-up
Subject: Transfer Applications
Our file: 3426-12

Dear Mel:

Bill Parsons (the attorney for Larry and Kathy Adams) has asked me to obtain the consent of the lienholder, Travelers Insurance Company to the proposed transfers you have been working on. I am enclosing a draft consent form. If for any reason this is not what you need, please let me know. Otherwise, I will send this along to Travelers, and get a signed and notarized original to you.

By the way, I note that there are several water rights which the Adams identified as their water rights which are not part of the transfer package. Specifically:

<u>Water Right</u>	<u>cfs</u>	<u>Type</u>	<u>Owners/claimants</u>
No. A45-10104	1.25 cfs	Ben. use (ground)	T & H Sturgill
No. A45-10158	4.40 cfs	Ben. Use (ground)	GBK Farms
No. 45-02596	3.32 cfs	License (ground)	C Glenn / GBK Farms
No. A45-10164	2.78 cfs	Ben. Use (ground)	GBK Farms
No. 36-07378	2.72 cfs	License (ground)	Glen Munsee / K & L Adams
No. 36-02654	2.47 cfs	License (surface)	Glen Munsee / K & L Adams

JAN 30 1996

Mr. Mel Schulte
April 6, 1995
Page 2

Would you please let me know the reason that these rights were not included in a transfer package?

Thanks very much, Mel, for all your good work on this transfer project. We look forward to having it completed.

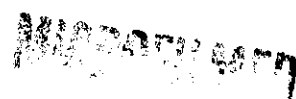
Sincerely,


Christopher H. Meyer

Enclosure

cc: William A. Parsons
Karen S. Micheli, Travelers

CHM:mac
S:\CLIENTS\32428\T2\CHM-SCHULLE1



JAN 30 1996

CONSENT TO TRANSFER

The Travelers Insurance Company ("Travelers") is a lienholder on certain real properties, including appurtenant water rights, owned by Larry M. and Kathy S. Adams, doing business as Mountain Meadows Ranch ("Borrower"). Travelers hereby consents to the transfer of certain of these rights, to wit:

<u>WATER RT.</u>	<u>CFS</u>	<u>PRIORITY DATE</u>	<u>STAGE</u>	<u>PLACE OF USE</u>	<u>SOURCE</u>
1. 4500498	3.40	10/21/08	DECREED	CASSIA	DRY CREEK
2. 4502234	1.60	08/11/47	LICENSE	TWIN FALLS	GROUNDWATER
3. 4502247	0.88	12/27/50	LICENSE	TWIN FALLS	GROUNDWATER
4. 4502338	1.25	08/08/50	LICENSE	TWIN FALLS	GROUNDWATER
9. 4502374	1.18	04/23/51	LICENSE	TWIN FALLS	GROUNDWATER
5. A4502380	2.04	06/05/51	LICENSE	CASSIA	GROUNDWATER
6. A4502381	4.14	06/05/51	LICENSE	CASSIA	GROUNDWATER
7. 4502384	1.42	06/18/51	LICENSE	TWIN FALLS	GROUNDWATER
8. 4502559	2.67	10/31/57	LICENSE	TWIN FALLS	GROUNDWATER
9. 4502581	1.27	06/09/59	LICENSE	TWIN FALLS	GROUNDWATER
10. A4502589	1.10	09/11/59	LICENSE	CASSIA	GROUNDWATER
11. 4502626	1.54	08/22/60	LICENSE	TWIN FALLS	GROUNDWATER
12. 4502826	0.72	12/27/48	LICENSE	TWIN FALLS	GROUNDWATER
13. 4504239	7.24	06/01/54	STATUTORY CLAIM	TWIN FALLS	GROUNDWATER
14. A4507201	5.72	11/18/74	LICENSE	CASSIA	GROUNDWATER

This consent is granted with the express understanding that these transfers involve changes in the place of use and point of diversion only, and that the purpose of the transfers is solely to facilitate the most efficient use of the water on the Borrower's property. Travelers specifically does not consent to any transfer of any water right owned by the Borrower to any lands not within Borrower's ranch, known as Mountain Meadow Ranch, or to any person or entity other than the Borrower.

Dated this _____ day of April, 1995

TRAVELERS INSURANCE COMPANY

By: _____
Its: _____

CONSENT TO TRANSFER
342912CONSENT.001

Page 1 of 2

JAN 30 1996

DRAFT

STATE OF CALIFORNIA)
) ss.
County of _____)

On this _____ day of April, in the year 1996, before me, a Notary Public in and for the State of California, personally appeared _____, known or identified to me to be the president, vice president, secretary or assistant secretary of The Travelers Insurance Company, the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for California

Residing at: _____

My commission expires: _____

JAN 30 1996

MEMORANDUM

TO: FILE/TRANSFER NO. 4592

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TELECONVERSATION

DATE: September 7, 1995

=====

Chris Meyer called today to check the status of Transfer No. 4592 in the name of Adams. He is the attorney acting for Travelers Insurance who is the lienholder on the Adam's property.

I explained that a SRBA beneficial use claim had not been included on the transfer application that overlaps the transfer place of use. I told him that it should be included or withdrawn before the transfer can be processed any further.

Chris told me that he had written Mel Schulte at the Southern Region office asking about rights that appeared to have been left out and received a letter in reply explaining. This letter was not included in the transfer file. Chris will fax a copy of the letter to me for review and to add to the file.

I have faxed a copy of the 08-29-95 letter sent to the Adams for his review. I will discuss the options and contact Chris again on Monday to resolve the issue.

RECEIVED
JAN 30 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 29, 1995

Larry M. &/or Kathy S. Adams
Rt. 1
Murtaugh, ID 83344

RE: Transfer No. 4592
Water Rights 45-02338/02384/04239 & 12757

Dear Mr. & Mrs. Adams:

I have attempted to contact Mr. Adams by telephone to discuss the above referenced transfer and perhaps save some time, but have not been able to reach him. I have recently reviewed Application for Transfer No. 4592 and found that you may want to amend your application.

When a transfer is filed to combine multiple rights developed over time that cover a common land base, all the rights on the property are evaluated. Each right is looked at to see what contribution it made to the irrigation of the entire land parcel as it was developed. This allows us to designate the value of each right within the system.

The transfer application did not include one of the rights that you claimed in the Snake River Basin Adjudication (SRBA), A45-10104. This right as claimed did not add any new acres to the system, but did supply 0.59 cfs additional water to 55 acres. While the statutory and beneficial use claims (45-04239, A45-10104 and A45-12757) are not confirmed by the transfer process, that evaluation will occur through the adjudication process, the transfer should reflect what their actual value to the system appears to be should they be recommended to the court.

Evaluation of all the combined rights as developed finds that the rights provide 0.02 cfs for 415 total acres. Without Claim No. A45-10104 the rate of diversion would be slightly less, reducing the rate per acre to 0.018 cfs/acre. The final recommendation would include the specific limits or value of each right within the combined system.

Since Claim No. A45-10104 was not included on the application or advertised, the application should be amended to include the claim and be readvertised. This will take a little more time and a \$50.00 amendment fee would be required to cover readvertisement.

RECEIVED

JAN 30 1996

If you disagree with the inclusion of the claim, the claim will have to be withdrawn prior to approval of the transfer. By withdrawing the claim, you would remove the right from your property and the transfer could be approved with the remaining rights.

Please respond with either a letter requesting the amendment of the application to include SRBA Claim No. A45-10104 and a \$50.00 fee, or a letter requesting that SRBA Claim No. A45-10104 be withdrawn, within 10 days of receipt of this letter in order to avoid any further delay in processing. I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,



PAMELA SKAGGS
Water Resource Agent

JAN 30 1996

T # 4592

[illegible]

JAN 30 1996

Well ID	Year	Flow Rate (cfs)	Acres Irrigated	Unique Acres	Rate (cfs/acre)	Total cfs
45-02338	(1950)	1.25	135	135	.009	1.25
45-02384	(1951)	1.42	275	195	.005	1.42
45-04239	(1954)	7.24	275	8	.026	3.34
A45-10104	(1954)	1.25	135	0	.009	.59
A45-12757	(1959)	1.70	85	85	.02	1.70
		<u>12.86</u>	<u>(415 Unique Acres)</u>		<u>.0185</u>	<u>8.30</u>

FROM: Allen Merritt

DATE: June 27, 1995

TO: Transfer File #4592

SUBJECT: Review and Recommendation

Based on Jim's 4/5/95 memo I have reviewed the 7/14/87 NAPP photo and landsat data contained in MP6. I also contacted this day Tamera at the CFSA(ASCS) office for Cassia Co. and found no CRP land of record for Section 34, Twp.11S, Rge.20E, B.M. In discussing the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 she indicated it is NC or not cropped but could include pasture. Review of the NAPP and Landsat tends to support irrigation in that tract. I think it premature to take away acres at this point.

RECOMMENDATION:

I recommend that the transfer be approved with measuring device conditions and subject to future SRBA review.

JAN 30 1996

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L. W. GRANT, III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
KARL T. KLEIN
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

June 21, 1995

RECEIVED

JUN 22 1995

Department of Water Resources
Southern Region

JUDITH K. HOLCOMBE
JAMES A. MCCLURE
OF COUNSEL

DAVID E. MABE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 388-1236

Mr. Mel Schulte
Senior Water Rights Agent
Southern Regional Office
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Matter: Travelers - Mountain Meadows - Water Rights Follow-up
Subject: Consent to Transfer
Our file: 3426-12

Dear Mel:

Please find enclosed the original Consent to Transfer signed by the
lienholder, Travelers Insurance Company.

If you need anything further, please feel free to contact me.

