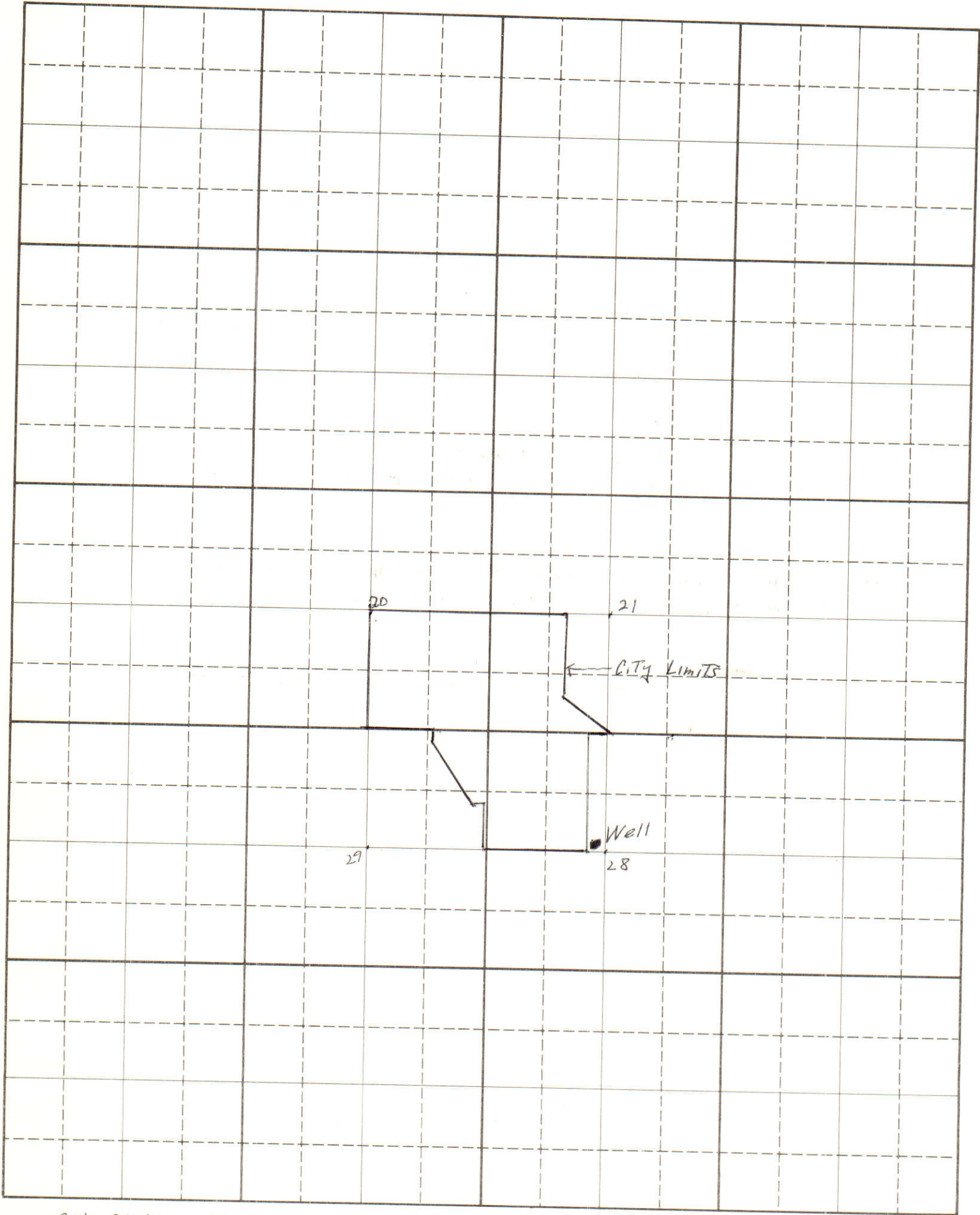


11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

X Charles E. Jones
(Applicant)

