

State of Idaho

License and Certificate of Water Right

Water License No. 4334 / 45-2053

Amount 3.2 sec. ft.

Water District No. 10-A

Priority 2-4-09

THIS IS TO CERTIFY that JAMES H. WORTHINGTON of Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 4, 1909; that Permit No. 4334 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on November 11, 1915, showing that said works were completed on the 31st day of March, 1913; and that on the 4th day of February, 1919,

JAMES H. WORTHINGTON

of Oakley, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of the right to use the waters of Lane Creek, a tributary of Snake River, for the purpose of irrigation & domestic use under Use Permit No. 4334 of the State Engineer 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 2981, on the 10th day of October, 1922;

The right hereby confirmed dates from February 4, 1909;

The Point of Diversion is located on the east line of in the NE 1/4 NE 1/4, Sec. 36, Tp. 12 S., R. 22 E., B. M. County of Cassia.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	22 E.	25	SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	--
			SE 1/4 SE 1/4	40	--
			SW 1/4 SW 1/4	40	--
			SE 1/4 SW 1/4	40	--

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 10th day of October, 1922.

W. G. SWENDSEN,
Commissioner of Reclamation.

(SEAL.)

45-2053

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: James H. Worthington

Postoffice address: Burley

County: Cassia

State: Idaho

2. The quantity of water claimed is six $4/10$ cubic feet per second.

3. Source of water supply: Land Creek

County of Cassia

4. Location of point of diversion: East line of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 36. T.P. 12 S.R. 22 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: Three hundred & twenty acres.

(b) In the following legal subdivisions: S $\frac{1}{2}$ NE $\frac{1}{4}$ - N $\frac{1}{2}$ SE $\frac{1}{4}$ - S $\frac{1}{2}$ SE $\frac{1}{4}$ - S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 25. T. 12 S.R. 22 E.B.M.

6. Estimated cost of works: 2,000.00

7. Description of works for diversion:

1. Kind of works: Ditch & reservoirs.

II. Dimensions of works:

(a) Height of dam 4 feet, length of dam at top 15 feet, length of dam at bottom 10 feet, Material used in construction: wood, stone & earth.

(b) Capacity of reservoir: eighty acre-feet.

(c) Size of headgate: Width 10 feet, height 4 feet.

(d) Conduit ditch, width at bottom 10 feet, width at water line 15 feet, depth of water 2 feet. Average grade per mile is 17 feet. Length of conduit is $\frac{1}{2}$ miles, and it crosses the following quarter sections: North E $\frac{1}{4}$ of Sec. 36. T.P. 12 S.R. 22 E.B.M., to land described in 5 1 (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is four years.

9. Time required for the complete application of the water to the proposed use is three additional years.

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

James H. Worthington.

Applicant.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4334.

Date of first receipt of application: 9.00 a.m. February 4, 1909.

Recorded in Book 12. Page 4334. Approved February 4, 1909.

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 grant the same, subject to the following limitations and conditions:

Work to begin on or before April 5, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 4, 1911.

The whole of said work to be completed on or before February 4, 1913.

The time for proof of beneficial use of water appropriated herewith, extended to February 4, 1916.

Witness my hand this fourth day of February, 1909.

Jas. Stephenson, Jr.

State Engineer.

Upon proper request of the holders of the above numbered permit, I have this 8th day of October, 1915, extended the time for the making of beneficial use to February 4th, 1919.

J.H. Smith,
State Engineer.

4334

Proof of Completion of Works made March 31, 1913.

Certificate of Completion issued Nov. 11, 1915.

Permit No. 4334.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that James H. Worthington of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. 4334, issued upon application No. 6157, bearing date of priority of February 4, 1909, authorizing the diversion of 6.4 second feet of the waters of Land Creek, County of Cassia, State of Idaho, for Irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 6.4 second-feet of the waters of Land Creek; that the point of diversion of said waters is on the east line of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 36, T. 12 S., R. 22 E.B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: S $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 25, T. 12 S., R. 22 E.B.M., containing 320 acres.

Witness my hand this 11th day of November, A.D. 1915.

J.H. Smith,

State Engineer of the State of Idaho.