Sincerely,


Christopher H. Meyer

Enclosure

CHM:mac

S:\CLIENTS\3426\12\CHM\CORR\SCHULTE.L02

JAN 30 1996

CONSENT TO TRANSFER

The Travelers Insurance Company ("Travelers") is a lienholder on certain real properties, which include appurtenant water rights, owned by Larry M. and Kathy S. Adams, doing business as Mountain Meadows Ranch ("Borrower"). Travelers hereby consents to the transfer of certain of these rights, to wit:

	<u>WATER RT.</u>	<u>CFS</u>	<u>PRIORITY DATE</u>	<u>STAGE</u>	<u>PLACE OF USE</u>	<u>SOURCE</u>
1.	4500498	3.40	10/21/08	DECREED	CASSIA	DRY CREEK
2.	4502234	1.60	08/11/47	LICENSE	TWIN FALLS	GROUNDWATER
3.	4502247	0.88	12/27/50	LICENSE	TWIN FALLS	GROUNDWATER
4.	4502338	1.25	08/08/50	LICENSE	TWIN FALLS	GROUNDWATER
9.	4502374	1.18	04/23/51	LICENSE	TWIN FALLS	GROUNDWATER
5.	4502380	2.04	06/05/51	LICENSE	CASSIA	GROUNDWATER
6.	4502381	4.14	06/05/51	LICENSE	CASSIA	GROUNDWATER
7.	4502384	1.42	06/18/51	LICENSE	TWIN FALLS	GROUNDWATER
8.	4502559	2.67	10/31/57	LICENSE	TWIN FALLS	GROUNDWATER
9.	4502581	1.27	06/09/59	LICENSE	TWIN FALLS	GROUNDWATER
10.	4502589	1.10	09/11/59	LICENSE	CASSIA	GROUNDWATER
11.	4502626	1.54	08/22/60	LICENSE	TWIN FALLS	GROUNDWATER
12.	4502826	0.72	12/27/48	LICENSE	TWIN FALLS	GROUNDWATER
13.	4504239	7.24	06/01/54	STATUTORY CLAIM	TWIN FALLS	GROUNDWATER
14.	4507201	5.72	11/18/74	LICENSE	CASSIA	GROUNDWATER

This consent is granted with the express understanding that these transfers involve changes in the place of use and point of diversion only, and that the purpose of the transfers is solely to facilitate the most efficient use of the water on the Borrower's property. Travelers specifically does not consent to any transfer of any water right owned by the Borrower to any lands not within Borrower's ranch, known as Mountain Meadow Ranch, or to any person or entity other than the Borrower.

RECEIVED

JUN 22 1995

Department of Water Resources
Southern Region

Dated this 16th day of June, 1995

TRAVELERS INSURANCE COMPANY

By: David E. Dunlop
Its: Vice President

STATE OF CALIFORNIA)
) ss.
County of Fresno)

On this 16th day of June, in the year 1995, before me, a Notary Public in and for the State of California, personally appeared David E. Ownlap, known or identified to me to be the president, vice president, secretary or assistant secretary of The Travelers Insurance Company, the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Karen Micheli

Notary Public for California

Residing at: _____

My commission expires: _____

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT NOS. 45-02338,
A45-04239, 45-02384,
A45-12757

Notice is hereby given that
LARRY M. &/OR
KATHY S. ADAMS, RT
1; MURTAUGH ID 83344
have applied to the
Department of Water
Resources to change the
following described water
right(s) pursuant to
Section 42-222 of IDAHO
CODE and further
described as Transfer No.
4592.

The purpose of this
application is to change
the Point of Diversion,
add Diversion point(s),
change the place of use
and create a permissible
place of use.

WATER RIGHTS AS
RECORDED:

Water Right No. 45-02338
Basis: License

Date of Priority: 8/8/1950
Amount: 1.25 cfs

Source: groundwater
Underground & domestic

Point of Diversion:
NE1/4NE1/4, S33, T11S,

R20E; Twin Falls County.

Place of Use: 135 acres
within E1/2NE1/4, S33,

T11S, R20E; W1/2NW1/4,
S34, T11S, R20E.

Transfer No. 45-02384
Basis: License

Date of Priority: 6/18/1951
Amount: 1.42 cfs

Source: groundwater
Underground & domestic

Point of Diversion:
NE1/4NW1/4,

SE1/4NW1/4,

SW1/4SW1/4, S34, T11S,

R20E; Twin Falls County.

Place of Use: 275 acres
within NE1/4,

SW1/4NW1/4,
SE1/4NW1/4,

SW1/4SW1/4,
S34, T11S, R20E.

Transfer No. 45-02338
Basis: License

Date of Priority: 6/1/1954
Amount: 7.24 cfs

Source: groundwater
Underground & domestic

Point of Diversion:
NW1/4NE1/4NW1/4,

NW1/4NE1/4SW1/4,

SW1/4SW1/4SW1/4, S34,

T11S, R20E; Twin Falls
County.

Place of Use: 275 acres
within NW1/4, N1/2SW1/4,

SE1/4SW1/4, S34, T11S,

R20E.

Transfer No. 45-12757
Basis: License

Date of Priority: 4/3/1959
Amount: 2.7 cfs

Source: groundwater
Underground & domestic

Point of Diversion:
SE1/4NE1/4NE1/4, S33,

T11S, R20E; Twin Falls
County.

Place of Use: 85 acres
within E1/2SE1/4, S33,

T11S, R20E; SW1/4SW1/4,
S34, T11S, R20E.

Transfer No. 45-02338
Basis: License

Date of Priority: 8/8/1950
Amount: 1.25 cfs

Source: groundwater
Underground & domestic

Point of Diversion:
NE1/4NE1/4NW1/4,

NW1/4NE1/4SW1/4, S34,

T11S, R20E; Twin Falls
County in the total amount

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 27048

Shirley Capps McSwain being first duly sworn upon oath, depose
and say that I am Shirley Capps McSwain of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for Two consecutive weeks,
commencing with the issue dated April 27, 19 95,
and ending with the issue dated May 4, 19 95.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
Monday, both of which newspapers prior to consolidation had been published under said names in said city and county
continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
newspaper began daily publication under said name in said city and county continuously and uninterruptedly.
I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 31 day of May in the year of 1995, before me,
a Notary Public, personally appeared Shirley Capps McSwain,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

OK
mb
6/5/95

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT NOS. 45-02338,
A45-04239, 45-02384,
A45-12757

Notice is hereby given that
LARRY M. &/OR
KATHY S. ADAMS, RT
1; MURTAUGH ID 83344
have applied to the
Department of Water
Resources to change the
following described water
right(s) pursuant to
Section 42-222 of IDAHO
CODE and further
described as Transfer No.
4592.

The purpose of this
application is to change
the Point of Diversion,
add Diversion point(s),
change the place of use
and create a permissible
place of use.

WATER RIGHTS AS
RECORDED:

Water Right No. 45-02338
Basis: License

Date of Priority: 8/8/1950
Amount: 1.25 cfs

Source: groundwater
Use: irrigation & domestic

Point of Diversion:
NE1/4NE1/4, S33, T11S,

R20E; Twin Falls County.

Place of Use: 135 acres
within E1/2NE1/4, S33,

T11S, R20E; W1/2NW1/4,
S34, T11S, R20E.

Water Right No. 45-02384
Basis: License

Date of Priority: 6/18/1951
Amount: 1.42 cfs

Source: groundwater
Use: irrigation & domestic

Point of Diversion:
NE1/4NW1/4,

SE1/4NW1/4,

SW1/4SW1/4, S34, T11S,

R20E; Twin Falls County.

Place of Use: 275 acres
within NW1/4,

N1/2SW1/4, SE1/4SW1/4,
S34, T11S, R20E.

CLAIMS FILED IN
SNAKE RIVER BASIN
ADJUDICATION:

No. A45-04239
Name: Larry M. &/or
Kathy S. Adams

~~Water Right No. 45-02338~~
Date of Priority: 6/1/1954

Amount: 7.24 cfs
Source: groundwater

Use: irrigation 4/1-11/1
Point of Diversion:

NW1/4NE1/4NW1/4,
NW1/4NE1/4SW1/4,

SW1/4SW1/4SW1/4, S34,
T11S, R20E; Twin Falls

County.

Place of Use: 275 acres
within NW1/4, N1/2SW1/4,

SE1/4SW1/4, S34, T11S,
R20E.

No. A45-12757
Name: Larry M. &/or
Kathy S. Adams

Basis: Beneficial Use
Date of Priority: 4/1/1959

Amount: 1.7 cfs
Source: groundwater

Use: irrigation 3/15-11/15
Point of Diversion:

SE1/4NE1/4NE1/4, S33,
T11S, R20E; Twin Falls

County.

Place of Use: 85 acres
within E1/2SE1/4, S33,

T11S, R20E; SW1/4SW1/4,
S34, T11S, R20E.

TO BE CHANGED AS
FOLLOWS: Points of
diversion within

SE1/4NE1/4NE1/4, S33,
T11S, R20E;

NE1/4NE1/4NW1/4,
NW1/4NE1/4SW1/4, S34,

T11S, R20E; Twin Falls
County in the total amount

of 9.91 cfs being transferred
to be used for irrigation of

419 acres within

E1/2NE1/4, E1/2SE1/4, S33,
T11S, R20E; NW1/4,

SW1/4, S34, T11S, R20E.

Any protest against
approval of the proposed
change of water right
application must be filed
with the Department of
Water Resources, Southern
Region, 222 Shoshone Street
East, Twin Falls, ID 83301
together with a protest fee
of \$25.00 on or before May
15, 1995. The protestant
must also send a copy of the
protest to the applicant.

R. Keith Higginson, Director

Published in the Times

7 & 5/4/95.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

No 27048

Shirley Capps McBurnie being first duly sworn upon oath, depose
and say that I am Shirley Capps McBurnie of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for Two consecutive Weeks,

commencing with the issue dated April 27, 19 95,

and ending with the issue dated May 4, 19 95.

I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
Monday, both of which newspapers prior to consolidation had been published under said names in said city and county
continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notice will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 31 day of May in the year of 1995, before me,

a Notary Public, personally appeared Shirley Capps McBurnie,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley C. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

OK
MB
6/5/95

CEIVED

JUN 05 1995

Department of Water Resources

Southern Region

JAN 30 1996

Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4592.