45 7039

T.
10
S

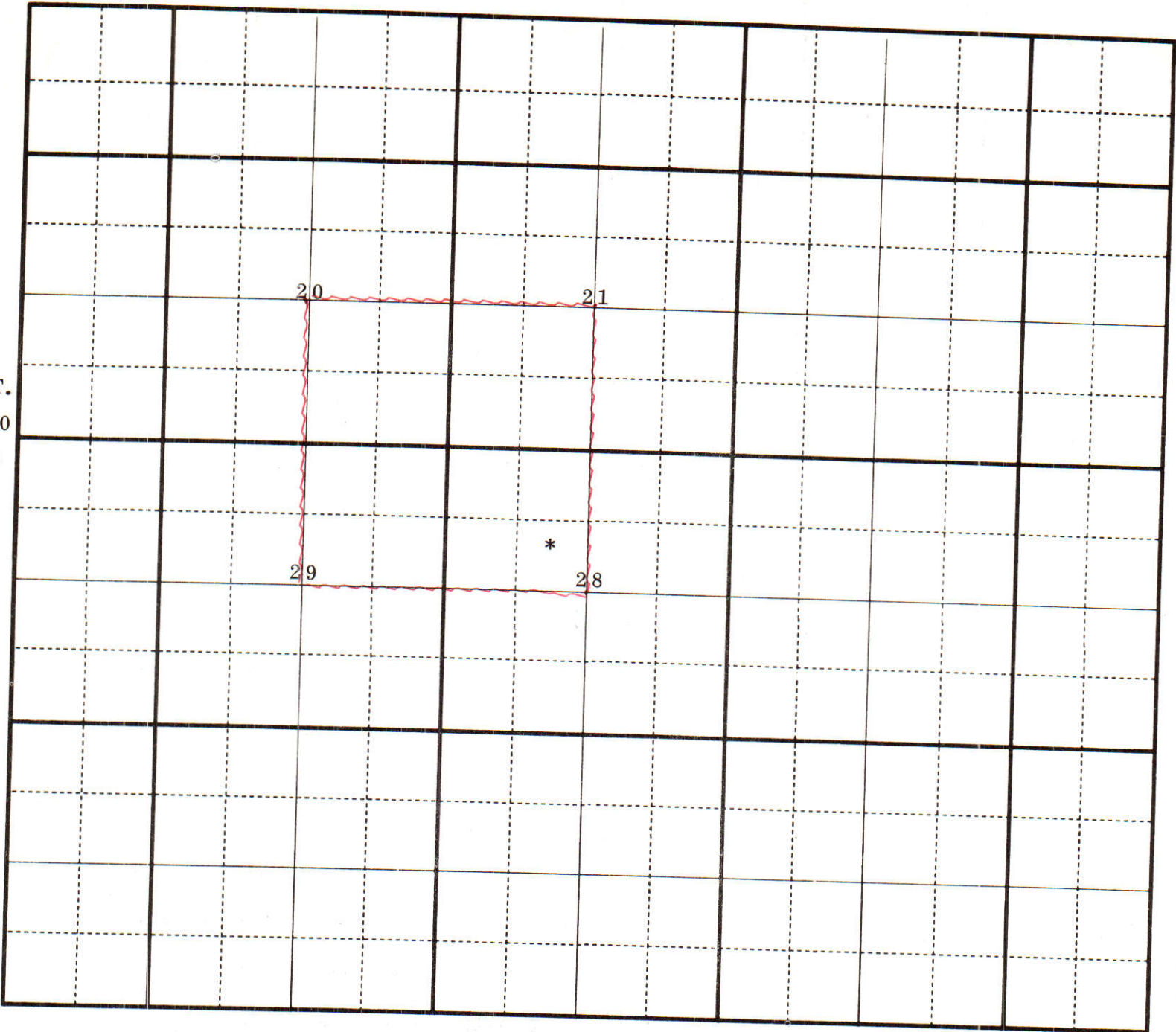


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7306
~~45-7039~~ Priority August 14, 1969 Amount 0.62 cfs

THIS IS TO CERTIFY, that the CITY OF KIMBERLY
of Kimberly, Idaho, has complied with the terms and conditions of Permit
No. 45-7039 issued pursuant to Application for Permit dated August 14, 1969,
and has submitted proof to the Department of Water Resources on September 27, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.62 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Municipal</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.62</u> cfs and	<u>n/a</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.62 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28,
Twp. 10 S, Rge. 18 E, B.M. in the County of Twin Falls

Description and location of place of use: (City of Kimberly & Vicinity)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	18 E	20													X	X	X	X	
		21									X	X	X	X					
		28					X	X	X	X									
		29	X	X	X	X													

Total number of acres irrigated _____

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
March, 19 75.

MICHAEL J. HILL

R. Karl Hagg
Director

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

I, Charles E. Jones, hereby assign to City of Kimberly

of _____

Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 45-7039
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 9 day of January, 1974.

Charles E. Jones
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Lincoln) ss.

On this 9th day of January, 1974, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at
[Address]

My commission expires: 2-22-77

45 7039

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Twin Falls)

Permit No. 45-7039

Charles E. Jone

of Kimberly, Idaho

(name)

(address)

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

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 45-7039.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before March 1, 19 71.

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

He has completed the drilling, casing and testing of well

Costing \$8,521.56

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

Kimberly, Idaho, for use in its domestic water system. Under the lease the

City will furnish pump and equipment to connect to system. Placing water to

beneficial use will be delayed until the City obtains the pump, and the City

contemplates placing to beneficial use during the summer of 1971.

WHEREFORE, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to November 1 19 71.

Charles E. Jones
(signature)

Subscribed and sworn before me this 17th day of March, 19 71.

William J. Jansky
(notary public)

My commission expires _____

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension
of time for Permit No. 45-7039 to November 1, 1972.

Witness my hand this 15th day of April, 19 71.

R. Keith Higgins
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are obtainable through the Department of Water Administration, Statehouse-Annex 2, Boise, Idaho.

Identification No. 45-7039
Application No. _____

STATE OF IDAHO

LICENSE ISSUED FOR 1602 SEC. FT. DEPARTMENT OF RECLAMATION
LICENSE PAID _____

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho **APPROVED**
(TYPE OR PRINT IN INK)

ASSIGNED TO: CITY OF KIMBERLY
Kimberly, ID 83341

1. Name of applicant Charles E. Jones
post office address Kimberly, Idaho 83341
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 10 S
Range 18 E B.M. Twin Falls County County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.00 for domestic purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.00 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 20 inch drilled well.
To be piped directly into the City of Kimberly water system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 5,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
Vicinity of City of Kimberly
(1) Give the place of use of water: NW $\frac{1}{4}$ Sec 28, SW $\frac{1}{4}$ Sec. 21, SE $\frac{1}{4}$ Sec. 20 and
Range _____ B.M. NE $\frac{1}{4}$ Sec 29, all in Township 10 S Range 18 E.B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served City of Kimberly, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes. Kimberly has two other wells for use in the water system. No permits as far as can be ascertained.

