

RECEIVED

Water Right No. 45-02311

RECEIVED

DEC 20 1996
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources

SEP 17 1996

Department of Water Resources
Southern RegionAPPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder LEO D STANGER or Genevieve A STANGER2. Mailing address 4401 E 3200 N MURTAUGH IDAHO 83344

3. The right was obtained or is evidenced by:

a. Decree to _____ in Case of _____

vs. _____, Dated _____ in _____

(Name of Court)

Court, County of _____ Fully describe decree _____

b. License No. 45-02311 c. Claim No. _____d. SRBA No. ~~44-02538~~ 45-023114. Source of water GROUND WATER tributary to _____
(Name of stream or source)5. Date of priority of right ~~12-26-1951~~ August 24, 1949

6. Description of Right:

amount 2.3 cfs for Irrigation purposes from 4/01 to 10/01
(cfs/ac-ft)amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)7. Point of Diversion SW 1/4 SW 1/4 of Sec. 13 Twp. 11S Rge. 19E County Twin Falls
SE 4 NWSW

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE			NW			SW			SE			Totals
11S	19E	13	40			40			40	40	25	40	40		145

Total Acres 145

9. Give the last date when water was put to beneficial use October 1991
Length of extension of time requested 5 years, or until _____
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See attached letter as Ex 'A' attached here to & made a part herof.

The information contained in this application is true to the best of my knowledge.

Leo D. Stanger
(Signature of Applicant)

Subscribed and sworn to before me this 17 day of Sept, 19 96.

And M. M. M. M.
(Notary Public)

My commission expires 6/30/2000 Residing at Kimberly, ID

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons:

Resumption of water to a beneficial use shall occur on or before January 1, 2002.

Approval of this extension does not preclude the review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Signed this 10th day of January, 19 97

L. Glen Saylor
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 9/17/96 \$100 FEE Receipted by AD Date 9/17/96 Receipt # 5019527
Preliminary ☒ by AM Publication prepared by MB Pub. approved by MB Date 11/25/96
Published In The Times News Dates Published 11/14 & 11/21/96
Protests filed by None
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for ☒ APPROVAL / DENIAL By AD

State of Idaho
License and Certificate of Water Right

Water License No. 21205 Amount 2.3 second feet
Water District No. Priority August 24, 1949

THIS IS TO CERTIFY that J. J. BYER
of Murtaugh, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 24, 1949; that Permit No. 21205
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
three second feet, was issued thereunder on August 27, 1952, showing that said works
were completed on the 29th day of July, 1952; and that on the 10th
day of November, 1952,

J. J. BYER
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 two wells
, ~~accumulation of~~ (subterranean flow), for the purpose of irrigation
, under Use Permit No. 21205 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5210, on the 11th day of January, 1954;
The right hereby confirmed dates from August 24, 1949;
are
The Points of Diversion are located in the NW 1/4 SW 1/4 and SE 1/4 SW 1/4
in the 1/4, 1/4, Sec. 13, Tp. 11 S. R. 19 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 2.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	19 E.	13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			Number of Acres Actually Irrigated -		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of January, 1954.

(SEAL) MARK R. KULP
State Reclamation Engineer.

45 2311

State of Idaho
License and Certificate of Water Right

Water License No. 19152 Amount 0.04 second foot
Water District No. Priority May 15, 1941

THIS IS TO CERTIFY that STATE OF IDAHO DEPARTMENT OF FORESTRY
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 15, 1941; that Permit No. 19152
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.25 second foot, was issued thereunder on June 18, 1946, showing that said works
were completed on the 12th day of June, 1946; and that on the 26th
day of May, 1952,

THE STATE LAND DEPARTMENT, Assignee of the Department of Forestry,
of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Bogus Creek
Payette River, a tributary of Shafer Creek, thence, for the purpose of domestic use
, under Use Permit No. 19152 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5209, on the 8th day of January, 1954;
The right hereby confirmed dates from May 15, 1941;

The Point of Diversion is located
in the SE 1/4 SE 1/4, Sec. 16, Tp. 5 N., R. 3 E., B. M. County Boise
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.04 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Lodge, camp grounds and ski lift, in SE 1/4 SE 1/4 Section 16, Township 5 North, Range 3 East, B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
8th day of January, 1954.
MARK R. KULP
State Reclamation Engineer.
(SEAL)

Nº 21205
45-2311

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28881
PERMIT No. 21205
DISTRICT No.

1. Name of Applicant: J. J. BYER

Postoffice address: Route 2, Filer

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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Three (3)

cubic feet per second.

3. Source of water supply: A well (subterranean)

which is a tributary of

4. Location of point of diversion: S. 55° 20' E. 805

feet distant from the 1/4

corner of Section s 13-14 T. 11 S., R. 19 E., B.M., and is in the NW 1/4 SW 1/4

of Section 13, T. 11 S., R. 19 E., B.M., County of Twin Falls

5. Water is to be used for Irrigation

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: \$6,000.00

8. Kind of works: Well, pump, pipe line

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 six months years.

13. The time required for the complete application of the water to the proposed use is 0.8 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? No 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.

J. J. BYER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. August 24, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21205

Recorded in Book 76 Page 21205 Approved September 2, 1949

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 November 2, 1949 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 December 2, 1949

The whole of said work to be completed on or before March 2, 1950

Beneficial use of water appropriated in accordance herewith, to be made on or before March 2, 1951

WITNESS My hand this 2nd day of September, 1949

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 2nd.....

day of September, 19 49

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE
Secretary of State.

By C. A. ROBINS
Governor.

REMARKS: Land owned by applicant. 47 acres of this land is under the Milner Low Lift Irrigation District canal, but applicant has never signed up or purchased shares of water from said District.

14.

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	
11 S.	19 E.	13								40	40	40	40					160	
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21205 to June 1, 1950.																			
Witness my hand this 13th day of March, 1950.																			
MARK R. KULP State Reclamation Engineer																			
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21205 to September 1, 1952.																			
Witness my hand this 21st day of July, 1950.																			
MARK R. KULP State Reclamation Engineer																			

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21205.

Comes now J. J. Byer 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. 21205.

That the point of diversion is described in said permit as being located S. 55°20' E. 805' from west 1/4 cor. of Sec. 13, T. 11 S. R. 19 E., B.M.

That he now requests that an additional point of diversion be at a point N. 89°18' E., 1535' from the SW section corner of Sec. 13, T. 11 S. R. 19 E., B.M.

That his reasons for desiring to make such change are as follows: That there is an inadequate water supply from original well.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at this 21 day of Aug. 1952.

J. J. BYER

Date of receipt at Department of Reclamation Aug. 22, 1952.

APPROVAL OF STATE RECLAMATION ENGINEER

I, E. N. Humphrey, 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. 21205. 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.

E. N. HUMPHREY
Deputy State Reclamation Engineer

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. J. BYER of Route 1, Murtaugh, County of Twin Falls, and State of Idaho, the holder of Permit No. 21205, issued upon Application No. 28881 bearing date of priority of August 24, 1949, authorizing the diversion of Three (3) second feet of the waters of 2 wells (subterranean flow) County of Twin Falls, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Three (3) second feet of the waters of said wells; that the points of diversion of said waters are in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, Twp. 11 S., Range 19 E., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest Quarter Section 13, Township 11 South, Range 19 East, B.M.

Witness my hand this 27th day of August, A.D. 1952.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made July 29, 1952
Certificate of completion of works issued August 27, 1952.

LICENSE ISSUED FOR 2.3 SEC. FT.