The purpose of this application is to change the Point of Diversion, add Diversion point(s), change the place of use and create a permissible place of use.

WATER RIGHTS AS RECORDED:

Water Right No. 45-02338
Basis: License

Date of Priority: 8/8/1950
Amount: 1.25 cfs

Source: groundwater
Use: irrigation & domestic

Point of Diversion:
NE1/4NE1/4, S33, T11S,

R20E; Twin Falls County.
Place of Use: 135 acres

within E1/2NE1/4, S33,
T11S, R20E; W1/2NW1/4,

S34, T11S, R20E.
Water Right No. 45-02384

Basis: License
Date of Priority: 6/18/1951

Amount: 1.42 cfs
Source: groundwater

Use: irrigation & domestic
Point of Diversion:

NE1/4NW1/4,
SE1/4NW1/4,

SW1/4SW1/4, S34, T11S,
R20E; Twin Falls County.

Place of Use: 275 acres
within NW1/4,

N1/2SW1/4, SE1/4SW1/4,
S34, T11S, R20E.

**CLAIMS FILED IN
SNAKE RIVER BASIN
ADJUDICATION:**

No. A45-04239
Name: Larry M. &/or

Kathy S. Adams
~~State Secretary Claim~~

Date of Priority: 6/1/1954
Amount: 7.24 cfs

Source: groundwater
Use: irrigation 4/1-11/1

Point of Diversion:
NW1/4NE1/4NW1/4,

NW1/4NE1/4SW1/4,
SW1/4SW1/4SW1/4, S34,

T11S, R20E; Twin Falls
County.

Place of Use: 275 acres
within NW1/4, N1/2SW1/4,

SE1/4SW1/4, S34, T11S,
R20E.

No. A45-12757
Name: Larry M. &/or

Kathy S. Adams
Basis: Beneficial Use

Date of Priority: 4/1/1959
Amount: 1.7 cfs

Source: groundwater
Use: irrigation 3/15-11/15

Point of Diversion:
SE1/4NE1/4NE1/4, S33,

T11S, R20E; Twin Falls
County.

Place of Use: 85 acres
within E1/2SE1/4, S33,

T11S, R20E; SW1/4SW1/4,
S34, T11S, R20E.

**TO BE CHANGED AS
FOLLOWS:** Points of

diversion within
SE1/4NE1/4NE1/4, S33,

T11S, R20E;
NE1/4NE1/4NW1/4,

NW1/4NE1/4SW1/4, S34,
T11S, R20E; Twin Falls

County in the total amount
of 9.91 cfs being transferred

to be used for irrigation of
419 acres within

E1/2NE1/4, E1/2SE1/4, S33,
T11S, R20E; NW1/4,

SW1/4, S34, T11S, R20E.
Any protest against

approval of the proposed
change of water right

application must be filed
with the Department of

Water Resources, Southern
Region, 222 Shoshone Street

East, Twin Falls, ID 83301
together with a protest fee

of \$25.00 on or before May
15, 1995. The protestant

must also send a copy of the
protest to the applicant.

R. Keith Higginson, Director

Published in the Times
News on 4/27 & 5/4/95.

published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for Two consecutive Weeks,

commencing with the issue dated April 27, 19 95,

and ending with the issue dated May 4, 19 95.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

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STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 31 day of May in the year of 1995, before me,

a Notary Public, personally appeared Ronda Capps McSwain, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho. 5/19/2000

My commission expires: 5/19/2000

OK MB 5/19/95

RECEIVED
JUN 05 1995
Department of Water Resources
Southern Region

RETURN POSTAGE GUARANTEED

THE TIMES NEWS LEGAL
132 3RD AVE W
TWIN FALLS, ID 83303

04/27/95

RECEIVED

JUN 05 1995

Department of Water Resources
CLASSIFIED ADVERTISING INVOICE

RETURN THIS PORTION WITH YOUR REMITTANCE

INVOICE NO.		CLASS		BILLING DATE	
6857		0050		05/05/95	
INDEXING TERM					
45-2238, etc. T# 4592					
START DATE		TELEPHONE NO.		ORDER NO.	
04/27/95		736-3033		6857	
LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT	
1	2	LGL	0.00		
FLAT CHARGE			106.04		
PAY THIS AMOUNT			106.04	106.04	

106.04 106.04
AD # 6857

DEPT WATER RESOURCES
222 SHOSHONE EAST
TWIN FALLS
ID 83301

GROSS DUE AFTER PAYMENT OPTION 05/05/95

JAN 30 1996

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT NOS. 45-02338,
A45-04239, 45-02384,
A45-12757**

Notice is hereby given that
LARRY M. &/OR
KATHY S. ADAMS, RT
1; MURTAUGH ID 83344
have applied to the
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Resources to change the
following described water
right(s) pursuant to
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CODE and further
described as Transfer No.
4592.

The purpose of this
application is to change
the Point of Diversion,
add Diversion point(s),
change the place of use
and create a permissible
place of use.

**WATER RIGHTS AS
RECORDED:**

Water Right No. 45-02338

Basis: License

Date of Priority: 8/8/1950

Amount: 1.25 cfs

Source: groundwater

Use: irrigation & domestic

Point of Diversion:

NE1/4NE1/4, S33, T11S,
R20E; Twin Falls County.

Place of Use: 135 acres
within E1/2NE1/4, S33,
T11S, R20E; W1/2NW1/4,
S34, T11S, R20E.

Water Right No. 45-02384

Basis: License

Date of Priority: 6/18/1951

Amount: 1.42 cfs

Source: groundwater

Use: irrigation & domestic

Point of Diversion:

N E 1 / 4 N W 1 / 4 ,
S E 1 / 4 N W 1 / 4 ,
SW1/4SW1/4, S34, T11S,
R20E; Twin Falls County.

Place of Use: 275 acres
within N W 1 / 4 ,
N1/2SW1/4, SE1/4SW1/4,
S34, T11S, R20E.

**CLAIMS FILED IN
SNAKE RIVER BASIN
ADJUDICATION:**

No. A45-04239

Name: Larry M. &/or
Kathy S. Adams

Basis: Statutory Claim

Date of Priority: 6/1/1954

Amount: 7.24 cfs

Source: groundwater

Use: irrigation 4/1-11/1

Point of Diversion:

NW1/4NE1/4NW1/4,
NW1/4NE1/4SW1/4,
SW1/4SW1/4SW1/4, S34,
T11S, R20E; Twin Falls
County.

Place of Use: 275 acres
within NW1/4, N1/2SW1/4,
SE1/4SW1/4, S34, T11S,
R20E.

No. A45-12757

Name: Larry M. &/or
Kathy S. Adams

Basis: Beneficial Use

Date of Priority: 4/1/1959

Amount: 1.7 cfs

Source: groundwater

Use: irrigation 3/15-11/15

Point of Diversion:

SE1/4NE1/4NE1/4, S33,
T11S, R20E; Twin Falls
County.

Place of Use: 85 acres
within E1/2SE1/4, S33,
T11S, R20E; SW1/4SW1/4,
S34, T11S, R20E.

**TO BE CHANGED AS
FOLLOWS: Points of**

diversion within
SE1/4NE1/4NE1/4, S33,
T 1 1 S , R 2 0 E ;

NE1/4NE1/4NW1/4,
NW1/4NE1/4SW1/4, S34,

T11S, R20E; Twin Falls

County in the total amount

of 9.91 cfs being transferred

to be used for irrigation of

419 acres within

E1/2NE1/4, E1/2SE1/4, S33,

T11S, R20E; NW1/4,

SW1/4, S34, T11S, R20E.

Any protest against
approval of the proposed
change of water right
application must be filed
with the Department of
Water Resources, Southern
Region, 222 Shoshone Street
East, Twin Falls, ID 83301
together with a protest fee
of \$25.00 on or before May
15, 1995. The protestant
must also send a copy of the
protest to the applicant.

R. Keith Higginson, Director

Published in the Times
News on 4/27 & 5/4/95.

RECEIVED

JAN 30 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDERSON
Governor

April 13, 1995

R. KEITH HIGGINSON
Director

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

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

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

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

JAN 30 1996

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 45-02338, A45-04239,
45-02384, A45-12757

Notice is hereby given that LARRY M. &/OR KATHY S. ADAMS, RT 1; MURTAUGH ID 83344 have applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4592.

The purpose of this application is to change the Point of Diversion, add Diversion point(s), change the place of use and create a permissible place of use.

WATER RIGHTS AS RECORDED:

Water Right No. 45-02338

Basis: License

Date of Priority: 8/8/1950

Amount: 1.25 cfs

Source: groundwater

Use: irrigation & domestic

Point of Diversion: NE1/4NE1/4, S33, T11S, R20E; Twin Falls County.

Place of Use: 135 acres within E1/2NE1/4, S33, T11S, R20E;
W1/2NW1/4, S34, T11S, R20E.

Water Right No. 45-02384

Basis: License

Date of Priority: 6/18/1951

Amount: 1.42 cfs

Source: groundwater

Use: irrigation & domestic

Point of Diversion: NE1/4NW1/4, SE1/4NW1/4, SW1/4SW1/4, S34, T11S, R20E; Twin Falls County.

Place of Use: 275 acres within NW1/4, N1/2SW1/4, SE1/4SW1/4, S34, T11S, R20E.

CLAIMS FILED IN SNAKE RIVER BASIN ADJUDICATION:

No. A45-04239

Name: Larry M. &/or Kathy S. Adams

Basis: Statutory Claim

Date of Priority: 6/1/1954

Amount: 7.24 cfs

Source: groundwater

Use: irrigation 4/1-11/1

Point of Diversion: NW1/4NE1/4NW1/4, NW1/4NE1/4SW1/4, SW1/4SW1/4SW1/4, S34, T11S, R20E; Twin Falls County.

Place of Use: 275 acres within NW1/4, N1/2SW1/4, SE1/4SW1/4, S34, T11S, R20E.