9. a. Who owns the property at the point of diversion Applicant

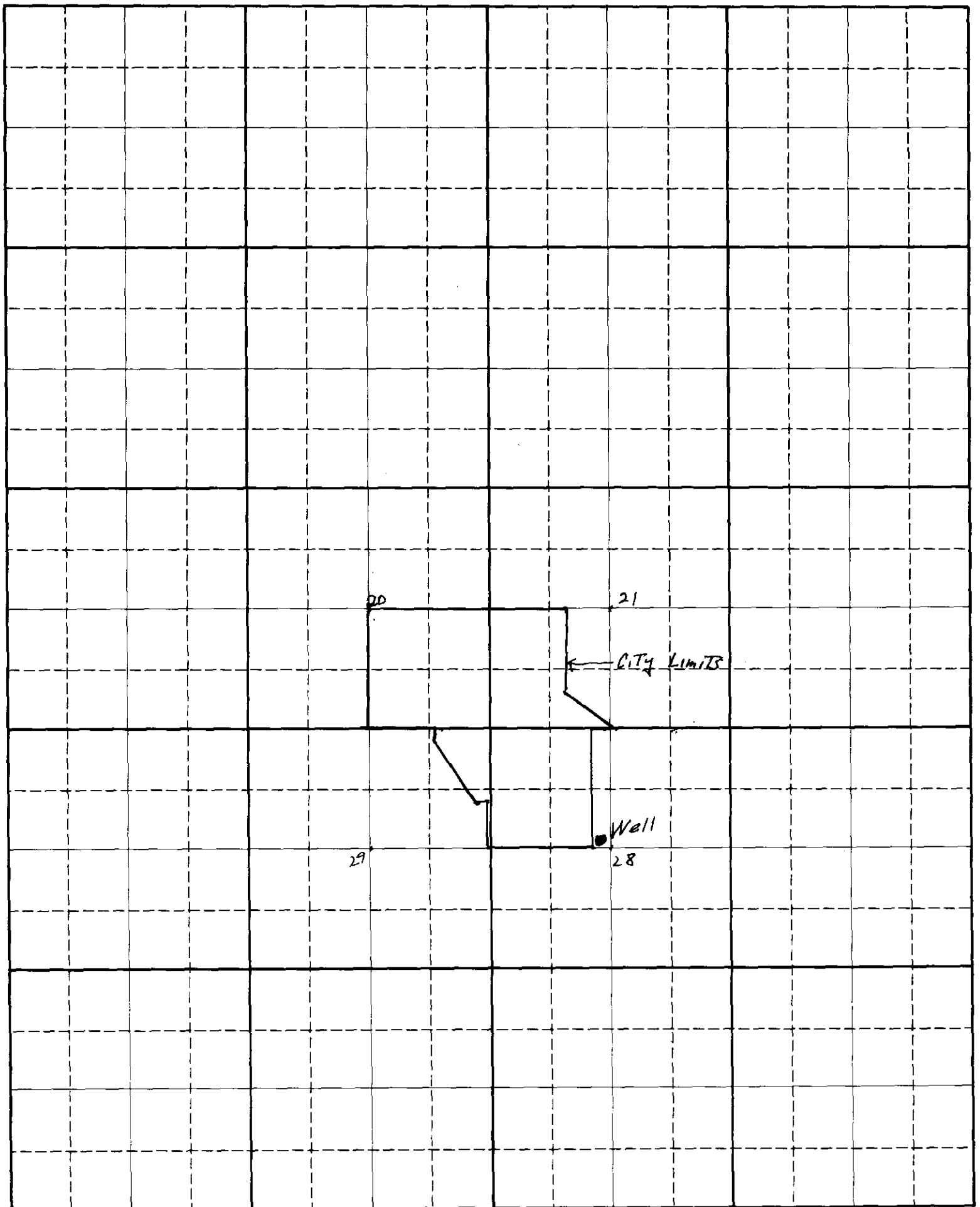
b. Who owns the land to be irrigated or place of use All lands within limits of Kimberly.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant is entering into lease agreement City of Kimberly, Idaho to lease well to be connected directly into City domestic water system for use within said City.

10. Remarks Applicant upon completion of the well is executing a lease agreement with the City of Kimberly, Idaho, to lease said well for connection into the City water system for domestic use.

From the well site, water will be connected directly into the water system of the City for distribution for domestic use throughout the City of Kimberly, Idaho.

11) Map of proposed project:



Scale: 2 inches equal 1 mile

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

X Charles E. Jones
(Applicant)

45 7039

Received by JL Date 8-14-69 Time 4:00 pm
Preliminary check by DM Fee \$ 35.00
Receipted by JNB Date 8-15-69 # 3497
Publication prepared by DR Date 8-21-69
Published in Kimberly Advertiser
Publication dates August 28 & Sept 4
Publication approved J.H. Date 9-15-69
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DM

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7039, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 71.
- Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 23rd day of February, 19 70.

P. Keith Higgin
State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

Public Notices

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Charles E. Jones, Kimberly, Idaho, has on August 14, 1969, applied for permit under application No. 45-7039 to divert 4.0 cubic feet per second of water from a groundwater source. Water will be diverted by well, and pipe within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 10 S. R. 18 E. B.M., Twin Falls County and is to be used from January 1 to December 31 for commercial domestic purposes in the SE $\frac{1}{4}$ of Sec. 20, SW $\frac{1}{4}$ of Sec. 21, NW $\frac{1}{4}$ of Sec. 28 and the NE $\frac{1}{4}$ of Sec. 29, T. 10 S, R. 18 E. B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Kimberly Advertiser, Kimberly, Idaho, on August 28 and September 4, 1969.