80-5216

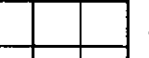
1. DRILLING PERMIT NO. 49-96-S-0081-100
Other IDWR No. Water Right 45-02311

2. OWNER:

Name Leo Stanger
Address 4402 E 32nd N
City Murtaugh State Id Zip 83344

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 11 North ☐ or South ☒
 Rge. 19 East ☒ or West ☐
 Sec. 13 1/4 56 1/4 SW 1/4
10 acres 40 acres 160 acres
 Gov't Lot _____ County Twin Falls

Address of Well Site 1432 E 3200 N
 City Muv-tug
 (Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK DEEPEN

☐ New Well ☒ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER RACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

74 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices:

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
1100	167'	241	6 hrs

Water Temp. 58° Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
14"	230	235	Grey basalt		X
	235	250	Grey-brown basalt	Y	
	250	257	Brown basalt		X
	257	272	Dark brn basalt w/clay		X
	272	297	Brown basalt		X
	297	311	light grey clay + basalt		X
	311	324	Dark brn clay + broken basalt		X
	324	336	Brown basalt + clay		X
	336	340	light brown clay		
	340	343	Brown basalt		
	343	345	Brown clay		
	345	387	Grey basalt		
	387	396	Brown clay + rock	X	
	396	501	Brown sticky clay		X
12"	501	553	Black basalt w/ layers of Grey clay		X
	553	558	Brown basalt		X
	558	560	Brown basalt w/ Red clay		X
	560	571	Brown Rhyolite		X
	571	583	Black Rhyolite w/ layers of sticky brn clay		X
	583	596	Black Rhyolite		X
	596	620	Brown Rhyolite		X
	620	663	Grey Rhyolite		X
	663	675	Brown clay		X
	675	696	Grey-brown Rhyolite cinders		X
	696	845	Brown rhyolite		X
	845	891	Grey rhyolite		X
	891	896	Grey rhyolite w/clay seams		X
	896	913	Grey rhyolite		X
	913	927	Grey clay sticky		Y
	927	941	light Grey clay w/ thin layers of clay		X

Completed Depth 119.5 (Measurable)
Date: Started 17 Dec 1996 Completed 23 June 1997

13. DRILLER'S CERTIFICATION

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

Firm Name Isley & Henry Firm No. 86

Firm Official Shirley Bolan Date 23 June 1999

Supervisor or Operator Russell Bolin Date 6-24-97

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



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 13, 1997

Leo and Genevieve Stanger
4402 E 3200 N
Murtaugh, ID 83344

RE: License No. 45-02311

Dear License Holder:

I have enclosed an approved copy of the Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced license. Please note that resumption of water for a beneficial use shall occur on or before **January 1, 2002**.

Please notify the Department as soon as you resume use. If you have not notified the Department sixty (60) days prior to January 1, 2002, we will notify you by certified mail of the need to do so.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions concerning this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

LEO D. STANGER
4402 EAST 3200 NORTH
MURTAUGH, IDAHO 83344

State of Idaho
Department of Water Resources
Twin Falls, Idaho

**EXHIBIT A
TO
APPLICATION FOR EXTENSION**

Dear Sirs:

The undersigned respectfully requests an extension of time to avoid a forfeiture of a water right.

The undersigned, Leo D. Stanger, and his wife, Genevieve A. Stanger, purchased property generally described as the SW $\frac{1}{4}$ of Section 13, Township 11 South, Range 19 E.B.M., Twin Falls County, under contract dated December 20, 1967, from John J. Byer and Adah M. Byer.

Included in the contract was a water right appurtenant to the described land represented by State License and Certificate No. 21205 for a water right of 2.3 c.f.s. from underground source with a priority date of August 24, 1949.

Water was beneficially applied for irrigation purposes every year subsequent to the purchase to and including the crop year 1991.

In 1991 the water level dropped to where the water could not be pumped for use in irrigating. We had contracted with Charles Jones, well driller, to modify and extend the depth of a second well located on the premises and he did commence this deepening but left to go to another emergency and did not return to complete the extension.

We obtained a drilling permit in September of 1993, Permit No. 47-93-S-0133-00164115 in order to complete the drilling and extension of the well and arranged with Boley & Hendry.

Well drillers could not get to the work due to the press of business and the large number of well modifications undertaken that year and have not returned to do the work.

We contacted three other well drillers, including a driller with a rotary operation, but were unable to obtain any driller who was able to get to the work and get the job done.

September 16, 1996

Page 2

We have made a diligent effort to try to get the well modified and extended to be able to utilize the water right and apply it beneficially, but circumstances beyond our control have made it impossible to complete thus far.

We do not want to forfeit the water right and earnestly request approval of the application for extension so that we can complete the well modification and preserve the water right.

Respectfully submitted,

Leo D. Stanger

BLAINE BOLEY, Jr.
TELEPHONE: 423-5540

FRED HENRY
TELEPHONE: 423-5581

BOLEY & HENRY

WELL DRILLING
23551 Hwy. 30 W.
MURTAUGH, IDAHO 83344

18 Sept. 1996

To: Dept. of Water Resources
Southern District
Twin Falls, Idaho

This letter concerns Leo Stangers permit to deepen a existing irrigation well on his property south west of Murtaugh. Boley & Henry had promised to deepen this well, however we were unable to keep this promise. There were a great many domestic wells going dry at this time, we always take care of these first. At any rate we misjudged our ability to get various jobs done on time and keep our promise to deepen the Leo Stanger well. The deadline came and went and a large measure of the fault must fall on the shoulders of Boley & Henry.

Sincerely;
Boley & Henry
Blaine Boley partner

Blaine Boley

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE
Notice is hereby given that LEO D. & OR GENEVIEVE A. STANGER, 4402 W 3200 N, MURTAUGH ID 83344 have applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 45-02311. The extension is requested to avoid loss of the water right due to no-flow while arrangements are being made to deepen a well. Water Right No. 45-02311 is a beneficial use of water for irrigation (250 cfs) Diversion of Diversion: K. W. F. & W. F. F., 2113, 7190, 2113, Twin Falls County. Plans of the 145 acres within SW 1/4, 213, 7190, R19E. Any action against the approval of the above proposed and described request shall be filed with the Department of Water Resources, Southern Region, 225 Shoshone Street East, Twin Falls, ID 83301 together with a proposed extension of time before December 1, 1996. The Department of Water Resources will then advise the applicant to the approval.
Karl J. Dethlefs, Director
Published in the Times News on 11/14 & 11/21/96.

Affidavit of Publication
STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

11/22/1996

No 28803

I, Emily McKnight being first duly sworn upon oath, depose and say that I am Principle Clerk 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 days, commencing with the issue dated November 14, 19 96, and ending with the issue dated November 21, 19 96.

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.
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.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 21 day of Nov in the year of 1996, before me, a Notary Public, personally appeared Emily McKnight, 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.

OK
MB
11/25/96

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

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE Notice is hereby given that LEO D. & / OR GENEVIEVE A. STANGER, 4402 W 3200 N; MURTAUGH ID 83344 have applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 45-02311. The extension is requested to avoid loss of the water right due to non-use while arrangements are being made to deepen a well. Water Right No. 45-02311 Priority Date: 8/24/1949 Source: groundwater Use: irrigation (2.3 cfs) Point(s) of Diversion: N W 1 / 4 S W 1 / 4 , SE1/4SW1/4, S13, T11S, R19E; Twin Falls County. Place of Use: 145 acres within SW1/4, S13, T11S, R19E. Any protest against the approval of the above proposed and described request must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before December 2, 1996. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director

Published in the Times News on 11/14 & 11/21/96.

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

11/22/1996

No 28803

I, Emily McKnight being first duly sworn upon oath, depose and say that I am Principle Clerk 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 days, commencing with the issue dated November 14, 19 96, and ending with the issue dated November 21, 19 96.

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.

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.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 21 day of Nov in the year of 1996, before me, a Notary Public, personally appeared Emily McKnight, 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.