No. A45-12757

Name: Larry M. &/or Kathy S. Adams

TR-4592, ADAMS

Page 1

1120 1996

Basis: Beneficial Use
Date of Priority: 4/1/1959
Amount: 1.7 cfs
Source: groundwater
Use: irrigation 3/15-11/15
Point of Diversion: SE1/4NE1/4NE1/4, S33, T11S, R20E; Twin Falls County.
Place of Use: 85 acres within E1/2SE1/4, S33, T11S, R20E; SW1/4SW1/4, S34, T11S, R20E.

TO BE CHANGED AS FOLLOWS: Points of diversion within SE1/4NE1/4NE1/4, S33, T11S, R20E; NE1/4NE1/4NW1/4, NW1/4NE1/4SW1/4, S34, T11S, R20E; Twin Falls County in the total amount of 9.91 cfs being transferred to be used for irrigation of 419 acres within E1/2NE1/4, E1/2SE1/4, S33, T11S, R20E; NW1/4, SW1/4, S34, T11S, R20E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 15, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in the Times News on 4/27 & 5/4/95.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor PHIL BATT

April 13, 1995

R. KEITH HIGGINSON
Director

LARRY M &/OR KATHY S ADAMS
RT 1
MURTAUGH ID 83344

Re: Application for Transfer No. 4592 (45-02338, A45-04239, 45-02384, A45-12757)

Dear Applicants:

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

This office has scheduled advertising the application in the Times News for 4/27 and 5/4/95. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

JAN 30 1996

TO: File

DATE: April 5, 1995

FROM: Jim Stanton

SUBJECT: Larry Adams Transfer App. 45-02338 etc.

I have visited this property in order to verify the points of diversion and place of use. While the original app. showed an irrigation well in the SW/SW Sec. 34, there is no such well there and Mr. Adams does not plan to drill one there. With his permission, I removed this location from the transfer. The other wells are as stated on the application.

With regard to the P/U, I found 399 irrigated acres instead of the 419 shown on the transfer. The main difference is in the SW/SW Sec. 34; the aerial photo shows about 6 acres irrigated, and my site visits confirmed this. The transfer appears to be approvable except for this expansion. The P/U should be limited to 399 acres to avoid an expansion of the present use. I discussed this with Mr. Adams, but he chose to proceed with the 419 acres as originally shown.

RECEIVED

JAN 30 1996

T # 459

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated ~~2,400.5~~
399

RECEIVED
JAN 30 1996

T # 4592

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

February 17, 1995

RECEIVED

FEB 21 1995

Department of Water Resources
Southern Region

Christopher H. Meyer
Givens, Pursley & Huntley
Box 2720
Boise, Idaho 83701

RE: Larry Adams - Travelers

Dear Chris:

I am enclosing a letter from Mel Schulte together with the first pages of some transfer applications and asked that you comply with the first paragraph in that you give a Travelers consent to the transfers as evidenced by the first pages.

It is now near the end of the month and we need to address the issues of the extension that we have previously talked about.

Very truly yours,


William A. Parsons

WAP:rt

cc: Larry Adams
Mel Schulte

JAN 30 1996

T #4592



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 16, 1995

William Parsons
Attorney at Law
P O Box 910
Burley, ID 83318

Dear Bill:

Larry Adams was in my office today to execute five transfer applications. He requested I solicit your assistance on his behalf to obtain approval of the proposed transfers from his mortgagee. Any time the land underlying a water right is subject to liens or mortgages and we are changing a major component by transfer, we require a notarized statement of approval from the lien holders.

Enclosed is the front page of each application which summarizes what each one proposes to accomplish. Larry has a complete copy of each transfer if you need to see them or call me at 736-3033 if you need additional information.

It appears Larry will file one more beneficial use adjudication claim for some land that he knows Mr Sturgill has historically used groundwater on. Larry indicated he has surface water for the land but would like to have a groundwater right on it also.

Please obtain a notarized statement of approval from the Adam's lienholder and have it sent to my attention at the address above.

Cordially,

Mel Schulte
Sr. Water Rights Agent

RECEIVED
FEB 17 1995
SOUTHERN REGION

T # 4592

July 19, 1962

Re: Permit No. 21648

Theodore Sturgill
Route #1
Murtaugh, Idaho

Dear Mr. Sturgill:

Enclosed is the Application for Amendment to the
Land List which has been recorded, and License and Certificate of
Water Right issued on Permit No. 21648.

Also enclosed is departmental receipt No. 31115
in the amount of \$9.00, being \$1.00 for recording fee for amend-
ment and \$8.00 for license fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RPR:ew

Enc. amendment
license
receipt

21648

ROBERT W. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

July 16, 1962

RECEIVED
JUL 18 1962

Department of Reclamation

HONORABLE GEORGE N. CARTER
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Carter:

Re: Permit No. 21648
Theodore Sturgill
R.F.D. 1
Murtaugh, Idaho

At the request of Mr. Sturgill we are enclosing herewith Application for Amendment to Land List on above numbered Permit showing land to be irrigated as E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 33 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34, all in Township 11 South, Range 20 E.B.M., together with his check for \$9.00 to cover statutory fee of \$8.00 for License plus \$1.00 fee for amendment.

Please send the License direct to Mr. Sturgill.

Thanking you, I am

Very truly yours,

Robert W. Stephan
Robert W. Stephan

RWS:D
Enc.2

21648

Application for Amendment

LAND LIST

Permit No. 21648

Department of Reclamation

JUL 18 1962

Comes now THEODORE STURGILL, 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. 21648, and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

135 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 33; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34;

all in Township 11 South, Range 20 E. B. M.

_____, making a total of 135 acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at Twin Falls, Idaho this 16 day of July, 1962

Theodore Sturgill
Address: R.F.D. 1, Murtaugh,
Idaho

Date of receipt at office of Department of Reclamation July 18, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy
I, ~~THEODORE STURGILL~~, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to Appropriate the Public
Waters of the State of Idaho, No. 21648. 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.

Recorded in Book 77
of Permits, Page 21648
July 19, 1962

Ralph W. Thomas
Deputy
State Reclamation Engineer

21648

July 3, 1962

Re: Permit No. 21648

Theodore Sturgill
Rt 1
Murtaugh, Idaho

Dear Mr. Sturgill:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 21648 shows the well is capable of conveying 62.5 miner's inches, or 1.25 c.f.s. of water for the irrigation of 135 acres.

Upon receipt of the statutory fee of \$ 8.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of August 8, 1950 to the use of 1.25 second feet of ~~surface~~ subterranean water with the point of diversion in the NE¹/₄ Sec. 33 for domestic use and irrigation of 135 acres in the E¹/₂ Sec. 33; W¹/₂ NW¹/₄ Sec. 34, T. 11 S., R. 20 E., B.M.

Since your permit does not include the W¹/₂ NW¹/₄ Sec. 34 it will be necessary to amend the Land List on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, and the License and Certificate of Water Right will be issued as shown above.

If you do not want the extra Land included, the statutory fees will total \$4.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
receipt

21648

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21648

Theodore Sturgill
R. F. D. #1, Murtaugh, Ida.

REPORT ON PROOF OF Beneficial Use

3 Rev 4 min 14 Sec

$\frac{60}{240}$
 $\frac{10}{10}$
254 1300

$1.18 \times 106 = 1.25 \text{ cfs} \approx 62 \frac{1}{2} \text{ in}$

R-20E.

T.
H.
S.

32

70

1967

65

6-22530

33

135

Well
Harry Dial
Don't believe fitted on

RD

30

40

40

gump

Buried Pipe

34

Dry
Well
Not used for 2 years

TO ARTESIAN CITY

6-21520

6-26200

Subdivisions

4

AREA

135

Q

1.25 cfs. or 62 1/2 inches

1.55
1.6
1.55
1.2
1.0
1.5
1.60

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 21648

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Theodore Sturgill, Route #1, Murtaugh, Idaho

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the NE¹/₄NE¹/₄ of Section 33

T. 11 S. R. 20 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: 50 HP F-111
Motor # F146487, Layne Bowler Pump #17094, 6" discharge
to open ditch to South - 6" x 125' buried steel pipe to East,
into open ditch to East.

5. Water is used for: irrigation and domestic

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):

E¹/₂NE¹/₄, Sec. 33, T. 11 S., R. 20 E., B. M.

Ancient land list to include W¹/₂ NW¹/₄, Sec 34, 11S, 20E

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

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

Remarks: Mr. T. Sturgill along

Measured with Spouting Meter (3 Rev 4 min, 14 sec)

This examination was made on the 27th day of June, 1962

(Signed)

Layne Johnson

Examiner.

21648

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 3 1962

Department of Reclamation

DD Theordre Sturgill
Rt. # 1
Murtaugh, Ida.
Permit No. 21648

Examination for Beneficial Use

County Twin Falls

Sec. 33 T. 11S R. 20E

Quantity: 1.6 a.f.s.

Source: Well

P.D.: NENE, Sec. 33, T. 11 S. - R. 20 E. B.M.

Use: Irrigation & Domestic

Filed: Aug. 8, 1950

Due: Aug. 11, 1961

Extension:

Completion of Works: 8-15-55

Other Rights: none

July 27, 1961

Re: Permit No. 21648

Theodore Sturgill
Murtough, Idaho

Dear Mr. Sturgill:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Times News, all submitted in proof of completion of works and beneficial use on Permit No.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Robert W. Stephan
Attorney at Law
P. O. Box 1127, Twin Falls
Idaho

21648

ROBERT W. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

July 26, 1941

RECEIVED
JUL 27 1941

Department of Reclamation

HONORABLE GEO. N. CARTER
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Carter:

Re: Permit No. 21648
Theodore Sturgill

We had the proof of beneficial use this afternoon pursuant to notice in the above matter and I am now enclosing herewith:

Affidavit of Publication of Notice;
Affidavit of holder, Theodore Sturgill;
Affidavit of witness, Thurman A. Willis;
Affidavit of Eugene Sturgill, witness.

Would you please advise whether you expect to have an inspector from your office view the well and premises during this irrigation season, so that we may have Mr. Sturgill available if needed.