KIMBERLY ADVERTISER
KIMBERLY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Twin Falls } ss.

I, Aileen Hill being first duly sworn on oath, say:

That I am Co-owner/publisher of the Kimberly Advertiser, a newspaper of general circulation in Twin Falls County, Idaho, published weekly in Kimberly in said county and state; that a true copy of the annexed notice was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated August 28, 1969, and ending with the issue dated September 4, 1969.

And I do further swear that said newspaper has been so published as a weekly newspaper in said city and county, continuously and uninterruptedly during a period of more than seventy-eight consecutive weeks prior to the first publication of said above mentioned legal advertisement.

Aileen Hill

Subscribed and sworn to before me this 17th day of September, 1969.

Paul R. McKinnon
Notary Public for the State of Idaho.

(My commission expires May 2, 1973.)

March 27, 1975

Re: Permit No. 45-7039

City of Kimberly
Kimberly,
Idaho 83341

Gentlemen:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

March 11, 1975

City of Kimberly
Kimberly,
Idaho 83341

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 45-7039 and has found the following:

Quantity of water diverted: 0.62 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.62 cfs

The maximum quantity diverted shall not exceed n/a acre feet per year.

Beneficial use: For municipal purposes within the SE $\frac{1}{4}$ Sec. 20; SW $\frac{1}{4}$ Sec. 21; NW $\frac{1}{4}$ Sec. 28; NE $\frac{1}{4}$ Sec. 29; All in Twp. 10S, Rge. 18E

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Twp. 10S, Rge. 18E, B.M.

Priority date established: August 14, 1969

If you do not concur with these findings, please advise us within 10 days; otherwise a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jr

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT
(City of Kimberly)
Charles E. Jones

1. Name of permit holder _____
Post office address _____ Kimberly, Idaho _____ Phone **Bob DAUSER 423-5274**
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 4.0 c.f.s. for * Domestic
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: * Water from this well under lease to the City of Kimberly for distribution into the City water system.

Permit No. 45-7039
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 4.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 10S N/S, Range 18E E/W, B.M., Section 28, Subdivision SE $\frac{1}{4}$ NW $\frac{1}{4}$, Twin Falls
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: well, 75 hp motor (Rockwell Flow Meter)

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use. Vicinity of City of Kimberly

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10S	18E	20													X	X	X	X	
		21									X	X	X	X					
		28					X	X	X	X									
		29	X	X	X	X													