OK
NB
11/25/96

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

REMITTANCE ADDRESS		BILL TO	
THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS, ID 83303-0548		DEPT WATER RESOURCES	
AD NUMBER	CLASS	SALESPERSON	BILLING DATE
92802	0050 LEGAL	5	11/12/96
AD DESCRIPTION		START DATE	STOP DATE
water right Leo Stanger		11/12/96	11/12/96
PUBLICATION	INSERTIONS	RATE	NET AMOUNT
4 THE TIMES NEWS LEGAL	1	LGL	
FLAT CHARGE		FC	41.78
TOTAL AD CHARGE			41.78
DAYS RUN			
PURCHASE ORDER		PAY THIS AMOUNT	
		41.78	41.78*

PAY THIS AMOUNT

41.78

41.78*

OK
11/25/9-

NOV 22 1996

Department of Health, Education and Welfare
 Washington, D.C. 20460

AD NUMBER	CLASS	START DATE	STOP DATE
92802	050 LEGAL	11/12/96	11/12/96
AD DESCRIPTION		BILLING DATE	TELEPHONE NUMBER
water right Leo Stanger		11/12/96	208-736-3033

GROSS AMOUNT OF
41.78
DUE AFTER

[illegible]

TOTAL AMOLN™ CLE

41.78

ENTER AMOUNT ENCLOSED

3

DEPT WATER RESOURCES
222 SHOSHONE EAST
TWIN FALLS, ID

83301

12.11.2019

2040000000092802000000000000000000417800000041782

Ident. No. 45-96-S-0081-100
Water Right No. 45-02311

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: LEO & GENEVIEVE STANGER O 208-432-5427
Address: 4402 E. 3200 N.
MURTAUGH ID 83344
2. Proposed Well Location: Township 11S, Range 19E, Sec. 13, SESW
TWIN FALLS County
3. Proposed Use of Well: Non-Domestic Irrigation
4. Well Construction Information:
A. DEEPEN
B. Proposed Surface Diameter 16 In. Proposed Maximum Depth 450 Ft.
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
(NOTE: Construction diagrams and/or other information may be requested for
monitor, low temperature geothermal, municipal and artesian wells.)
5. Construction Start Date: 11/19/1996
6. Anticipated Well Driller: BOLEY & HENRY (No. 0086)
NOTE: The actual well driller must be identified to IDWR prior to drilling
commencement.
7. Applicant's Signature Leo D. Stanger Date 11-12-96
Title _____
(Owner, Firm Representative, Other)

Fee \$ 200⁰⁰ Receipted by [Signature] No. 3019681 Date 11/12/96

(Continued)

**NOTICE OF
APPLICATION FOR
EXTENSION OF TIME
TO AVOID FORFEITURE**

Notice is hereby given that
**LEO D. & / OR
GENEVIEVE A.
STANGER, 4402 W 3200
N; MURTAUGH ID 83344**
have applied to the
Department of Water
Resources for an extension
of time to avoid forfeiture
of Licensed Water Right
No. 45-02311. The
extension is requested to
avoid loss of the water right
due to non-use while
arrangements are being
made to deepen a well.
Water Right No. 45-02311
Priority Date: 8/24/1949
Source: groundwater
Use: irrigation (2.3 cfs)
Point(s) of Diversion:
N W 1 / 4 S W 1 / 4 ,
SE1/4SW1/4, S13, T11S,
R19E; Twin Falls County.
Place of Use: 145 acres
within SW1/4, S13, T11S,
R19E. Any protest against
the approval of the above
proposed and described
request must be filed with
the Director, Dept. of
Water Resources, Southern
Region, 222 Shoshone
Street East, Twin Falls, ID
83301 together with a
protest fee of \$25.00 on or
before December 2, 1996.
The protestant must also
send a copy of the protest
to the applicant.
Karl J. Dreher, Director

Published in the Times
News on 11/14 & 11/21/96.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 N. JOHNSON ST E
TWIN FALLS ID 83301
(208) 736-3033 Fax 736-3037

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 8, 1996

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.

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

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that LEO D. &/OR GENEVIEVE A. STANGER, 4402 W 3200 N; MURTAUGH ID 83344 have applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 45-02311.

The extension is requested to avoid loss of the water right due to non-use while arrangements are being made to deepen a well.

Water Right No. 45-02311

Priority Date: 8/24/1949

Source: groundwater

Use: irrigation (2.3 cfs)

Point(s) of Diversion: NW1/4SW1/4, SE1/4SW1/4, S13, T11S, R19E; Twin Falls County.

Place of Use: 145 acres within SW1/4, S13, T11S, R19E.

Any protest against the approval of the above proposed and described request must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before December 2, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 11/14 & 11/21/96.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033 Fax 736-3037

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 7, 1996

LEO D. &/OR GENEVIEVE A. STANGER
4402 W 3200 N
MURTAUGH ID 83344

Re: Application for Extension of Time To Avoid Forfeiture, No. 45-02311

Dear Applicants:

The Department of Water Resources acknowledges receipt of your application for extension of time to avoid forfeiture as referenced above.

This office has scheduled advertising the application in the Times News for 11/14 & 11/21/96.

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest.

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

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

June 23, 1965

RE: Permit No. 21205

J. J. Byer
Route 1
Cartanzen, Idaho 83314

Dear Mr. Byer:

Reference is had to your letter of June 4, 1965.
It is our opinion that you can file on this waste water
since it leaves the Gilmer Low Lift Company system and
is no longer in their control.

You may know that you cannot require the
Canal Company to supply this water and that possibly
there may be fillings ahead of the one you propose.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ct

21205

RECEIVED

JUN 23 1965

Department of Reclamation

Route I
Murtaugh, Idaho 83344
June 21, 1965

RE: Permit No. 21205

State Reclamation Engineer
Boise
Idaho

Dear Sir:

I have Permit No. 21205 for the use of 2.3 second feet of water to be used on the SW $\frac{1}{4}$, Section 13, Township 11 South, Range 19 East, B.M.

Since this filing the volume of water has gradually decreased due to the increased number of deep wells that have been drilled in this vicinity. I measured the water from both wells yesterday with the following results.

Well No. 1

Cipolletti Weir with 18" crest

$H = 2\frac{13}{16} = .234'$, velocity approach 0.5 ft. per second

$Q = 3.367 \times 1.5 (.234 + 1.5 \frac{.5^2}{64 \cdot 32})^{\frac{3}{2}} = .594 \text{ cfs} = 29.7 \text{ miners inches.}$

Well No. 2

$H = 3\frac{3}{8} = .281'$ $V = 0.33 \text{ ft. per second}$

$Q = 3.367 \times 1.5 (.281 + 1.5 \frac{.33^2}{64 \cdot 32})^{\frac{3}{2}} = .755 \text{ cfs} = 37.7"$

Total =

67.4"

The total 67 inches is 48 inches short of my permit for 115 inches and 93 inches short of the 160 inches permitted by the law. An additional supply of water is necessary to carry on operations here,

There is a source of supply here in the form of an intermittent supply of waste water which varies from zero to between 300 inches depending on the amount of waste emptied into the canal from the pump ground south of it. This canal is the Milner Low Lift Irrigation Company canal and it terminates on my place. The water spilled is of no further use to the canal company and empties into Murtaugh Lake. As the canal enters my place it passes out of their district boundaries, they have no easement on the wasteway. The water has been wasted for years.

21205

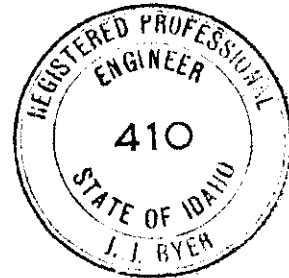
The canal board, their director and their attorney have no objection to my using some of this water but are hesitant about giving any written statement permitting its use as they are afraid that a certain trouble maker will file a suit against them as he has done at times in the past.

The above facts will give you a good idea of this problem so please advise as to whether in your opinion the water is open for filing and if so please send the necessary instructions and forms for filing.