License issued for 3.2 second feet
Page 2441

WATER RIGHT NUMBER 45-2053

OWNER LAST NAME - WORTHINGTON

FIRST NAME - JAMES H.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BURLEY

STATE - ID ZIP CODE - 83318

SOURCE - LAND CREEK

TRIBUTARY OF - SNAKE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 02-04-1909 COUNTY - CASSIA

TOTAL DIV. RATE - 3.2000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 45F DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NENE 36 12S 22E LOT REDIV -

272.0 430.0 0.8 0.0 0.0 0.0 0.0 0.0 0.0 0.0 7.1

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

3.2000 CFS USE DIV. VOLUME -

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS USE DIV. VOLUME -

USE - IRRIGATION

PLACE OF USE - TWN 12S RNG 22E SEC 25

TRACT SWNE LOT

AC 40 TRACT SENE LOT

AC 40

TRACT NESE LOT

AC 40 TRACT NWSE LOT

AC 40

DATE -

TOTAL ACRES 160

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 4334

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

JBB 05/02/85



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

August 3, 1983

RE: License Nos. 36-2412 (Transfer No. 2299), 36-2665, 36-7119, 36-7157, 36-7304, 36-7366, 36-7402, 36-7480, 36-7561, 37-7001, 37-7019, 37-7315, 37-7316, 37-7363, 37-7470, 45-2016, 45-2018, 45-2019, 45-2020, 45-2028, 45-2029, 45-2031, 45-2050, 45-2053, 45-2066, 45-2109, 45-2254 (Transfer No. 2590), 45-2299, 45-2351 (Transfer No. 2329), 45-2490, 45-2494, 45-2512, 45-2519 (Transfer No. 1849), 45-2520 (Transfer No. 1849), 45-2526 (Transfer No. 1849), 45-2556, 45-2567 (Pending Transfer No. 2332), 45-2579, 45-2611, 45-2613, 45-2614, 45-2620, 45-2628, 45-2629, 45-2630, 45-2642, 45-2657, 45-2668 (Pending Transfer No. 2332), and 45-2688

First Security Bank of Idaho
ATTN: Mr. LaMar Giles
P.O. Box 7069
Boise, ID 83730

Dear Mr. Giles:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Licenses.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right license.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the Licenses for your records.

If you have any questions please feel free to contact our office.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

OK to process
Re 8/2/83

ASSIGNMENT OF WATER RIGHTS

The undersigned (hereinafter "Grantor"), for good and valuable consideration, receipt of which is hereby acknowledged, does hereby sell, assign, transfer, grant, convey and warrant to FIRST SECURITY BANK OF IDAHO, N.A. (hereinafter "Grantee"), all right, title and interest in the licenses, decrees, adjudications, claims, permits, written agreements and stock in water companies, listed in Exhibit J attached hereto and incorporated by reference, along with any and all interest the Grantor may have, acquire, claim or otherwise hold over any other unspecified public waters of the State of Idaho (hereinafter "Water Rights") which have been or are now used and applied to beneficial purposes upon the real property described in Exhibits A and C attached hereto and incorporated by reference.

Grantor warrants that it has performed all acts and made all filings necessary to maintain in full force and effect all of the Exhibit J Water Rights, and that there are no written or oral agreements which adversely affect or change the aforementioned Water Rights.

Grantor further covenants and warrants that a notice of claim has been or will be filed prior to June 30, 1983, pursuant to Idaho Code Section 42-243 by Grantor for the benefit of Grantee for all unspecified public waters of the State of Idaho which have been or are now used and applied to beneficial purposes upon the real property described in Exhibits A and C attached hereto and by this reference incorporated herein.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary effective January 31, 1983.

ALBERT ANDERSON AND SONS COMPANY

By 15/
President

ATTEST:

15/
Assistant Secretary

STATE OF IDAHO)
County of Cassia) ss.

On this 17th day of May, 1983, before me, a notary public in and for said county and state, personally appeared Wm. A. Anderson and Wm. A. Parsons, known to me to be the President and Assistant Secretary, respectively, of ALBERT ANDERSON AND SONS COMPANY, the corporation named in the above instrument, and acknowledged to me that they executed the same on behalf of such corporation.