APPROVED

TOTAL ACREAGE _____

R. 18 E

T.
10
S

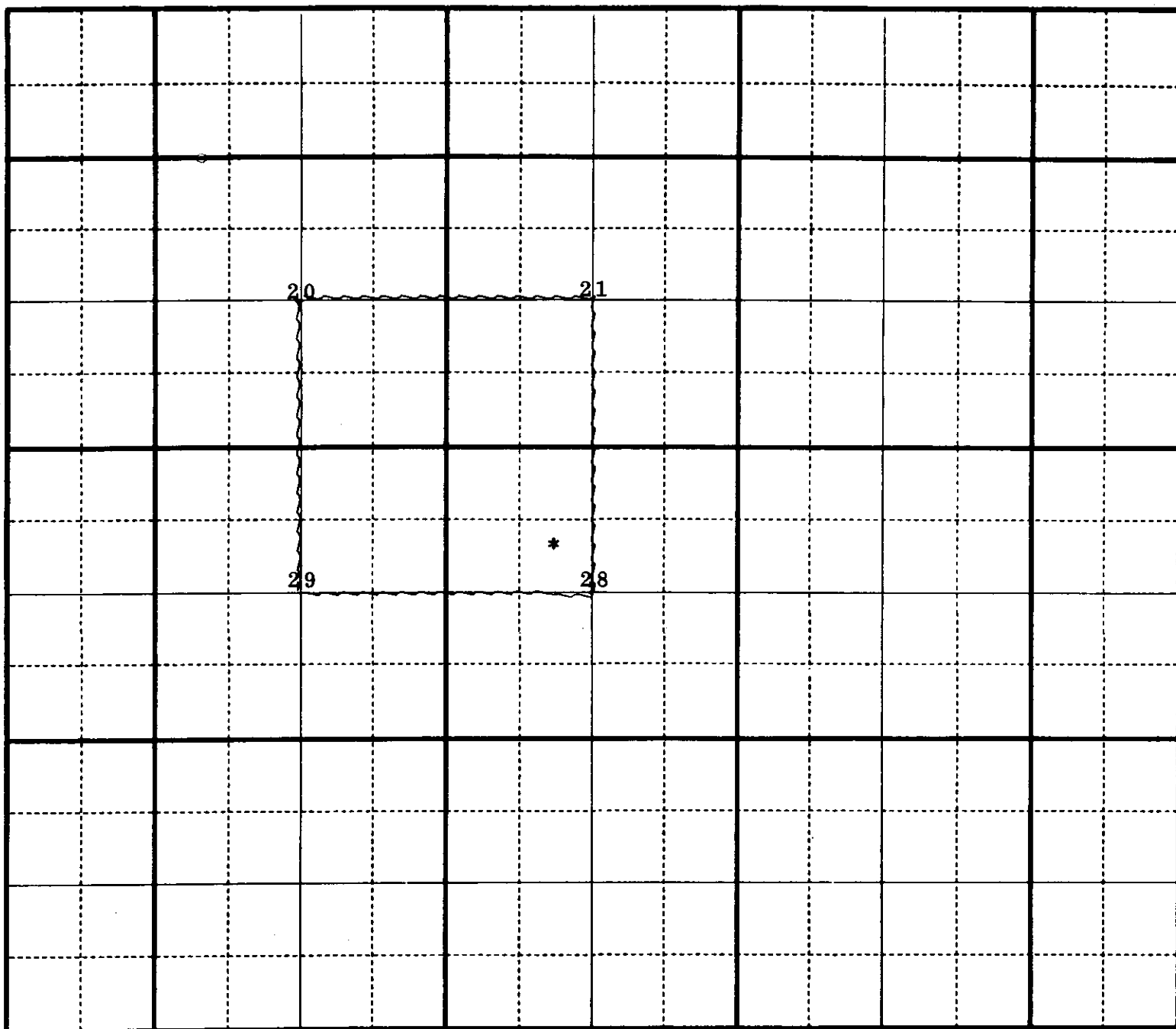


Diagram of System

DATE OF EXAM 5-15-74

ACREAGE

Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q = c.f.s. V = AF/Ann. from to
Domestic Q = .62 c.f.s. V = 448 AF/Ann. from Jan 1 to Dec 31
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes ✓ no

Name source: groundwater
twp. 10 Rge 18 E/W, B.M., Sec. 28, Sub. 1/4 1/4 County

Exchange? yes no

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured .62 c.f.s. ✓ ? u Method of measurement Rockwell Meter

Total Q recommended .62 cfs Meter No. #10570 Type 6" Condition Good.

Total V recommended 448 Ac Ft/ANN

Recommended Amendments:

P.D. ✓
Place of Use ✓
Other ✓
None ✓

MEASUREMENT CALCULATION:

$$Q = (278 \text{ gal/min}) \div (448.8 \text{ gal/min} = 1 \text{ cfs}) = .62 \text{ cfs.}$$

$$V = (1.98 \text{ Ac Ft/ANN}) (.62 \text{ cfs.}) (365 \text{ days}) = 448 \text{ Ac Ft/ANN}$$

SYSTEM DESCRIPTION:

G.E. Motor - AGJ113480 75 Hp. Rockwell Flow meter

REMARKS:

This well is co-mingled with other wells to supply domestic uses.

Examiner's Signature Larry Funderburg Date 8-27-74

Checked by Bob Rayner Date 8-28-74

Approved by Date

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

RECEIVED
MAY 13 1974

Department of Water Administration

I, Charles E. Jones, hereby assign to City of Kimberly
of Kimberly, Idaho 83341,
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 45-7039
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

SE 1/4 NW 1/4 Section 28
Township 10 South Range 18 E B.M.

Made this 13 day of May, 19 74.

Charles E. Jones
Permit Holder

Edythe Widmer
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 13th day of May, 19 74, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Edythe Widmer
Notary Public residing at
Kimberly, Idaho

My commission expires: 1977

MICROFILMED

SPEED LETTER®

RECEIVED

JAN 18 1974

Department of Water Administration

TO Bobby D. Fleenor
Assistant Director
Dept. of Water Administration

FROM

Cit; of Kimberly
Box Z
Kimberly, Idaho

SUBJECT Permit No. 45-7039

— NO. 9 & 10 FOLD

MESSAGE

DATE Jan 17, 1974 19

Our Public Works Supervisor is Mr Robert D. Vawser, he can be contacted at City Hall when the examiner arrives.

SIGNED

Edythe Widmer-Clerk

REPLY

DATE

19

*Sent a copy to Southern Dist. to
attach to field exam.*

jc

45 7039

SIGNED

— NO. 9 FOLD

— NO. 10 FOLD

January 15, 1974

Re: Permit No. 45-7039

City of Kimberly
Kimberly,
Idaho 83341

Gentlemen:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

The proof of beneficial use on this permit was submitted by Mr. Charles E. Jones on September 27, 1972. A field examination of this project will probably be conducted by the Department during the coming year. Please let us know who our examiner should contact, so that he might be shown your project.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

45-7039

October 10, 1972

Re: Permit No. 45-7039

Mr. Charles E. Jones
Kimberly,
Idaho 83341

Dear Mr. Jones:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If someone other than you should be contacted by the examiner, please advise our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDB:DR

cc: William J. Langley
Attorney at Law

bc: Southern District Office
Enc: Field exam report

104-100000

Identification No. _____

Permit No. _____

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Charles E. Jones
b) Post Office Address Kimberly, Idaho
2. Permit Number 45-7039
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated subterranean
b) Location of the point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28
Township 10, Range 18 Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 440 gal. per minute for domestic purposes from April to October incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 440 gal. per minute cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: 440 gal. per minute
Layne & Bowler Pump Company
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: At well site water pumped directly into the City of Kimberly, Idaho, water system for distribution throughout the City.
b) Describe the agreement or understanding by which you take water from the works: Lease Agreement dated February, 1970, between permit holder and City of Kimberly, Idaho
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 75 h.p. motor; 450 gal. per minute of the pump; 730' depth; diameter 20" to 330' - 12" to 660' and 10" to 730'; 20" casing to 40'; static waterlevel 195'; pump level 338' at 440 gal.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Rockwell Flow Meter - ordered and will install when received
c) Give well drillers name and address and date the well was completed Charles E. Jones, Kimberly, Idaho December 20, 1969

Exam typed 10-18-72 By

45 7039

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Water from well under lease to City of Kimberly, Idaho, for distribution in the City water system

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated

10. Remarks: Use of this well is to supplant domestic water system during the months of April through October which are heavy water demand months.