Very truly yours,



J. J. Byer



✓
January 13, 1954

RE: Permit No. 21205

Mr. J. J. Byer
Murtaugh
Idaho

Dear Mr. Byer:

We enclose License and Certificate of Water Right issued under Permit No. 21205, confirming your right to the use of 2.3 second feet of water from two wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, Township 11 South, Range 19 East, B.M. with priority of August 24, 1949, for irrigation of land in the SW $\frac{1}{4}$ of said Section 13.

We also enclose departmental receipt No. 26429 for the \$8.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Encls.

21205

Murtough, Idaho
Oct. 8, 1953

Idaho Department of Reclamation
Boise, Idaho Attn: Mr. Q Kulp

Dear Sir,

Enclosed please find check of
eight dollars for fee for license to be
issued on permit no. ~~210~~ 21205.

Yours truly
J. J. Byer

J. J. Byer
Murtough
Idaho

RECEIVED
JAN 9 1954
Department of Reclamation

21205

✓
September 21, 1953

RE: Permit No. 21205

Mr. J. J. Byer
Murtaugh
Idaho

Dear Mr. Byer:

The report of our field engineer on examination for beneficial use on Permit No. 21205, shows that your wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, Township 11 South, Range 19 East, B.M., will deliver 2.3 second feet of water and that you have irrigated 145 acres in the SW $\frac{1}{4}$ of said section.

Therefore, upon receipt of the statutory fee of \$8.00, a license will be issued for 2.3 second feet of water from said wells.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21205

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 21205

This proof is for Beneficial use In Water District No.

1. Name of applicant J. J. Byer, Murtaugh, Idaho

2. Source of water supply: Subterranean flow from two wells

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13

T. 11 S. R. 19 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: Well # 1; U S motor # 8496 849266, 40 hp, 60 cycle, 3 phase, 440 volts, 49 amps, 1800 rpm's. 150' deep, 25' of 12" casing, column 143' by 8" 5 stages 10" bowls, s-height 113, drawdown to bottom, Flow checked with weir and discharges 39.4 cfs. Well #2; G E motor #6273107, 15 hp, 3 phase, 220 volts, 39.4 amps, 1755 rpm's, Sq. D panel #96352-L, GE meter #28.161.479, demand 1.55 x 10, Well 183' deep, cased 14' of 10" pipe, s-height is 60', D-down from 76 to 82', 183' of 5" column, 3 stages 10" bowls, flow checked with weir, and found to discharge 1.028 cfs, checked from 2 different points. Total measurement 90.9" water.

5. Water is used for: Irrigation.

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

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

Southwest Quarter Section 13, Township 11 South, Range 19 East, B. M.

148 acres irrigated (see map)

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

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

Remarks:

#1 Well had not been pumped for several days when Judd Rose tested it.

This examination was made on the 27 day of May, 1953

(Signed)

Examiner.

#1 high well
150' x 10" cnd 25'
col. 8' x 143' bwr to 10" 5' top
pump bowls in bottom.
static H = 113' drawdown to bottom

#2 183' x 10" d cnd 14'
H = 60' drawdown 76' to 82'
pump sits 100' down
col. 5" bwr to 10" 3' top

#1.40 over 18" cip.
weir Q = 64"

1.020
196/200 4
196
400
392
80

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.

J. J. Byer
Murtaugh, Idaho
Permit No. 21205

Examination for Beneficial use

County Twin Falls
S. 13 - 115 - 19E

Q = 3.0 cfs

S = Well

P.D = NW. SW. Sec. 13, T. 11S - R. 19E

Use = Irrigation

RECEIVED
SEP 17 1953

Department of Reclamation

Permit Map No. 2222
As Approved
MARK R. KULP
State Reclamation Engineer

Priority = Aug. 24, 1952
Due =

#2 P.D. = 74' x 6' E } SW Cor SE 1/4 SW 1/4
13 yds N } Sec. 31

#2 G.E. Motor # 6273407

15 HP.
3 phase.
220 volts
39.4 AMPS
1755 RPM.

D.D. panel # 96352-2

G.E. Motor # 58-161-477
Demand 1.55 x 10

H = 1.85 over 18" cip. weir,
at pump. $\frac{4.17}{2.1801} = 1.90$

H = 2.5 over 18" cip. weir .628 cfs
400' W. of pump. $\frac{400}{1.029} = 390$

#1 H = .29' over 18" cip. weir 90"
53° = T Q = .79 cfs allow 2

17' above pump = max. lift

Wants a later measure
or 38" x 74" has box met.

U.S. Motor # 949266
40 HP. Delivery N.W.
60 cycle 10" x 735"
3 phase
49 AMP 3 EN Panel # 2798
1500 RPM Rep. 123 Pump
6 x 6 conc. foundation = 85199

#1: 7-29-52



PR 21205

J. J. Byer

Well 1 = 151' deep
143' casing @ 8"

Well 2 = 183' deep
100' casing @ 6"

355°20'E 805'

Declination for Area =

-19° True Bearing

536°20'E

HAHA

TO U.S. HWY No. 50 - TWIN FALLS

R-19E

TO MURTAUGH

Well is exactly correct
on original

buried pipe
P.D. #1

14

T.
11
S.

SW 1/4

SE 1/4

DRY CREEK
RESERVOIR

house

P.D. #2
7445E
15 YDS N SW

SW 1/4 SW 1/4 Sec 15

1 1/2 a. put above
ditch at present.

Well #2 = 1.028 cfs 18" cip. weir
May 27-53
E.H.H.

Well #1 = .79 cfs 18" cip. weir
T = 53°F
May 27-53
E.H.H.

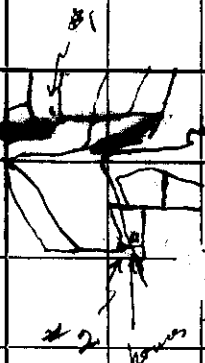
Well #1 = 1.28 cfs 10" cip. weir Aug 18-
Judd Rose

#2 = 1.020 cfs. spring meter
Aug 18-
E.H.H.

Q = 2.3 cfs

Archie (H.H.) near well

Ditches drawn
by Mr. Byer



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

Four subdivisions

21205

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21205

REPORT ON PROOF OF Beneficial use

J. J. BIER, Marlaugh, Idaho

drilled 6-25-51
No 2.

surface soil - hardpan. 0-14'
br. lava boulders 14-40'
br. & red lava 40-50'
Red lava & cinders 50-55'
" " " soft stuff 55-65"
br. & bl. lava 65-82
bl. lava 82-97
Red br. lava - 97-109
Gravel & clay - 109-120
bl. lava & cinders - 120-145'
Red br. & gr. lava 145-176
yellow clay 176-183
water level 59'6"

Hiddleston & Haynes drillers

off. 3 c/s
145 c/s
4-40's

drilled 8-6-1949
No 1.

soil - hardpan & gravel - 0-23. feet
br. & bl. lava - 23-33
br. lava & cinders - 33-37
bl. lava - 37-65'
lost cutting 65-70
bl. lava 70-87
lost cutting 87-95
br. lava & red cinders 95-105'
lost cut 105-113'
Gravel - 113-119
bl. lava - br. lava
cinders 119-139
lost cut. - 139-148
bl. lava. 148-150.
water level 114'
raised to 113'

off.
2-3 c/s
145 c/s

August 14, 1953

RE: Permit No. 21205

Mr. J. J. Byer
Murtaugh
Idaho

Dear Mr. Byer:

I will call on you during the week of August 17
to make a final measure on the one well as per our
discussion in May.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E.N. HUMPHREY
Deputy State Reclamation Engineer

EMH:pj

21205

May 21, 1953

RE: Permit No. 21205

Mr. J. J. Byer
Murtaugh
Idaho

Dear Mr. Byer:

Your Permit No. 21205 is ready for license. State law requires that an inspection be made by a member of this department before license can be issued.

I intend to make this inspection on Wednesday, May 27, 1953. Please be prepared to accompany me on the inspection.