Please note also that Mr. Sturgill's address is now Murtaugh, Idaho.

Very truly yours,

Dorothy F. Dolling

Dorothy F. Dolling
Secretary to Mr.
Stephan and Notary Public

DD:S
Enc.4

21648

Affidavit of Publication

N^o 8886
JUL 24 1961

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

I, Mable F. Clark, Deputy, being first duly sworn upon

oath depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for four

consecutive Thursday, commencing with the issue dated

June 22, 1961, and ending with the issue dated

July 13, 1961.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this 26th day of

July, 1961.

W. H. H. H.
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

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

Notice is hereby given that at one o'clock P. M. on the 26th day of July, 1961 at Room 4, Bank & Trust Co., Twin Falls, County of Twin Falls, State of Idaho, before Dorothy F. Dollins, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of subterranean flow from well in accordance with the terms and conditions of Permit No. 21648 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: Theodore Sturgis, RFD 1, Kimberly, Idaho.

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

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used, give full and accurate legal description: 40 acres of NE1/4NE1/4 and 40 acres of SE1/4NE1/4 of Section 58, Township 11 South, Range 20 E.E.M., Twin Falls County, Idaho.

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

The right to take water from such works is based upon Permit No. 21648.

The source of supply from which such water is diverted is well.

Point of diversion (legal description) 15 feet north from the South line and 50 feet west from the East line of NE1/4NE1/4 Sec. 32, Twp. 11 S., Rge. 20 E.E.M.

The date of priority which said user prepared to establish is August 8, 1951.

GEO. N. CARTER
State Reclamation Engineer
Twin Falls, Idaho, July 6, 12, 1961

21648

Affidavit of Publication

N^o 8886

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

Notice is hereby given that at one o'clock P. M. on the 26th day of July, 1961, at Room 4, Bank & Trust Co. Bldg., Twin Falls, County of Twin Falls, State of Idaho, before Dorothy F. Dolling, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of subterranean flow from well in accordance with the terms and conditions of Permit No. 21648 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: Theodore Sturzh, RFD 1, Kimberly, Idaho.

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

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used, give full and accurate legal description: 40 acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E.B.M., Twin Falls County, Idaho.

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

The right to take water from such works is based upon Permit No. 21648.

The source of supply from which such water is diverted is well.

Point of diversion (legal description) 35 feet north from the South line and 90 feet west from the East line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, Twp. 11 S., Rge. 20 E.B.M.

The date of priority which said user is prepared to establish is August 8, 1960.

GEO. N. CARTER
State Reclamation Engineer
Publish: June 22, 29, July 6, 13, 1961

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

I, Mable F. Clark, being first duly sworn upon

oath depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and

entire issue of said newspaper, and not in any supplement thereof, for four

consecutive Thursdays, commencing with the issue dated

June 22, 1961, and ending with the issue dated

July 13, 1961.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Mable F. Clark
Subscribed and sworn to before me this 26th day of

July, 1961

Notary Public
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21648

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. THEODORE STURGILL, Murtaugh, Idaho - Farmer - Post office
address Murtaugh, Idaho

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

Ans. _____

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

Ans. Permit No. 21648, dated August 11, 1950, date of priority 8-8-1950

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

Ans. Subterranean water from well located 15 ft. north from south line
and 90 feet west from East line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33-11-20^E

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

Ans. 540 foot drilled well 16" hole to 455 feet and 11 $\frac{1}{2}$ " hole to 540 ft.
Water level 105 feet, no casing. Layne and Bowler pump on well and
and 50 H.P. motor which pump has a 6" discharge and pumps 80 inches.
Measured with a weir. Water is conveyed from well in private ditches
to place of use.

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

Ans. Water is used for irrigation of 40 acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, Twp. 11 South, Rge. 20 E.B.M. Land is cultivated. Land
has been cleared of sagebrush and leveled and ditches constructed. Appli-
cant has used water on above land for four years during irrigation
seasons.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. R. T. McClure, Kimberly, Idaho drilled well

21648

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. Minimum amount required one inch to the acre

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

Ans. Was purchased in May of 1957

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

Ans. Water has been used during each irrigation season of 1957, 1958, 1959, 1960 and up to present time in 1961 for irrigation of above described land for production of crops. All of the water from said well has been used for said purposes.

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. No other water is available for irrigation. There are three other test holes drilled on the premises.

(Sign)

Theodore Shurgill

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 26th day of July, A. D. 1961,

Dorothy J. Walling
Notary Public for Idaho,
Residing at Twin Falls, Idaho

My commission expires 22nd day of June, 1962.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21648

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. Thurman A. Willis, age 36, residence and post office address
R. F. D. 2, Hansen, Idaho. Occupation farmer.

Ques. 2. Are you acquainted with Theodore Sturgill, the holder of Permit No. 21648? How long have you known him and where does he reside?

Ans. Yes, I have known him for fourteen years. He resides at Murtaugh Idaho - formerly at Kimberly, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21648, and are you familiar with its provisions and conditions?

Ans. Yes I have heard it read and am familiar with its conditions.

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. Subterranean water from well located 15 ft. north from south line and 90 feet west from east line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33-11-20. Well is equipped with pump and electric motor. Water is conveyed through open ditches to 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. Works will safely conduct at least 80 inches of water and I have seen that amount being conveyed through the works

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 seen the pump on said well deliver 80 inches of water. I have estimated the amount from my experience in using irrigation water

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 of 40 acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33, Twp. 11 S., Rge. 20 E.B.M. Land is cultivated land, none is natural meadow land. Improvements consist of clearing the land from sagebrush and construction of irrigation ditches.

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 is volcanic ash in character and requires one inch of water to the acre for profitable cultivation

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

Ans. No

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

I have been acquainted with the land in question for a long time

Ans. before it was placed under cultivation. Since the land was cleared I have seen all of the water at numerous times each irrigation season of 1957, 1958, 1959, 1960 and this year of 1961 being used on the above described premises for irrigation of crops growing thereon. I helped harvest potatoes on said premises in 1957 and 1958.

(Signed) Thurman A. Willis

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls _____, County of Twin Falls _____, State of Idaho, on this 26 day of July _____, A. D. 1961.

Dorothy J. Walling
Notary Public.

My commission expires June 22, 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21648

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. Eugene Sturgill, 32 years, 567 Polk St. Twin Falls, Idaho
Occupation Investment Broker and accountant, postoffice address
~~same as residence.~~

Ques. 2. Are you acquainted with Theodore Sturgill, the
holder of Permit No. 21648? How long have you known him and where does
he reside?

Ans. Yes I am acquainted with him. I have known him for 20 years,
he resides at Murtaugh, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21648, and are you
familiar with its provisions and conditions?

Ans. Yes, I have heard it read and am familiar with its provisions.

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

Ans. Subterranean water from well located 15 ft. north from south line
and 90 feet west from East line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33-11-20. Well is equipped
with pump and electric motor. Water is conveyed through open ditches
to place of use.

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

Ans. Works will safely conduct at least 80 inches of water and I
have seen that amount being conveyed through said works

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? I have seen the pump deliver at least 80 inches of water - some-
times in early part of year more. I estimated amount from my experience
Ans. in using water. I worked on farm for several years and have had
considerable experience in irrigating.

21648

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 of 40 acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33, Twp. 11 S., Rge. 20 E.B.M. Land is cultivated and having been cleared from sagebrush and leveled.

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 is volcanic ash soil and requires one inch of water per acre for profitable cultivation

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

Ans. I have no interest in works, water or lands above mentioned.

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

Ans. I have seen all of the water from said well being used for irrigation of above described land during the crop seasons of 1957, 1958, 1959, 1960 and this year up to date.

(Signed)

Eugene H. Sargill

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this 26 day of July, A. D. 1961.

Dorothy P. Delling

Notary Public.

My commission expires June 22, 1962

21048

June 21, 1961

Re: Permit No. 21648

Robert W. Stephan
Attorney at Law
Twin Falls Bank and Trust Co. Building
Twin Falls, Idaho

Dear Mr. Stephan:

We are herewith returning Permit No. 21648 along with the
two assignments and amendment.

Also enclosed is departmental receipt no. 30623 in the amount
of \$.50 covering fees for recording the assignment of this
permit to Theodore Sturgill from H. H. Fisher and Louise A.
Fisher.

Very truly yours,

GEORGE N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

no
encls
cc: Theodore Sturgill

21648

RT

RE: Permit No. 21648

See letter regarding assignment in file No. 21594

21648

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

June 20, 1961

Re: Permit No. 21648

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Mr. Theodore Sturgill,
R. F. D. #1,
Kimberly, Idaho.

Dear Mr. Sturgill:

This acknowledges the Notice of Proof of ~~Completion of Work~~ Application of Water to Beneficial Use under Permit No. 21648. The proofs are to be made at 1:00 o'clock P.M., on the 26th day of July, 1961 ~~1959~~ before Dorothy F. Dolling, Room 4, Bank & Trust Bldg., Notary Public.
Twin Falls, Idaho

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule
(Mrs.) Edna P. ~~Ballinger~~
Chief Clerk

Encl.
EPR:pmk
cc: Notary

21648

500
8-15-60

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 21648
Theodore Sturgill

Date: June 20, 1961

Times-News,
Twin Falls, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **July 26, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

Theodore Sturgill of **R.F.D. #1, Kimberly, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

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

Encl.

21648

ROBERT W. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

TELEPHONE RE 3-2722

RECEIVED
JUN 19 1961

June 15, 1961 Department of Reclamation

MR. GEORGE N. CARTER
State Reclamation Engineer
Capitol Building
Boise, Idaho

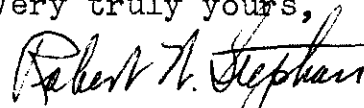
Dear Mr. Carter:

Re: Permit No. 21648

Your communication of June 1st regarding Proof of Beneficial Use on the above numbered permit has been received. Mr. H. H. Fisher is now deceased. Prior to his death he and Mrs. Fisher sold land to which this Permit for Water was made appurtenant to Theodore Sturgill, R. F. D. 1, Kimberly, Idaho, and Mr. Sturgill did not have the Assignment recorded in your office. Accordingly, we are enclosing herewith the Permit above referred to, together with Assignment in duplicate and our check for 50¢ which I assume is your fee for recording Assignment and if that is not the correct amount please bill us for the difference. Please return Permit and Assignment when your records have been changed. I am also enclosing request for publication of notice of Proof of Beneficial Use, and notice in duplicate.