The above information is a true statement of the extent to which the above numbered permit has been developed.

9/25/72
(Date)

Charles E. Jones
(Signature)

State of Idaho)
County of Twin Falls) ss.

On this 25th day of September, 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

William J. Apple
Notary Public residing at Twin Falls

My commission expires 5-3-73

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83801
TELEPHONE 733-8452

September 25, 1972

RECEIVED

Department of Water Administration

Department of Water Administration
614 State Street, Statehouse, Annex 2
Boise, Idaho 83707

RE: Charles E. Jones
Permit No. 45-7039

Gentlemen:

I enclose the Proof of Application of Water to Beneficial
Use in the above matter.

Very truly yours,


William J. Langley

WJL:ch
Enclosure

45 7039

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

23943

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

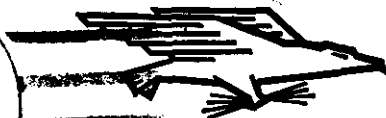
SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

45 7039

PS Form 3811 Nov. 1970 456-16-81277-1

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

45 7039

September 1, 1972

CERTIFIED MAIL

23943

Re: Permit No. 45-7039

Charles E. Jones
Kimberly,
Idaho 83341

Dear Mr. Jones:

One of the conditions of approval of your water Permit No. 45-7039 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before November 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

45 7039

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 8, 1972

Re: Claim to a Water Right Nos. 45-7038, 45-7039 & 45-7040

Ross S. Shoolroy
Shoe Sole Ranch
Route #2
Kimberly, Idaho 83341

Dear Mr. Shoolroy:

Enclosed you will find a copy of our May 1, 1972 letter in which we sent you three partially completed application for permit forms.

We wish to advise you that if the applications are not completed and returned before the 1972 irrigation season, you have no authority to divert any water from these wells and the Department may be forced to close them down.

Your prompt attention in this matter will be greatly appreciated.

Sincerely,

Bob Haynes
Water Resource Inv. Adm.
Southern District

BH:DC:bl
Enclosure

45 7039

April 16, 1971

Re: Permit 45-7039

Mr. Charles E. Jones
Kimberly,
Idaho 83341

Dear Mr. Jones:

Enclosed please find a copy of the approved extension of time in connection with the above referenced permit. The time within which to submit proof of beneficial use has been extended to November 1, 1972.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure
cc: William J. Langley

45-7039

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83301
TELEPHONE 733-8452
March 17, 1971

RECEIVED

MAR 19 1971

Department of Water Administration

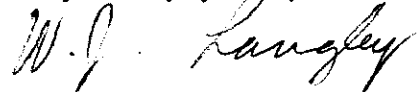
Department of Water Administration
State of Idaho
Statehouse Annex 2
Boise, Idaho 83707

RE: Charles E. Jones
Permit No. 45-7039

Gentlemen:

I enclose the Application for Extension of Time in
the above matter. Thank you very much for your co-operation.

Very truly yours,



William J. Langley

WJL:ch
Enclosure

45 7039

February 26, 1971

Re: Permit No. 45-7039 - Charles E. Jones

Mr. William J. Langley
Attorney-At-Law
248 - 3rd Ave. East
Twin Falls, Idaho 83301

Dear Mr. Langley:

We are herewith returning the proof of beneficial use affidavit submitted in connection with the above referenced permit. We cannot accept the proof until the pump has been installed and the water put to a beneficial use.

We are enclosing the Department's form for requesting an extension of time within which to submit proof of beneficial use. As proof is due on March 1, 1971, please submit the extension of time application as soon as possible. We will accept your letter of February 24th as the initial request for an extension.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

45-7039

DWM:DR
Enclosures (2)

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83301
TELEPHONE 733-8452

February 24, 1971

RECEIVED

FEB 25 1971

Department of Water Administration

Department of Water Administration
State of Idaho
Boise, Idaho 83707

RE: Charles E. Jones
Permit No. 45-7039

Gentlemen:

I enclose the proof of application to beneficial use concerning the above permit.

Due to unavoidable circumstances of the City of Kimberly the pump to produce water from this well into the City water system is now on order, and actually the water from the subject well is not yet being used by the City. It is anticipated that use will commence in April.

Under these circumstances it may be advisable to obtain an extension of time for proof in order that the City may fully complete and develop the use of this water. If the time extension could be granted until the end of this year the City and the permit holder would have an opportunity for the use of this water during the coming summer season and much more accurate information could be given.

Your consideration in this matter will be greatly appreciated.

Very truly yours,


William J. Langley

WJL:ch
Enclosure

45 7039

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

22454

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

1-4-71

3

45-7139

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POST OFFICE
DELIVERING OFFICE

45 7039

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

**STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707**

POST OFFICE, STATE, AND ZIP CODE

POD Form 3811 Apr. 1967

655-16-71649-10

December 31, 1970

CERTIFIED MAIL

Re: Permit No. 45-7039

Charles E. Jones
Kimberly,
Idaho 83341

Dear Mr. Jones:

One of the conditions of the approval of your Permit No. 45-7039 was that proof of application of the water to beneficial use be submitted to this office on or before March 1, 1971.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



Director

Enc: Proof affidavit
dr

45-7039

March 6, 1970

Re: Permit No. 45-7039

Mr. Charles E. Jones
Kimberly,
Idaho 83341

Dear Mr. Jones:

We enclose a copy of your approved application for permit 45-7039 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, ~~Assistant~~ Deputy
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 3497 for \$35
2 informational letters

P.S. Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed on your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

cc. William J. Langley
248 Third Ave. East
Twin Falls, Idaho 83301

45 7039

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83301

TELEPHONE 733-8452

February 12, 1970

RECEIVED

FEB 18 1970

Department of Reclamation

Department of Reclamation
State of Idaho
State House Annex 2
Boise, Idaho 83707

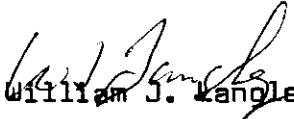
RE: Application for Permit No. 45-7039

Gentlemen:

I enclose a executed copy of the contract with the
City of Kimberly to supply water for the City water system.