I will try to contact you by phone the evening before so as to make a definite appointment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21205

✓
November 13, 1952

RE: Permit No. 21205

Mr. J. J. Byer
Murtaugh
Idaho

Dear Mr. Byer:

We acknowledge receipt of your letter of November 12, 1952, enclosing depositions of yourself and two witnesses, also affidavit of publication in the Twin Falls Times News, all submitted in proof of beneficial use under your Permit No. 21205.

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,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21205

Murtaugh, Idaho
11-12-52

Idaho State Reclamation Dept.

Boise, Idaho.

Gentlemen:-

Please find enclosed one copy
each of notarized "Depositions" for
holder and two witnesses and affidavit
of publication for permit # 21205.

Please advise if anything
further is required.

Yours truly,

J. J. Byer

J. J. Byer
Murtaugh
Idaho

RECEIVED
NOV 13 1952
Department of Reclamation

21205

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21205

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans.

*Byers, Wuytaugh, Farmer and C. P. 410
 Wuytaugh, 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.

21205, August 24, 1949. August 24, 1949

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

Ans.

Two subterranean wells. NW 1/4 SW 1/4 and SE 1/4 SW 1/4 Sec. 13, T. 11 S., R. 19 E., B. 9 W.

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

Ans.

Well #1, depth 51', casing 8"-143' long, when pumping, 150' 36 to 77 minus inches (variation with season), Cipolletti Weir and current meter. Well #2, depth 183', casing 6" column 100' long, 50" minus inches, Cipolletti Weir and current meter. (U.S.G.S. check water measurements compare to discharges given above.)

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

Ans.

Irrigation. SW 1/4, Sec. 13, T. 11 S., R. 19 E., B. 9 W. 160 A. Cultivated. Clearing ground, installing ditches, leveling, building two houses, barns, granaries, coops, sheds and fencing.

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. 160 minus inches

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

Ans. _____

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

Ans. From 1950 to 1952, by ditch. The amounts shown in question 5. All of the water during the irrigation season only.

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

Ans. None.

(Sign) _____

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 _____,

County of Lincoln, State of Idaho, on this 10th day of November,

A. D. 19____,

Herbert Thomas

My commission expires Sept 7, 1953

21205

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21205

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. Wesley S. Perkins 26 Mustang, farming
Mustang, Idaho

Ques. 2. Are you acquainted with J. J. Byer, the holder of Permit No. 21205? How long have you known him and where does he reside?

Ans. 3 yrs at Mustang

Ques. 3. Have you read or heard read said Permit No. 21205, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Well North SW 1/4 & SE 1/4 A 10 1/4 Section 13 Twp 11S
Range 19E, 81N. Ditches

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. 2-3 second ft

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. from 100 to 120 inches

21205

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

Ans. Irrigation, 1/4 section Cultured ground.
S.W. 1/4 Section 13, Twp. 11 South, Range 19 East B. 14.

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. Level Sage Brush Land. 160 acres

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

Ans. No.

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

Ans. 1950 - 1952 Inc. being upon the land. Seeing that
water being used and crops raised

(Signed) Quane L. Perkins

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

County of Franklin, State of Idaho, on this 10th day of November,
A. D. 1952

Herbert Thomas
Notary Public.

My commission expires Sept 7 1953

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No 21205

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. Walter Taylor, 79, Murtaugh, Farmer
Murtaugh, Idaho

Ques. 2. Are you acquainted with J. S. Byler, the holder of Permit No 21205? How long have you known him and where does he reside?

Ans. 35 years at Murtaugh, Idaho

Ques. 3. Have you read or heard read said Permit No. 21205, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Subterranean wells. NW 1/4 SW 1/4 and SE 1/4
SW 1/4 Sec. 13, T18, R19E, B.M. Ditch.

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. Two to three second feet

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

Ans. From 100 to 130 miner's inches varying
with the season judging from the number
of corrugals set.

21205

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

Ans. *Irrigation. S.W. 1/4 Sec 13, T11S, R19E, B.M.
160 Acres. Cultivated. Clearing ground, ditch
systems, fencing, two houses, barns, granaries,
coops and sheds.*

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. *Light brust land, soil lava loam
160 inches.*

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

Ans. *No.*

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

Ans. *1950 to 1952 inc. Watching progress of the work
from year to year. Have seen the crops grown
and harvested for three years.*

(Signed) * *Walter Taylor*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____,

County of *Twin Falls*, State of Idaho, on this *10th* day of *November*,
A. D. 19*52*.

Herbert Thorne
Notary Public.

My commission expires *Sept 7, 1953*

21205

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 4537

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 a. m. on the 10th day of November, 1952, at Murtaugh, County of Twin Falls, State of Idaho, before Herbert Thorne (Notary Public) proof will be submitted of the application to beneficial use of three cubic feet per second of the waters of 2 wells in accordance with the terms and conditions of Permit No. 21204 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. J. Byer, Murtaugh, Idaho.

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

The amount applied to beneficial use is 3 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Southwest Quarter Section 18, Township 11 South, Range 19 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 (no name).

The right to take water from such works is based upon Permit No. 21204.

The source of supply from which such water is diverted is 2 wells (subterranean flow).

The date of priority which said user is prepared to establish is August 24, 1949.

MARK R. KULP,
State Reclamation Engineer

Witness: Oct. 17, 24, 31, Nov. 7, 1952

I, June Lee, 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 or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Fridays, commencing with the issue dated October 17, 1952, and ending with the issue dated November 7, 1952.

And I do further certify that said newspaper is a consolidation, effective Feb. 16, 1942, 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 paper 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 required 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 7th day of

November, 1952

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

21205

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 4537

NOTICE OF PROOF APPLICATION OF
WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 10th day of November, 1952, at Murtaugh, County of Twin Falls, State of Idaho, before Herbert Thorne (Notary Public) proof will be submitted of the application to beneficial use of three cubic feet per second of the waters of 2 wells in accordance with the terms and conditions of Permit No. 21205 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. J. Byer, Murtaugh, Idaho.

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

The amount applied to beneficial use is 3 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Southwest Quarter Section 13, Township 11 South, Range 19 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 (no name).

The right to take water from such works is based upon Permit No. 21205.

The source of supply from which such water is diverted is 2 wells (subterranean flow).

The date of priority which said user is prepared to establish is August 24, 1949.

MARK R. KULP,

State Reclamation Engineer

Publsh: Oct. 17, 24, 31, Nov. 7, 1952

I, Herbert Thorne, 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 or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Friday, commencing with the issue dated October 17, 1952, and ending with the issue dated November 7, 1952.

And I do further certify that said newspaper is a consolidation, effective Feb. 16, 1942, 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 paper 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 required 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 12 day of

November, 1952

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

21205

The TIMES-NEWS

Twin Falls, Idaho

J. J. Byer
Murtaugh, Idaho

Thank you for your advertisement.

21205

INVOICE

✓
October 21, 1952

RE: Permit No. 21205

Mr. J. J. Byer
Murteugh
Idaho

Dear Mr. Byer:

We have sent to the Twin Falls Times News notice of beneficial use proof to be made on your permit No. 21205 on November 10, 1952, with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set you should appear before Mr. Herbert Thorne, Notary Public, together with two disinterested witnesses who are familiar with the terms of your permit and the work done thereunder for the purpose of executing the enclosed forms of deposition.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21205

21205

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **October 13, 1952**

**The Times News
Twin Falls, Idaho.**

Gentlemen:

Enclosed you will find notice for publication once
a week for four consecutive weeks prior to **November 10, 1952**
the date set for proof, the expense of the publication to be
paid by the applicant, **J.J. Byer, Murtaugh, Idaho.**
of , 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.

Very truly yours,

Mark. R. Kulp.