The Times-News of Twin Falls, Idaho has its weekly publication date on Thursdays and I believe we have allowed ample time for four publications even if you cannot get it back to the newspaper in time for publication the first time on the 22nd. As you will note from the notice we have set the time for the 26th of July at one o'clock P.M.

Very truly yours,



Robert W. Stephan

RWS:D
Enclosures listed

P.S. Please request the Times-News to send the Affidavit of Publication and bill for publication to this office. We will see that it is paid.

R.W.S.

214 18

RECEIVED

JUN 19 1961

Department of Reclamation

A S S I G N M E N T

For value received, we hereby assign all our right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 21648 to THEODORE STURGILL of R. F. D. 1, Kimberly, Idaho.

H. H. Fisher
H. H. Fisher
Permit Holder

Louise A. Fisher
Louise A. Fisher
Wife of Permit Holder

STATE OF IDAHO, }
COUNTY OF TWIN FALLS,) SS.

On this 9th day of May, 1956, before me, a Notary Public for the State of Idaho, residing at Twin Falls, Idaho, personally appeared H. H. FISHER and LOUISE A. FISHER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

Edward H. Ryan
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

My Commission expires

Nov. 23, 1959

21648

Form No. 11
2M - 10/60

RECEIVED
JUN 19 1961

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 15, 1961

(P. O.) R. F. D. 1, Kimberly, Idaho

TO THE STATE RECLAMATION ENGINEER:

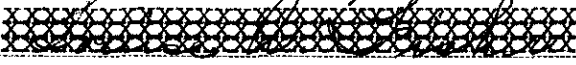
Boise, Idaho

Dear Sir:

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

Times-News of Twin Falls, Idaho published in

the county in which the works are situated.

Theodore Sturgill
X 

(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.

21648

Notice for Publication
NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at ^{P.M.} ~~one o'clock~~ on the 26th day of July, 1961, ~~1959~~ at Twin Falls, County of Twin Falls, State of Idaho, before Dorothy F. Dolling, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of subterranean flow from well in accordance with the terms and conditions of Permit No. 21648 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: Theodore Sturgill, R. F. D. 1, Kimberly, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.6 cubic feet per second

The place where said water is used, give full and accurate legal description: 40 acres of NE 1/4 NE 1/4 and 40 acres of SE 1/4 NE 1/4 of Section 33, Township 11 South, Range 20 E. B. M., Twin Falls County, Idaho.

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

The right to take water from such works is based upon Permit No. 21648.

The source of supply from which such water is diverted is well.

Point of Diversion (legal description) 15 feet north from the south line and 90 feet west from the East line of NE 1/4 NE 1/4 33-11-20.

The date of priority which said user is prepared to establish is August 8, 1950.

Geo. A. Reuter
State Reclamation Engineer

21648

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO



21648

Handwritten signature/initials.

H. H. Fisher
886 Filer Ave.
Twin Falls, Idaho

RECEIVED
Unclassified
Unknown
For better
Moved
the state of Idaho

Handwritten signature/initials.

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

DEPARTMENT OF RECLAMATION

RE: Permit No. 21648 - H. H. Fisher

Date June 1, 1961

Stephan, Stephan & Heap
Attorneys at Law
Twin Falls Bank & Trust Co. Bldg.
Twin Falls, Idaho

Attn: Edward H. Heap

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21648 is due not later than August 11, 1961. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10-11
cc: H. H. Fisher
Twin Falls, Idaho

21648

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

DEPARTMENT OF RECLAMATION

RE: Permit No. 21648 - H. H. Fisher

Date June 1, 1961

Stephan, Stephan & Heap
Attorneys at Law
Twin Falls Bank & Trust Co. Bldg.
Twin Falls, Idaho

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21648 is due not later than Aug. 11, 1961. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, ~~for~~ what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 - 11

cc: H. H. Fisher
Twin Falls,

21648

May 16, 1957

Re: Permit No. 21648
H. H. Fisher

Stephan, Stephan and Heap
Attorneys at Law
Twin Falls Bank and Trust Co. Building
Twin Falls, Idaho

ATTENTION: Mr. Edward H. Heap

Dear Mr. Heap:

Enclosed is the "Application for Amendment" to Permit No. 21648 which has changed the lands described in the permit to read as follows: 40 acres of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E., B.P.

This amendment has been approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 77 of Permits at Page 21648. It should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc:

21648

STEPHAN, STEPHAN AND HEAP

ATTORNEYS AT LAW

TWIN FALLS BANK AND TRUST CO. BUILDING

TWIN FALLS, IDAHO

FRANK L. STEPHAN (1886-1952)
ROBERT W. STEPHAN
EDWARD H. HEAP

RECEIVED
MAY 14 1957

May 9, 1957

Department of Reclamation

HONORABLE MARK R. KULP
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

Re: Permit No. 21648
H. H. Fisher

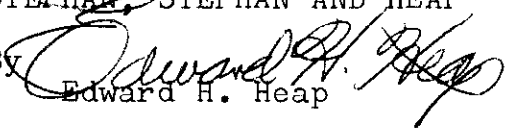
We had intended submitting Proof of Beneficial Use on the above numbered permit on May 1st, but since ^{Mr. Fisher} we have adequate water from two other wells to irrigate the land proposed to be irrigated by the well under the above permit, we have decided to ask for an amendment to the above numbered Permit as to place of use of the water from the well.

Since the East Half of the Northeast Quarter of said Section 33-11-20 will be cleared and farmed this year, the water from the well in question can be very economically used on that property. We are therefore, enclosing herewith an Application for Amendment as to place of use of the water from said well, executed by Mr. Fisher.

Will you please approve the amendment and return one copy for Mr. Fisher's files to this office. Thanking you, we are

Very truly yours,

STEPHAN, STEPHAN AND HEAP

By 
Edward H. Heap

EHH:D
Enc.2

21648

Duplicate

RECEIVED
MAY 14 1957
DEPARTMENT OF RECLAMATION

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21648

Comes now H. H. FISHER, 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. 21648, and requests that the list of lands to be irrigated, as described in said Permit, be changed to read as follows:

To irrigate 40 acres of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section Thirty-three (33), Township 11 South, Range 20 E. B. M.
making a total of eighty acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Twin Falls, Idaho, this 9th day of May, 1957.

H. H. Fisher

Date of receipt at Office of Department of Reclamation _____
May 14, 1957 .

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21648. 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.

State Reclamation Engineer

21648

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Consent pub. Idaho
Date: April 1, 1957

RE: Permit No. 21648
H.H. Fisher
Times-News
Twin Falls, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 8th, 1957 the date set for proof, the expense of the publication to be paid by the applicant's Att'ys, Stephan, Stephan and Heap, P.O. Box/ of ¹¹²⁷ Twin Falls 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

EPR:vem
Encl. (1)

21648

April 1, 1957

RE: Permit Nos. 21594, 21648 & G-26240
H.H. Fisher

Stephen, Stephan and Heap
Attorneys at Law
Twin Falls Bank and Trust Co. Building
Twin Falls, Idaho

ATT: Edward H. Heap

Dear Sir:

We acknowledge receipt of Notice in proof of Beneficial Use on Permit Nos. 21594 & 21648, also Notice for Completion of Works and Beneficial Use proof on Permit No. G-26240, all to be made May 8th, 1957, before you as Notary Public.

We shall send the copies of the Notices to the News-Times with instructions to publish them once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should contact Mr. Fisher, the permit holder, to appear before you as Notary Public, together with his two disinterested witnesses who are familiar with the terms of the permits and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

MRH:vem
Encl. (9)
cc.

H.H. Fisher
886 Filer Ave.
Twin Falls, Idaho

21648

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
MAR 26 1957

Department of Reclamation

(Date) March 25, 1957

Twin Falls, Idaho
Address
886 Filer Avenue
City State

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Times-News of Twin Falls, Idaho published in the county in which the works are situated. Please send Affidavit of Publication and bill for publication to Stephan, Stephan and Heap, Box 1127, Twin Falls, Idaho.

By

H. W. Fisher

(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

21648

41648

RECEIVED
MAY 2 1957

Department of Reclamation

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

NOTICE IS HEREBY GIVEN that at one-thirty o'clock P. M. on the ~~1st~~^{8th} day of May, 1957, at Twin Falls, County of Twin Falls, State of Idaho, before Edward H. Heap, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of a well pumping subterranean water in accordance with the terms and conditions of Permit No. 21648 heretofore issued by the Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: H. H. Fisher, 886 Filer Ave., Twin Falls, Idaho.

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

The place where said water is used is for irrigation of 40 acres of NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33, Twp. 11 South, Range 20 E.B.M.

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

The right to take water from such works is based upon Permit No. 21648.

The source of supply from which such water is diverted is from a well pumping subterranean waters located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 33, Twp. 11 South, Range 20 E. B. M.

The date of priority which said user is prepared to establish is August 8, 1950.

MARK H. KULP

State Reclamation Engineer.

R10F

March 22, 1957

Re: Permit Nos. 19678, 21594, 21648 and G-22536

Mr. William Wiedenman
5221 La Jolla Blvd.
La Jolla, California

Dear Mr. Wiedenman:

In compliance with your request as outlined in your letter of March 15, 1957, we have enclosed a sketch map depicting the permit numbers and the land to which the water under each permit is appurtenant. The map is explanatory as the different permits appear in different colors, i.e. Permit No. 19678 is shown in green and Permit No. 25194 shows in blue, etc.