I hope it will now be possible to complete processing
of this application.

Very truly yours,


William J. Langley

WJL:ch
Enclosure

45 7039

LEASE AGREEMENT

THIS AGREEMENT made this 10 day of February, 1970, between CHARLES E. JONES and EVELYN JONES, husband and wife, of Kimberly, Idaho, hereinafter called the Lessors and the CITY OF KIMBERLY, IDAHO, a municipal corporation, hereinafter called the Lessee.

WITNESSETH:

That Lessors hereby lease to Lessee the following described parcels of real property, to-wit:

Parcel No. 1: A parcel of land situated in the SE $\frac{1}{4}$ of Section 28, Township 10 South, Range 18 E., B. M., Twin Falls County, Idaho, described more particularly as follows: The point of beginning is located 50 feet west and 191 feet south of the southeast corner of Larsen Second Addition to Kimberly as recorded at page 24 of Plat Book 9, records of Twin Falls County, Idaho, recorder, thence 90 feet westerly and perpendicular to the extended centerline of Irene Street, City of Kimberly, Idaho, thence 75 feet northerly parallel to the extended centerline of said Irene Street and thence 117.10 feet southeasterly on an angle of 50°9' to the point of beginning.

Parcel No. 2: A triangular parcel of land located in the SE $\frac{1}{4}$, Section 28, Township 10 South, Range 18 E., B. M., Twin Falls County, Idaho, more specifically described as follows: The point of beginning is located 50.00 feet west and 191 feet south of the southeast corner of the Larsen Second Addition to Kimberly, Idaho, as recorded on page 24 of Plat Book 9 of the Twin Falls County Recorder's Office. From this point of beginning a distance of 75.00 feet northerly along the extended west right of way line of Irene Street; thence a distance of 90.00 feet westerly and perpendicular to the extended centerline of Irene Street; then a distance of 117.10 feet southeasterly on an angle of 39°51' to the point of beginning.

It is understood and agreed that Lessors have drilled a well upon Parcel No. 2 above described and this Lease Agreement includes the use of the well and water produced therefrom for pumping into the City of Kimberly, Idaho, water system.

It is further understood and agreed that the real property described at Parcel No. 1 above is being purchased by Lessors and that at all times during the term hereof the Lessee shall have the right to install thereon any structures and water lines and other equipment as it may deem necessary to transmit said water into the City water system.

It is further understood and agreed that any pumps, equipment and structures placed by Lessee upon any of said real property shall remain the property of Lessee regardless of how attached or affixed to said real property. Lessee, in the event of termination for any reason of this Lease Agreement, shall be entitled to remove all of the same.

The term of this Lease Agreement shall commence on the date of execution and shall terminate one year from said date and this Lease Agreement is automatically renewed from year to year after said termination date at the option of Lessee and without notice of renewal given to Lessors for the maximum of four years after said termination date.

Lessee agrees to pay to Lessors the sum of \$3,000 payable upon execution of this Agreement for the first year's rental and the sum of \$2,000 annually thereafter for the second through fourth years' rental and the sum of \$103.12 for the fifth year's rental hereunder.

Lessee reserves the right at the termination of each year of this Lease to terminate the same at its discretion and thereafter shall have no further liability thereunder.

Lessors agree that the well located upon Parcel No. 2 above described is serviceably straight and is a 20-inch well for the first 330 feet, a 12-inch well for the next 330 feet and a 10-inch well for the next 70 feet, and it is cased with 20-inch steel casing, one-fourth inch thick to 40 feet, and said well is constructed to satisfy all necessary regulations pertaining thereto.

The parties agree that Lessors have furnished tests made for said well. Lessors agree that the water produced from said well will, during the term hereof, be satisfactory for human consumption through the City of Kimberly, Idaho water system and will pass all necessary tests for purity as may be required by law.

It is understood that Lessee shall install its own pump, equipment and structures upon said real property and will maintain the same during the term hereof according to its own standards and pay all costs and expenses of pumping water into its water system.

Lessee agrees during the term hereof that in the event any additional drilling is necessary or repairs become necessary to the effective use of said well by Lessee, that Lessors shall perform all of said works at a cost basis to be paid by Lessee.

It is agreed that as further consideration for this Lease Agreement Lessors grant to Lessee the option at any time during the term of this Lease Agreement to purchase said well, water rights and said two parcels of real property for the total purchase price of \$9,103.12 and if said option is exercised by Lessee, it is agreed credit shall be given on said purchase price for all lease payments made hereunder by Lessee. The balance of the purchase price to be paid at the date this option may be exercised by Lessee. After receipt of notice of the exercise of this option the Lessors agree to execute and deliver to Lessee a good and sufficient warranty deed to all of said real property and transfer and assignment of the state of Idaho water permit for said well and warrants and agrees that thereafter title to said real property including said well and water rights shall vest in Lessee in fee simple, free and clear of all liens and encumbrances and at said time that Lessors shall furnish to Lessee a title insurance policy showing title vested in Lessee as above mentioned.