State Reclamation Engineer

**By Roy.W.Thompson,
Supervisor of Water Distribution.**

21205

Murtaugh, Idaho
Oct. 7, 1952

Department of Reclamation
Boise, Idaho

Attn: Mark R. Kulp

Dear Sir,

I'm reply to your letter of September 11, 1952, please be advised that the date of proof can be November 10, 1952, if this date is satisfactory with you. If not please advise.

I thought I had previously taken care of this matter but by not having heard from you nor seeing the advertisement, I checked my file and found I had not sent the requested date.

Very truly yours,

J. J. Byer

J. J. Byer
Murtaugh
Idaho

Re: Permit No. 21205

RECEIVED
OCT 10 1952

Department of Reclamation

21205

✓
September 11, 1952

RE: Permit No. 21205

Mr. J. J. Byer
Murteugh
Idaho

Dear Mr. Byer:

We acknowledge receipt of duplicate notice for beneficial use proof under Permit No. 21205, to be made at Murteugh before Herbert Thorne, Notary Public.

However, you have not set the date when this proof is to be made. Upon receipt of your advice, we can complete the notice and send a copy to the Twin Falls Times News for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21205

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Sept 9, 1952

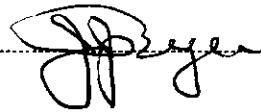
(P. O.) Murtaugh, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Times News of Twin Falls published in
the county in which the works are situated.



(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.

21205

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

Notice is hereby given that at 10 A. M. on the 10 day of November, 1952,
at Murtaugh, County of Twin Falls, State of Idaho, before
Herbert Thorne (Notary Public), proof will be submitted of the
application to beneficial use of three cubic feet per second of the waters of 2 wells
in accordance with the terms and conditions of Permit No. 21205
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. J. Byer
Murtaugh, Idaho.

The use to which said water has been applied is irrigation

The amount applied to beneficial use is ~~2~~ 3 cubic feet per second,

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Southwest quarter Section 13, T. 11 S., R. 19 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 (no name)

The right to take water from such works is based upon Permit No. 21205

The source of supply from which such water is diverted is 2 wells (subterranean
flow)

The date of priority which said user is prepared to establish is August, 24, 1949

MARK. R. KULP.

State Reclamation Engineer.

21205

September 8, 1952

RE: Permit No. 21205

Mr. J. J. Byer
Route 1
Murtaugh, Idaho

Dear Mr. Byer:

In reply to your request for information in regard to final proof on your Permit No. 21205.

Before beneficial use (or final) proof, the law requires publication of a notice once a week for four consecutive weeks in a county newspaper.

This notice should be made in duplicate on Form 10 enclosed, setting time and place and naming the Notary Public before whom proof is to be made.

Both copies of Form 10 to be returned to this department together with Form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the necessary forms for making the proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21205

✓
September 8, 1952

RE: Permit No. 21205

Mr. J. J. Byer
Route 1
Murtaugh, Idaho

Dear Mr. Byer:

We enclose your application for amendment to Permit No. 21205 which has been approved and recorded in this department.

We also enclose Certificate of Completion of Works issued under your permit, for the diversion of 3 second feet of water from two wells in the NW₄ SW₄ and SE₄ SW₄ Section 13, Township 11 South, Range 19 East, B.M., for the irrigation of land in the SW₄ of said Section.

We also enclose departmental receipt No. 24805 for the \$5.00 fee paid in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21205

Murtaugh, Idaho
August 21, 1952

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir;

As requested in your letter of July 30, 1952,
I am sending the "Application for Amendment" for permit
21205, form 6, the pump and well data and the measured dis-
charges for both wells coming under this appropriation.

Yours truly,


J. J. Byer

RECEIVED
AUG 22 1952
Department of Reclamation

21205

WELL No. 1

Depth 151'

H.P.- 40 (Electric driven)

Bowls- 5 stages of 10" Peerless Pump Co.

Column - 8"-143' long

Maximum discharge - 109 miners inches

Water surface when not pumping is 113' below ground surface

Water surface when pumping is 150' below ground surface

The 109 miners inch discharge lasts for about two hours

The following discharges were measured by using a Cipolletti weir of proper proportions for existing ditch. The approach velocity was determined by use of a weighted float.

Date	Discharge	Measurement by
9-3-50	74 miners inches	Byer
5-14-52	36 miners inches	Byer
5-21-52+	43 miners inches	U.S.G.S.
8-15-52	77 miners inches	Byer

WELL No. 2

Depth 183'

H.P. - 15 (Electric driven)

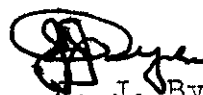
Bowls - 3 stages of 10" Peerless Pump Co.

Column 6"-100' long

Discharge as follows:

Date	Discharge	Measurement by
5-14-52	33 miners inches	Byer
5-21-52	47 miners inches	U.S.G.S.
7-27-52	51 miners inches	Byer
8-15-52	51 miners inches	Byer

Data to accompany Permit No. 21205


S. J. Byer
Lic. No. 410

21205

Permit No. 21205STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Twin Falls

ss.

J. W. Byer

, 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. 21205, and that his postoffice address is Rt. 1, Murtaugh,
State of IdahoSecond: That the name of the stream which said water is to be ^{FROM} ~~directed~~ ^{DIVERTED} ~~is~~ ^{are} 2 wellsThird: That the point of diversion of said water is S55°20'E & 805' from west
1/4 cor. of S. 13, T11S, R19E, B.M. & 1535' & N89°18'E of S.W. cor. Sec. 13, T11S, R19EFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 1, 1952.Fifth: That the use for which said water is intended is irrigation.Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:I. Kind of works: 2 wells & pipe lines & ditch system
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.(c) Size of headgate: Width feet, height feet.(d) Conduit width at bottom feet, width at water line
(State whether ditch, flume or pipe)feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.Seventh: That said works are capable of conducting to the place of intended use (3)
three second feet of water.Eighth: That water appropriated under said permit is available for 160
acres of land described as follows: SW 1/4, Sec. 13, T11S, R19E, B.M.Ninth: Remarks: That Due to seasonable changes in water available,
discharge for the two pumps varies from 91 miners inches in the spring
to 144 miners inches in the fall of the year.

(Sign Here)

Subscribed and sworn to before me this 29th day of July, 1952My commission expires Sept 7, 1953

Notary Public.

21205

✓
July 30, 1952

Re: Permit No. 21205

Mr. J. J. Byer
Route 1
Murtaugh, Idaho

Dear Mr. Byer:

We acknowledge receipt of your affidavit in proof of completion of works on Permit No. 21205, accompanied by your check for the \$5.00 fee in connection therewith.

We note that you describe two wells, whereas your permit only describes one. If an additional well is to be included, an application for such amendment should be made on the form enclosed.

Also your proof should give the depth of the well, size of casing, and should also describe the kind and power of the pumps.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21205

Please send information relative to
final proof as I am ready for it.

Byer

RECEIVED
JUL 30 1952

Department of Reclamation

P. No 21205

21205

P 2 - 1002

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. J. J. Byer
Route 2
Filer, Idaho

Boise, Idaho **July 1, 1952**

Dear Sir:-

Under the terms of your Permit No. 21205.....you are required to complete your diversion works on or before September 1, 1952.... 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

21205

✓
July 21, 1950

Re: Permit No. 21205

Mr. J. J. Byer
Route 1
Murteugh, Idaho

Dear Mr. Byer:

We enclose Approval of the State Reclamation Engineer of your Application for Extension of Time for Completion of Works under Permit No. 21205, to September 1, 1952.

This should be attached to your original Permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21205

Permit No. 21205

Application for Extension of Time FOR COMPLETION OF WORKS

J. J. Brier, of Ponte L. Murtaugh

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

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 21205

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by March 2, 1950

That he has heretofore performed the following work described under said permit:

drilled well, installed pump, 12 inch concrete discharge pipe, the
ditch system and power facilities.

costing \$5237.99 (does not include ditch system)

That he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit: Lack of water.