To explain further the water rights as are now appurtenant to the said land according to the permits listed on the sketch map we list the following:

Permit No. 19678 -- is licensed and completed. The permit holder received 2.53 cubic feet per second or 126½ miner's inches which is appurtenant to the NW¼ and the W½NE¼ of Section 33.

Permit No. G-22536--is licensed for 0.96 cubic foot per second or 48 miner's inches, which has been made appurtenant to the SW¼NE¼, S½NW¼ of Section 33.

This gives the applicant a total of 3.49 cubic feet per second appurtenant to the NW¼ and the W½NE¼ of Section 33.

Permit No. 21594-- is for 2.0 cubic feet per second. Completion of works has been made on the permit and a certificate issued but the beneficial use proof has not been made, therefore, a license has not been issued for the N½SW¼, SW¼SW¼ of Section 33.

Permit No. 21648 --is for 2.0 cubic feet per second. Completion of works has been made on the permit and a certificate issued but the beneficial use proof has not been made. Completion of works was made appurtenant to the NE¼SW¼, NW¼SE¼ of Section 33.

This makes a total of 4.0 cubic feet per second which the applicant can obtain for the land located in the S½ of Section 33, upon beneficial use proof.

You will note: there are four wells filed on and the location is shown on the sketch map. We cannot give you the exact amount of water that is being pumped from each well because as yet we do not have that information on

21648

Mr. William Wiedenman

-2-

March 22, 1957

record in this department, although, the well located in the SW1/4NE1/4 (marked in green) of Section 33 is evidently pumping 2.53 cubic feet per second; the well in the SW1/4NE1/4 (marked in red) is evidently pumping .96 cubic feet per second. 2.53 is shown under Permit No. 19678 and .96 is shown under Permit No. G-22536. The other wells have not been measured by our field engineer.

I hope this information will be helpful in answering your inquiry.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls
Encl:

21646

March 22, 1957

RE: Permit Nos. G-26240, 21594 & 21648
Harry H. Fisher

Stephen, Stephen and Heap
Attorneys at Law
Twin Falls Bank and Trust Co. Bldg.
Twin Falls, Idaho

ATT: Edward H Heap

Dear Mr. Heap:

We have your letter of March 19, 1957, stating that Mr. Harry H. Fisher is prepared to make Completion of Works and Beneficial Use on Permit No. G-26240 and Beneficial Use proof on Permit Nos. 21594 and 21648.

Before these proofs are made, the statutes require publication of a Notice once a week for four weeks in a county newspaper. These Notices should be made in duplicate on Form 36, enclosed, on Permit No. G-26240 and on Form 10, enclosed, on Permit Nos. 21594 and 21648, setting the time and place and naming the Notary Public before whom the proofs are to be made.

Both copies of Form 36 and 10 to be returned to this Department together with Forms 11 which is the Permit holders authorization for us to have the Notices published at his expense in the designated county newspaper with instructions in regard to publishing and shall send you the forms of depositions to be executed by the Permit holder and his two interested witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

MPR:vem
Encl. (9)
cc. Harry H. Fisher
386 Filer Avenue
Twin Falls, Idaho

Submitted with file G-26240

5-16-58

✓
August 16, 1955

RE: Permit No. 21648

Messrs. Stephan, Stephan and Heap
Bank and Trust Building
Twin Falls, Idaho

ATTENTION: Mr. Edward H. Heap

Dear Mr. Heap:

We return the application of Mr. Harry H. Fisher to amend the land list in Permit No. 21648 which has been approved by the State Reclamation Engineer and recorded in this Department.

We also enclose Certificate of Completion of Works issued under this Permit for the diversion of 2 second feet of water from a well in the NE¹NE¹ Section 33, Township 11 South, Range 20 East, B.M. for irrigation and domestic use on the NE¹SE¹ and NE¹SW¹ of said Section.

We also enclose departmental receipt No. 27494 for the \$5.00 fee in connection with Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

7-16-55 48

STEPHAN, STEPHAN AND HEAP

FRANK L. STEPHAN (1886-1952)
ROBERT W. STEPHAN
EDWARD H. HEAP

ATTORNEYS AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

August 10, 1955

HONORABLE MARK R. KULP
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Sir:

Thank you for your letter of August 9, 1955, with regard to Permit No. 21648. We are now enclosing Proof of Completion of Works and Application for Amendment to permit use of water on land other than that described in the permit.

We are also enclosing herewith our check for \$5.00 to cover your fee for Completion of Works.

With kind regards, we are

Very truly yours,

STEPHAN, STEPHAN AND HEAP

By *Edward H. Heap*
Edward H. Heap

EHH:bb

Enc. 2

21648
RECEIVED
AUG 11 1955
Department of Reclamation

Permit No. 21648

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Twin Falls

HARRY H. FISHER

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 21648, and that his postoffice address is 886 Filer Ave., Twin Falls, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Subterranean water from a well.

Third: That the point of diversion of said water is 15 feet north from the south line and 90 feet west from the East Line of NE 1/4 NE 1/4 33-11-20

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 11, 1955.

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

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: 540 foot drilled well 16" hole to 455 feet and 11 1/2" hole to 540 feet - water level 105 feet. Well is equipped with 75 H.P. General Electric Motor and Layne Bowler pump with 11" dimensions of work 330 feet of 6" column and 7 stages of 10" bowls. Water is conducted through one-half mile of pipe line, open ditches and (a) Height of dam xxxxx feet, length of dam at top xxxxx feet, length of dam at bottom xxxxx feet. Material used in construction xxxxx.

(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 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 at least two second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows: 40 acres of NW 1/4 SE 1/4 and 20 acres of NE 1/4 SW 1/4 of Section 33, Township Eleven (11) South, Range 20 E. B. M.

Ninth: Remarks: That soil of land to be irrigated is deep, level and very productive with the application of water.

Harry H. Fisher
(Sign Here)

Subscribed and sworn to before me this 4th day of August, 1955.

My commission expires 6-22-58

Dorothy D. Delling
Notary Public.
Residing at Twin Falls, Idaho

21648

✓
August 9, 1955

RE: Permit No. 21648

Messrs. Stephan, Stephan and Heap
Bank and Trust Co. Building
Twin Falls, Idaho

ATTENTION: Mr. Edward H. Heap

Dear Mr. Heap:

In reply to your letter of August 8, 1955, regarding an Extension of Time for completing work on the second well under Permit No. 21648 of Harry H. Fisher.

Since this Permit is dated August 11, 1950, the statutory maximum of five years will expire August 11, 1955, and no Extension can be allowed.

We suggest that he make proof of Completion of Works on the well that is finished and refile on the other well.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:eu

21648

FRANK L. STEPHAN (1888-1952)
ROBERT W. STEPHAN
EDWARD H. HEAP

STEPHAN, STEPHAN AND HEAP
ATTORNEYS AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

RECEIVED
AUG 9 1955

Department of Reclamation

August 8, 1955

HONORABLE MARK R. KULP
State Reclamation Engineer
Capitol Building
Boise, Idaho

Attention: Mrs. Jeanne L. Anderson

Dear Sir: Re: Permit No. 21648
Harry H. Fisher

The time for submitting Proof of Completion of Works on the above numbered permit expires August 11, 1955. The permit contemplated two wells and both of said wells have been drilled and one of them is being pumped and the water produced from it is being used on a part of Section 33, Township 11 South, Range 20 E.B.M. The other well needs some additional work done on it and to be tested before Mr. Fisher can ascertain if sufficient water is available from said second well to justify the purchase of a pump and motor for utilizing the water.

Therefore, we have prepared an affidavit which has been signed by Mr. Fisher requesting an extension of time for completion of said works until June 11, 1956, which affidavit we are enclosing herewith in duplicate. Will you please have Mr. Kulp give consideration to the request for extension and if possible, advise us by return mail whether the extension is granted so that if it is not granted, we may forward to you the Proof on Completion of the one well.

When advising us with regard to said matter, will you please forward to me another form in duplicate for Proof of Completion of Works and also several of your forms numbered 12, Application for ^{Amendment} ~~Amount~~ to Permit.

21648

PERMIT NO. 21648

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

AFFIDAVIT FOR EXTENSION OF TIME TO FILE
PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

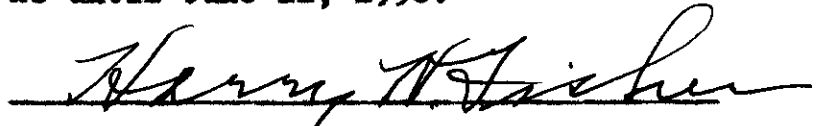
STATE OF IDAHO,)
COUNTY OF TWIN FALLS,) SS.

HARRY H. FISHER, being duly sworn, upon his oath, deposes and says:

That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho numbered 21648 and that his post office address is 886 Filer Avenue, Twin Falls, Idaho.

That on the 11th day of August, 1950, Honorable Mark R. Kulp, State Reclamation Engineer, issued Permit numbered 21648 to affiant and William Wiedenman which covered 1.6 cubic feet per second of the subterranean waters of a well or wells to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E. B. M., Twin Falls County, Idaho.

That both of said wells have been drilled - one in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33 and the other in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33. That the well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ is pumping and the water from said well is being used on a part of Section 33. The other well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33 has been drilled but additional work must be done before the same can be tested to see whether sufficient water is available from said well to justify the purchase of a pump and motor to utilize the water. That it has been impossible and will be impossible to perform said additional work and test said well prior to August 11, 1955, and Affiant therefore requests an extension of time for completion of said irrigation works until June 11, 1956.



SUBSCRIBED and sworn to before me this 8th day of August, 1955.


Notary Public for Idaho,
Residing at Twin Falls, Idaho.

21648

PERMIT NO. 21648

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

AFFIDAVIT FOR EXTENSION OF TIME TO FILE
PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,)
) SS.
COUNTY OF TWIN FALLS,)

HARRY H. FISHER, being duly sworn, upon his oath, deposes and says:

That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho numbered 21648 and that his post office address is 886 Filer Avenue, Twin Falls, Idaho.