Lessor agree during the term hereof they will not place or permit to be placed any lien or encumbrance upon any of said real property and shall hold harmless Lessee from any loss or liability therefore.

If Lessee should fail for any reason to perform the terms of this agreement the Lessors have the option to declare this agreement forfeited whereupon Lessee shall lose all right, title and interest to said real property and use of the well and water located therein provided, however, that Lessors agree to give written notice to Lessee of any default hereunder and Lessee shall have sixty days after receipt of said notice of default at its office at Kimberly, Idaho, to correct said default whereupon this agreement shall continue in full force and effect.

If Lessors should fail to perform any of the terms of this agreement, then Lessee has the option to declare this agreement forfeited whereupon Lessors shall lose all rights under this agreement and this agreement shall terminate with no further liability to Lessee provided, however, that Lessee agrees to give written notice of default to Lessors and Lessors shall have sixty days thereafter to correct the default provided, however, that if the default of Lessors pertains to the production of water into the City water system, then Lessors, upon notice, agree to forthwith perform any drilling or repairs as may be necessary to correct the situation and if Lessors should fail to commence said action within five days from said notice, then Lessee may elect to either terminate this agreement or to have said work performed by another and Lessors shall be liable for any additional costs or expenses incurred by Lessee therefore.

This agreement binds the parties, their heirs, representatives and assigns.



Lessors

Marta A. Langston
Mayor

Attest:
Charles Johnson
City Clerk

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

Notary Public for Idaho
Residing at

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

Notary Public for Idaho
Residing at

November 14, 1969

Re: Application for Permit No. 45-7039 - Charles E. Jones

Mr. W. J. Langley
248 - 3rd Ave. East
Twin Falls, Idaho 83301

Dear Mr. Langley:

Enclosed is a copy of the letter sent to Mr. Jones on October 14, 1969. As of this date we have had no response to this inquiry.

Any help you could give in this matter in order that we may continue to process this application, would be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

45 7039

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 14, 1969

Re: Application for Permit No. 45-7039

Mr. Charles E. Jones
Kimberly,
Idaho

Dear Mr. Jones:

Before we can continue to process your application for permit no. 45-7039, we will require a copy of the permit or contract you have made with the City of Kimberly allowing you to supply the city with water.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

45 7039

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Charles E. Jones, Kimberly, Idaho, has on August 14, 1969, applied for permit under application No. 45-7039 to divert 4.0 cubic feet per second of water from a groundwater source. Water will be diverted by well and pipe within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 10 S. R. 18 E. B.M., Twin Falls County and is to be used from January 1 to December 31 for commercial domestic purposes in the SE $\frac{1}{4}$ of Sec. 20, SW $\frac{1}{4}$ of Sec. 21, NW $\frac{1}{4}$ of Sec. 28 and the NE $\frac{1}{4}$ of Sec. 29, T. 10 S. R. 18 E. B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

45 7039
Published in the Kimberly Advertiser, Kimberly, Idaho, on August 28 and September 4, 1969.

August 21, 1969

Re: Application for Permit No. 45-7039 - Charles E. Jones

Kimberly Advertiser
310 Main St.
Kimberly, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

45 7039

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Charles E. Jones, Kimberly,
Idaho, has on August 14, 1969,
applied for permit under application No. 45-7039
to divert ~~4.0~~ 4.0 cubic feet per second ~~acre~~ feet
of water from a groundwater source.
Water will be diverted by well, and pipe

within the SE 1/4, Sec. 28, T. 10 S, R. 18 E, B.M., Twin Falls County

and is to be used from January 1 to December 31 for commercial
domestic purposes

in the SE 1/4 of Sec. 20, SW 1/4 of Sec. 21, NW 1/4 of Sec. 23 and the NE 1/4 of
Sec. 29, T. 10 S, R. 18 E, B.M.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Kimberly Advertiser, Kimberly, Idaho,
on August 28 and September 4, 1969.

2.1

45 7039

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83301
TELEPHONE 733-8452

RECEIVED

AUG 14 1969

Department of Reclamation

August 13, 1969

Department of Reclamation
State of Idaho
Statehouse, Annex 2
Boise, Idaho 83707

Gentlemen:

I enclose the corrected application for permit for Charles E. Jones, and my check for \$35.00 which I beleive is the correct fee for same.

Enclosed also is a statement of facts I have gathered as requested by you.

I thank you very much for your cooperation.

Very truly yours,


W.J. Langley

ch

45 7039

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83301
TELEPHONE 733-8452

RECEIVED

AUG 14 1969

Department of Reclamation

August 13, 1969.

Department of Reclamation
State of Idaho
Boise, Idaho.

Gentlemen:

In connection with the application of Charles E. Jones for permit I can advise that I have checked with the officials of the City of Kimberly, Idaho, and find that the 1960 official Census of said City was 1298 persons. An estimate of the present population is 1700 persons. It is estimated that in five years the population will be 2500 persons.

Water use from the City water system was approximately 29 million gallons and for July was 35 million gallons. It is anticipated that in five years the water use in said summer months will be approximately 46 million gallons.

If there is any further information necessary I will be happy to attempt to furnish same.

Very Truly Yours,


W.J. Langley

ch

45 7039