The work is complete but the water in the well is to date about 1.6
second feet. The well may develop for better or worse, time will tell.
In case it does not develop, a new well will be drilled endeavoring to
produce the balance of the 3 cfs applied for.

WHEREFORE, He asks that the State Reclamation Engineer
~~Commissioner of Reclamation~~ extend the time for the comple-

tion of works under said permit to September 1, 1952.

Subscribed and sworn to before me this 20th day of July, 1950

Notary Public.

My commission expires

Date of receipt at office of Department of Reclamation

STATE RECLAMATION ENGINEER
APPROVAL OF COMMISSIONER OF RECLAMATION
State Reclamation Engineer

1. Mark R. Kulp, of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21205 to

September 1, 1952

Witness my hand this 21st day of July, 1950

Mark R. Kulp
State Reclamation Engineer

✓
July 10, 1950

Re: Permit No. 21205

Mr. J. J. Byer
Route 1
Murtaugh, Idaho

Dear Mr. Byer:

In reply to your letter of July 6, 1950, we enclose another form of Application for Extension of Time for Completion of Works under Permit No. 21205.

If an extension is allowed, it will make no difference with the priority, so long as the proofs are made within the time allowed under such extension.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

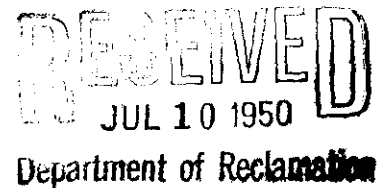
A:bh
Enc.

21205

Murtaugh, Idaho

July 6, 1950

Mark R. Kelp
State Reclamation Engineer
Boise, Idaho



Dear Sir:-

In reply to your letter of July 5, 1950 relative to not having received an answer to your letter of May 26, 1950 regarding an extension of time on Permit No. 21205, I am sorry the answer did not arrive at your office.

Kindly send another blank form for "Application for Extension of Time" in order that I may again submit it.

Will this application for extension of time endanger my priority on the water in case other wells are drilled and developed before final proof is made on my water right?

I thank you in advance for an early reply and your recent letter.

Very truly yours,

J. J. Byer

J. J. Byer

Rt. 1

Murtaugh

Idaho

(Permit No. 21205)

21205

July 5, 1950

Re: Permit No. 21205

Mr. J. J. Byer
Route 1
Murtaugh, Idaho

Dear Mr. Byer:

We have had no reply to office letter addressed you on May 26, 1950, in regard to Proof of Completion of Works submitted on Permit No. 21205.

In this letter we asked you to advise us whether you wish to proceed under the proof as submitted or apply for extension of time in order to possibly develop a larger amount of water.

Please give the matter your early attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

21205

✓
May 26, 1950

Re: Permit No. 21205

Mr. J. J. Byer
Route 1
Murtaugh, Idaho

Dear Mr. Byer:

We acknowledge receipt of your Affidavit submitted in Proof of Completion of Works under Permit No. 21205.

We note your statement that you have not succeeded in obtaining the required amount of water from your present well and may find it necessary to drill another well. In that case, we suggest that you withdraw your present Proof of Completion of Works until such time as you have decided whether or not another well will be necessary, and we enclose a form of Application for Extension of Time, as under the Statutes, you could be allowed several more years before making Proof of Completion of Works.

In the event that another well is found necessary, your Permit may be amended to include the said well, and a form of Application for Amendment will be furnished by this Department.

Please let us hear from you as to your wishes in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A:bn
Enc.

Chief Clerk

21205

Permit No. 21205

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
MAY 26 1950
Department of Reclamation

STATE OF IDAHO

County of Twin Falls

ss.

J. J. Byer

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. 21205, and that his postoffice address is Murtaugh State of Idaho

Second: That the name of the stream which said water is to be directed is (a well)

✓ Third: That the point of diversion of said water is

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 1, 1950

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

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

I. Kind of works: Pump & pipe line
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

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

feet, depth of water feet; diameter of pipe 12 inches, average grade per mile is feet. Length of conduit is 0.14 miles.

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

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: SW 1/4 Sec. 13, T11S, R19E, B.M.

* Ninth: Remarks: That after test pumping well, it was deemed advisable to install a pump with two second feet discharge. If this quantity of water proves inadequate, a second well will be developed for one second foot discharge.

J. J. Byer
(Sign Here)

Subscribed and sworn to before me this 25 day of May, 1950

My commission expires 6-6-53

Notary Public.

21205

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. J. J. Byer
R. F. D. # 1
Murtaugh, Idaho

Boise, Idaho **April 1, 1950**

Dear Sir:-

Under the terms of your permit No.--~~21205~~-----you are required to complete your diversion works on or before--~~June 1, 1950~~----- 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

21205

✓
March 14, 1950

Re: Permit No. 21205

Mr. J. J. Byer
R.F.D. 1
Murtaugh, Idaho

Dear Mr. Byer:

We enclose the approval of the State Reclamation Engineer of your Application for Extension of Time for Completion of Works under Permit No. 21205 to June 1, 1950.

This should be attached to your original Permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21205

Permit No. 21205

Application for Extension of Time FOR COMPLETION OF WORKS

March 6, of 1950

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

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 21205

Under the terms and conditions of said permit, construction work thereunder was required to be completed by March 2, 1950

That he has heretofore performed the following work described under said permit drilled one twelve (12") inch hole 15' deep, test pumped it and dug two power post holes for the power line

costing \$ 1310.64

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Power company unable to get poles to site due to wet soil condition and due to labor strikes in the east there has been a delay in the pump equipment delivery.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to June 1, 1950

Subscribed and sworn to before me this 6th day of March, 1950

F. W. Black

Notary Public.

My commission expires January 16 - 1952

Date of receipt at office of Department of Reclamation March 10, 1950

APPROVAL OF **STATE RECLAMATION ENGINEER**
~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I, MARK R. KULP, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21205 to June 1, 1950

Witness my hand this 13th day of March, 1950

21205

Mark R. Kulp

~~CYRUS H. MOORE, JR.~~
State Reclamation Engineer

March 3, 1950

Re: Permit No. 21205

Mr. J. J. Byer
R.F.D. #1
Airtaugh, Idaho

Dear Mr. Byer:

In reply to your letter of March 1, 1950,
requesting extension of time for completion of works
under your Permit No. 21205:

The records in this Department show that this
Permit was approved September 2, 1949, and you are there-
fore entitled to an extension of time for completion of
works. We enclose a Form of Application which should be
executed by you and returned to this Department for ap-
proval by the State Reclamation Engineer. We suggest
that you make it for more than the 60 days in order to
allow plenty of time, but of course the proof can be
made within the time allowed, if desired.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21205

RECEIVED
 MAR 3 1950
 Department of Reclamation

Murtaugh, Idaho
 March 1, 1950

Department of Reclamation
 Boise, Idaho

Attn: Mark R. Kulp

Dear Sir,

Under the terms of permit No. 21205, I am required to complete my installation for water requested thereunder by March 2, 1950.

I find it impossible to do so, due to the wet condition of the soil which will not permit the Idaho Power Company to get the necessary poles to the site for the power installation also due to the labor situation in the east, the pump delivery has been delayed.

The above conditions being beyond my control, it is necessary that I request an extension of sixty (60) days for the completion of said project.

Your early consideration of this matter will be greatly appreciated.