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

15/
NOTARY PUBLIC for Idaho
Residing at _____, Idaho

WATER RIGHTS

EXHIBIT J

Licenses and Permits

36-2412	37-7363	45-2066	45-2579
36-2665	37-7470	45-2109	45-2611
36-7119	✓37-7480	45-2254	45-2613
36-7157	37-7531	45-2299	45-2614
36-7304	37-7806	45-2351	45-2620
36-7366	45-2016	45-2490	45-2628
36-7402	45-2018	45-2494	45-2629
36-7480	45-2019	45-2512	45-2630
36-7561	45-2020	45-2519	45-2642
✓36-7877	45-2028	45-2520	45-2657
37-7001	45-2029	45-2526	45-2668
37-7019	45-2031	~~45-2547~~	45-2688
37-7315	45-2050	45-2556	45-7379
37-7316	45-2053	45-2567	

Decrees and Adjudications

45-0166	45-0170	45-0514	45-0698
45-0168	45-0171	45-0695	45-0701
45-0169	~~45-0425~~	45-0696	45-0702

Claims

45-4000	45-4006	45-4011	45-4023
45-4001	45-4007	45-4013	45-4026
45-4002	45-4008	45-4014	45-4048
45-4005	45-4009		

Agreements

1. "99 YEAR LEASE" dated April 1, 1954, between Albert Anderson and Sons Company and Parley C. Clark, Clarence A. Elquist and Dallon Elquist.

2. "AGREEMENT" dated April 3, 1963, between Albert Anderson and Sons Company and Parley C. Clark, Clarence A. Elquist, Bertha Elquist, Dallon C. Elquist and Norma Jean Elquist.

Stock in Water Companies

<u>Name of Company</u>	<u>Number of Shares</u>
Oakley Canal Co.	1,167.02
Northside Canal Co.	1,006.02

ACT
ION

N OWNER LAST NAME - WORTHINGTON

FIRST NAME - JAMES H.

N CITY - BURLEY STATE - ID

N SOURCE - LAND CREEK

TRIBUTARY OF - SNAKE RIVER

N STAGE - LICENSE

PRIORITY - 02-04-1909

COUNTY - CASSIA

TOTAL DIV. RATE -

3.2000CFS

N WATER DIST. - 45F

N DIVERSION POINT - NENE 36 12S 22E

N USE - IRRIGATION

USE DIV. RATE - 3.2000CFS

N USE - DOMESTIC

N USE - IRRIGATION

PLACE OF USE - TWN 12S RNG 22E SEC 25 TRACT SWNE

AC 40 TRACT SENE

AC 40

N TRACT NESE

AC 40 TRACT NWSE

AC 40

N OLD NO. - 4334

3/79

IDENT. NO. 15-2053

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 4334 145-2053
 Old No. New No.

Record

1. Original Owner: James H. Worthington

Present Owner: _____

2. Address:

3. City: Burley State: ID Zip: _____

4. A. Source of Water: Land Creek

B. Tributary of: Snake River

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 2-4-1909

D. County: 31

E. Total Diversion Rate: 3.2

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District: 45-F

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NENE</u>	<u>36</u>	<u>12S</u>	<u>22E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for 4 purposes. Amount 3.2
 (cfs or AC-FT/yr)

from _____ to _____ for 0 purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 4334

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

-Lab 5.10.74

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

ss.

County of

, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this day of 19

My commission expires

Notary Public.

Dist. 10-8

Jas. H. Worthington
Oakley

Permit 4354

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. 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.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. 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.

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 194

1. State name of applicant and number of permit: Jas. H. Worthington- Permit 4334
2. State source of water supply: Land Creek
3. Location of point of diversion: N.E. Cor. Sec. 36, T.12 S., R. 22 E. B.M.

4. Describe works as they exist, giving dimensions and capacities of same:

Ditches are constructed which are probably adequate for the irrigation of the land in question.

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

Do not know. No water at time of inspection and no evidence of any having been in.

6. Give exact location 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 for other than irrigation):

Land is all cleared and partly fenced. No crops is being raised this year and no evidence of crops in recent years. Land is all overgrown with mustard. Place apparently abandoned.

Beneficial use of water. None.

7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system?
9. Give names and amount of each right:

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

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Land Creek to Snake River.

Remarks:

This examination was made on the 13 day of July 1921

(Signed)

Geo. N. Carter

Examiner.

Jas. H. Worthington Permit # 4334

—S E C.

-S E F.

25

SEC.

T. 12 S. R. 22 E. B. M.

-S E C.

36

-S E C.

pitch.

Point of Diversion

Land Creek.

4334

SCALE: 2 INCHES = 1 MILE. DRAW PLAY INK.