That on the 11th day of August, 1950, Honorable Mark R. Kulp, State Reclamation Engineer, issued Permit numbered 21648 to affiant and William Wiedenman which covered 1.6 cubic feet per second of the subterranean waters of a well or wells to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E. B. M., Twin Falls County, Idaho.

That both of said wells have been drilled - one in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33 and the other in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33. That the well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ is pumping and the water from said well is being used on a part of Section 33. The other well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33 has been drilled but additional work must be done before the same can be tested to see whether sufficient water is available from said well to justify the purchase of a pump and motor to utilize the water. That it has been impossible and will be impossible to perform said additional work and test said well prior to August 11, 1955, and Affiant therefore requests an extension of time for completion of said irrigation works until June 11, 1956.

Harry H. Fisher

SUBSCRIBED and sworn to before me this 8th day of August, 1955.

Dorothy J. Dolling
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

21648

HONORABLE MARK R. KULP # 2

Thanking you, we are

Very truly yours,

STEPHAN, STEPHAN AND HEAP

By *Edward H. Heap*
Edward H. Heap

EHH:bb

Enclosures - 2

21 11 48

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

June 1, 1955

RE: Permit No. 21648

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. H. H. Fisher
886 Filer Avenue
Twin Falls, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 21648 you are required to complete your diversion works on or before August 11, 1955. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

21648

✓
May 9, 1955

RE: Permits Nos. 21594 & 21648

Messrs. Stephan, Stephan & Heap
Bank And Trust Co. Building
Twin Falls, Idaho

ATTENTION: Mr. Edward H. Heap

Dear Mr. Heap:

We have your letter of May 6 enclosing affidavit of Harry H. Fisher in proof of completion of works on Permit No. 21594, accompanied by your check for the \$5.00 fee. This will be processed in regular course.

Relative to Permit No. 21648 on which proof of completion of works is due on or before August 11, 1955. This Permit can be amended as to the place of use and we enclose a form of application for such amendment herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21648

✓
21648

September 9, 1950

Mr. Wm. Wiedenman
P. O. Box 233
Kimberly, Idaho

Dear Mr. Wiedenman:

I have your letter of September 8, on priority dates of licensed rights.

The Statutes governing priority dates are based on the Doctrine of Relation which means that for a water right initiated through the permit method, the priority date relates to the filing date if all the terms of the permit are observed and a license issued.

There is no advantage in proving up earlier than the specified date except that in case the completion of works proof is made at an earlier date than that specified. Earlier proof of completion of works should be followed by earlier proof of application to beneficial use by the same time interval.

The State is not primarily a party at interest in interference between wells with different priority dates and it is the responsibility of the right that is interfered with to take action against the one causing the interference.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

Well Log in the file

21648

Kimberly, Idaho
P.O.Box233
Sept.8 1950

Department of Reclamation
State House
Boise, Idaho.

Gentlemen;

Is there any advantage in making final proof on our water before the time given us in our permit? Does it give any person a prior right just because he proofs up first? My idea is that if we live up to the rules and regulations and do the work that is required of us mentioned in our permit is all that is required. The date on the permit would determine who has prior right. If our water in one of our wells should get less in a yr. or sois it up to us to prove that some body else ~~may~~ is getting our water. Just what is the law on these points?

RECEIVED
SEP 9 1950
Department of Reclamation

Very truly yours

Wm Wiedenman

Wm. Wiedenman

21648

August 18, 1950

Re: Permit No. 21648

Mr. William Wiedenman
Box 233
Kimberly, Idaho

Dear Mr. Wiedenman:

We enclose Permit No. 21648, together with Departmental Receipt No. 22576 for the \$5.25 filing fee, and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21648

July 31, 1950

Mr. William Wiedenman
P. O. Box 233
Kimberly, Idaho

Dear Mr. Wiedenman:

As per your request we enclose a form of application for a new Permit for 80 inches of water on the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 33, Township 11 South, Range 20 East, B.M.

This should be signed and returned to this Department, with the statutory fee of \$5.25.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

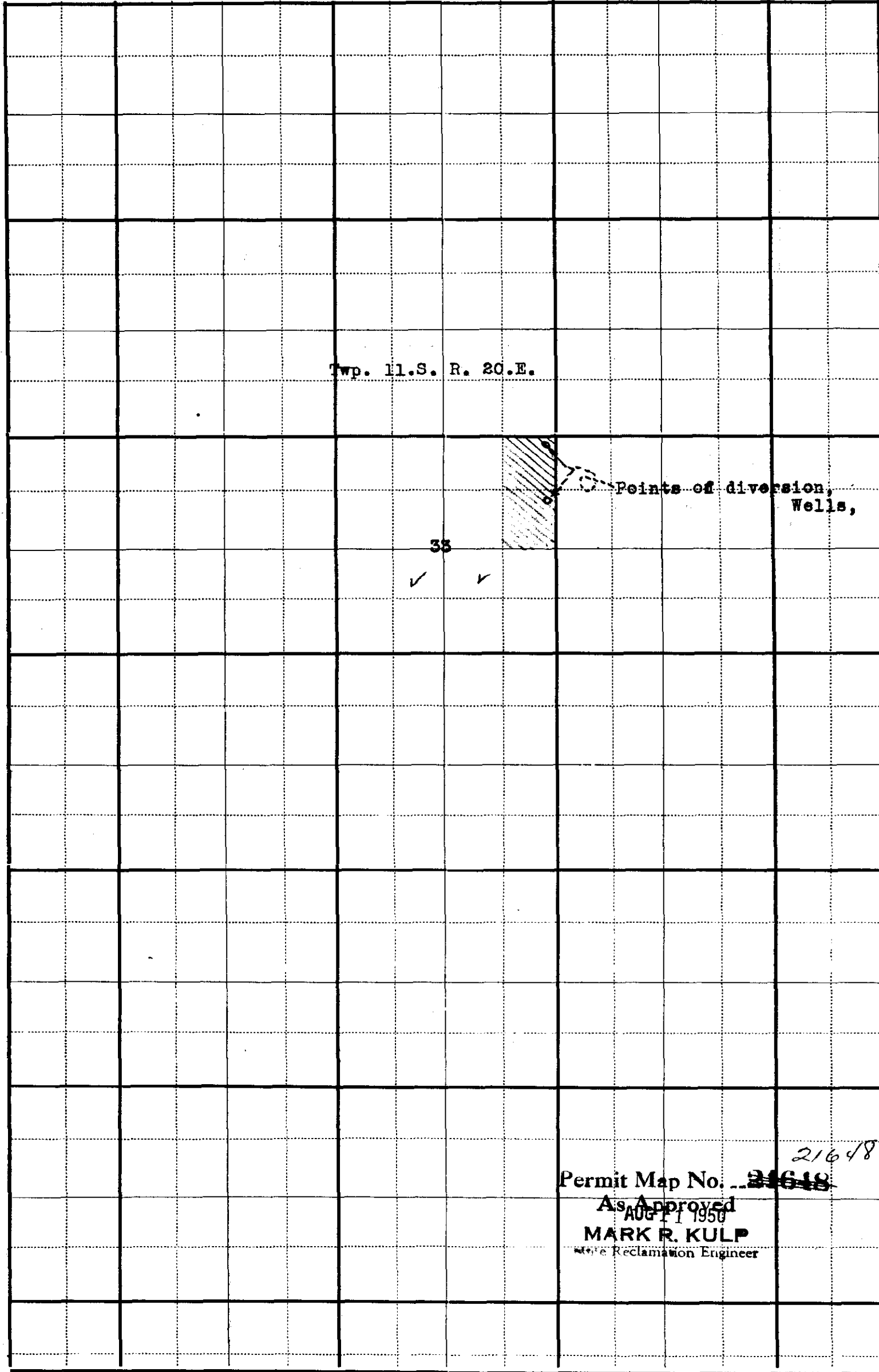
A:bh
Enc.

21647

NAME OF APPLICANT

H... Fisher & William Wiedema A.

Form No. 0



Twp. 11.S. R. 20.E.

Points of diversion,
Wells,

33

Permit Map No. ~~21648~~ 21648
As Approved
AUG 11 1950
MARK R. KULP
State Reclamation Engineer

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

Notice is hereby given that at one o'clock P. M. on 26th day of July, 1961, at Room 4, Bank & Trust Co. Bldg., Twin Falls, County of Twin Falls, State of Idaho, before Dorothy F. Dolling, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of subterranean flow from well in accordance with the terms and conditions of Permit No. 21648 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: Theodore Sturgill, RFD 1, Kimberly, Idaho.

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

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used, give full and accurate legal description: 40 acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E.B.M., Twin Falls County, Idaho.

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

The right to take water from such works is based upon Permit No. 21648.

The source of supply from which such water is diverted is well.

Point of diversion (legal description) 15 feet north from the south line and 90 feet west from the East line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, Twp. 11 S., Rge. 20 E.B.M.

The date of priority which said user is prepared to establish is August 8, 1950.

GEO. N. CARTER

State Reclamation Engineer

Publish: June 22, 29, July 6, 13, 1961

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

NOTICE IS HEREBY GIVEN that at one-thirty o'clock P. M. on the 8th day of May, 1957, at Twin Falls, County of Twin Falls, State of Idaho, before Edward H. Heap, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of a well pumping subterranean water in accordance with the term and conditions of Permit No. 21648 heretofore issued by the Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: H. H. Fisher, 886 Filer Ave., Twin Falls, Idaho.

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

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used, give full and accurate legal description: 40 acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 11 South, Range 20 E.B.M., Twin Falls County, Idaho.

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

The right to take water from such works is based upon Permit No. 21648.

The source of supply from which such water is diverted is from a well pumping subterranean waters located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 33, Twp. 11 South, Range 20 E.B.M.

The date of priority which said user is prepared to establish is August 8, 1950.

MARK R. KULP

State Reclamation Engineer

Publish: Apr. 11, 18, 25, 1957