J. J. Byer-

Murtaugh, Idaho
 R.F.D. #1

Yours truly
 J. J. Byer

21205

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. J. J. Byer
Route 2
Filer, Idaho

Boise, Idaho January 3, 1950

Dear Sir:-

Under the terms of your permit No. 21205 you are required to complete your diversion works on or before March 2, 1950. 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. KUTP

State Reclamation Engineer

21205

✓
November 7, 1949

Re: Permit No. 21205

Mr. J. J. Byer
Route 2
Filer, Idaho

Dear Mr. Byer:

We acknowledge receipt of your letter of November 1, 1949, as to progress of work under your Permit No. 21205, which has been placed on file.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

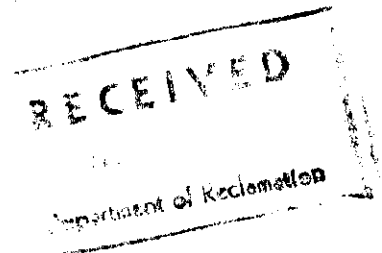
Chief Clerk

A:bh

21205

Filer, Idaho
11-1-49

Dept. of Reclamation
State House
Boise, Idaho.



Gentlemen:

The following information deals with permit 21205 as approved September 2, 1949.

The well has been drilled to a depth of 150 feet. Hole diameter is 12". The water stands at 114 feet below ground level. Test pumping for a three hour period showed a maximum discharge of about 85 miner inches and a 17 foot draw down.

The completed work is in excess of that specified to be completed on or before December 2, 1949.

Yours sincerely

J. J. Byer
Rt. 2
Filer
Idaho

A handwritten signature in dark ink, appearing to read "J. J. Byer".

21205

cc - C. H. Byer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21205

Date September 9, 1949

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

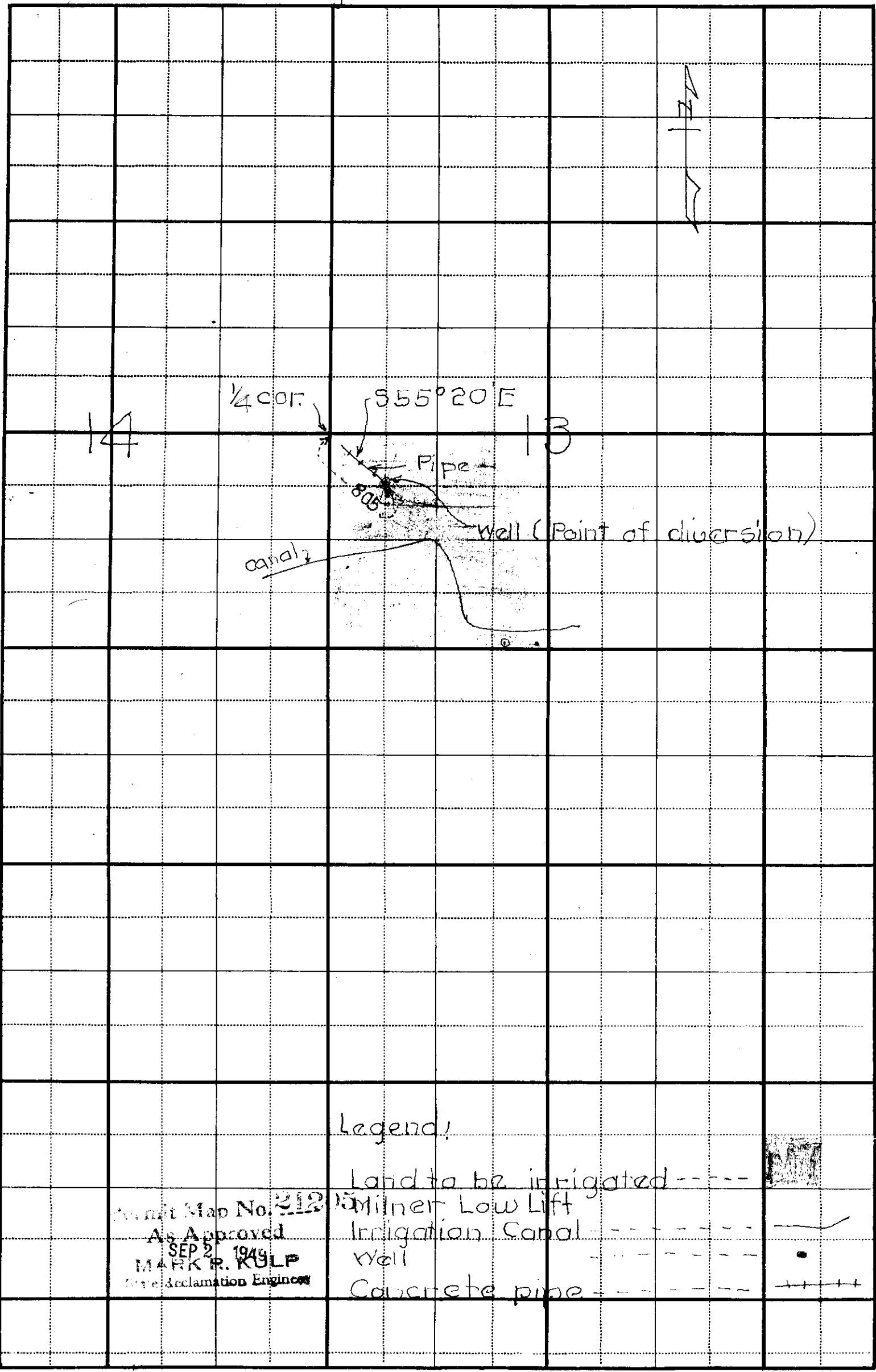
Mr. J. J. Byer
Route 2
Filer, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21766

21205

T11S



Survey Map No. 212
As Approved
SEP 2 1949
MARK R. KULP
State Declaration Engineer

Legend:

- Land to be irrigated ----
- 15 Milner Low Lift Irrigation Canal ———
- Well .
- Concrete pipe - - - - -

August 12, 1949

Mr. J. J. Byer
Route 2
Filer, Idaho

Dear Mr. Byer:

In reply to your letter of August 10, we enclose a form of application for permit to appropriate the public waters of the State of Idaho, together with regulations and instructions in regard to filing same.

This form is used for filing on subterranean water from a well the same as from any other source. The point of diversion called for under Question 4 should be the legal subdivision in which the well is located.

When this application is approved it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application. In order to complete your water right, two proofs are required as follows:

First, proof of completion of works which is made by affidavit before a Notary Public. The time required for making this proof should be stated under Question 12 in the application.

The final proof is made when the water has been completely applied for irrigation or whatever purpose it is intended. Notice of such proof must be published for four consecutive weeks in a county newspaper at your expense and at the time set for proof, depositions are to be executed by yourself and two witnesses in proof of such beneficial use. The additional time required for making this proof should be stated under Question 13 of the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21205

Filer, Idaho
Aug. 10, 1949

State Reclamation Dept.
Capitol Bldg.
Boise, Idaho



Gentlemen:

Please send the application forms,
the amount of the filing fees and
any other information relative to
the procurement of water right for
approximately 100 miners inches of
water.

The source of water supply
will be a drilled well near Muntangh.

An early reply will be greatly
appreciated.

Yours truly
J. J. Byer

J. J. Byer
Rt. 2
Filer
Idaho

21205

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

Notice is hereby given at 10 a. m.
on the 10th day of November, 1952, at
Murtaugh, County of Teton, State
of Idaho, before Herbert Thorne (Notary
Public) proof will be submitted of the
application to beneficial use of three cubic
feet per second of the waters of 2 wells
in accordance with the terms and condi-
tions of Permit No. 21205 heretofore issued
by the State Reclamation Engineer of the
State of Idaho.

The name and postoffice address of the
person or corporation holding said permit
are J. J. Byer, Murtaugh, Idaho.

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

The amount applied to beneficial use
is 3 cubic feet per second.

The place where said water is used (if
for irrigation, give full and accurate
description of the lands irrigated) South-
west Quarter Section 18, Township 11
South, Range 19 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 (no name).

The right to take water from such works
is based upon Permit No. 21205.

The source of supply from which such
water is diverted is 2 wells (subterranean
flow).

The date of priority which said user is
prepared to establish is August 24, 1949.

MARK R. KULP,

State Reclamation Engineer

Publish: Oct. 17, 24, 31, Nov. 7, 1952