

NOTICE OF PROPOSED
CHANGE ON WATER RIGHT
NO. 47-2377

Notice is hereby given that LaRay &/or Janet M. Easterday &/or Ronald D. &/or Mary G. Easterday of Buhl, Idaho have applied to the Department of Water Resources for a change of place of use of the water of a groundwater source. The right sought to be changed is evidenced by License 47-2377, and is recorded as follows:

Amount: 4.0 cfs

Priority: August 26, 1963

Point of Diversion:
NW 1/4 SW 1/4, Sec. 33, T.9S,
R. 13E, B.M., in Twin Falls
County.

The water is used for irrigation purposes from April 1 to October 31 of 316 acres within the SE 1/4, Sec. 29; NE 1/4, Sec. 32, T.9S, R.13E

TO BE CHANGED AS
FOLLOWS:

Amount: NO CHANGE

Point of Diversion: NO
CHANGE

Place of Use: NE 1/4,
SE 1/4 NW 1/4, Sec. 33;
W 1/2 NW 1/4, NE 1/4 SW 1/4,
Sec. 34, T.9S, R.13E.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before April 14, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Mar.
27, and Apr. 3, 1980.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Nº 9137

I, Linda Capps McQuire being first duly sworn upon oath, depose and say that I am Princ. 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 Weeks, commencing with the issue dated March 27, 1980, and ending with the issue dated April 3, 1980.

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.

Subscribed and sworn to before me on this

April

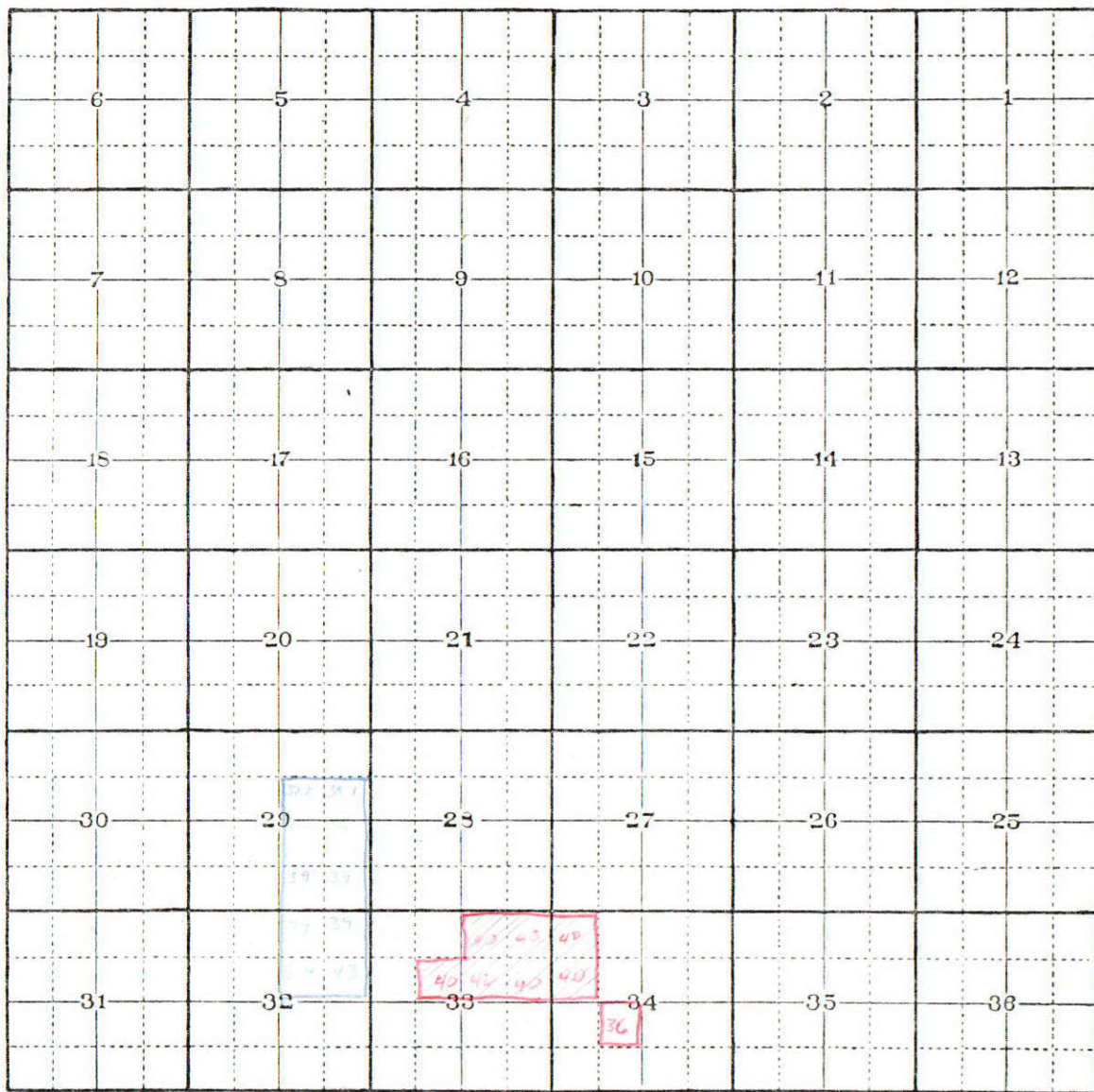
1980

day of

Linda Capps McQuire
Thelma Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

SCALE: ONE INCH TO ONE MILE

Township 9S Range 13E



47-2376 ☐

After Transfer

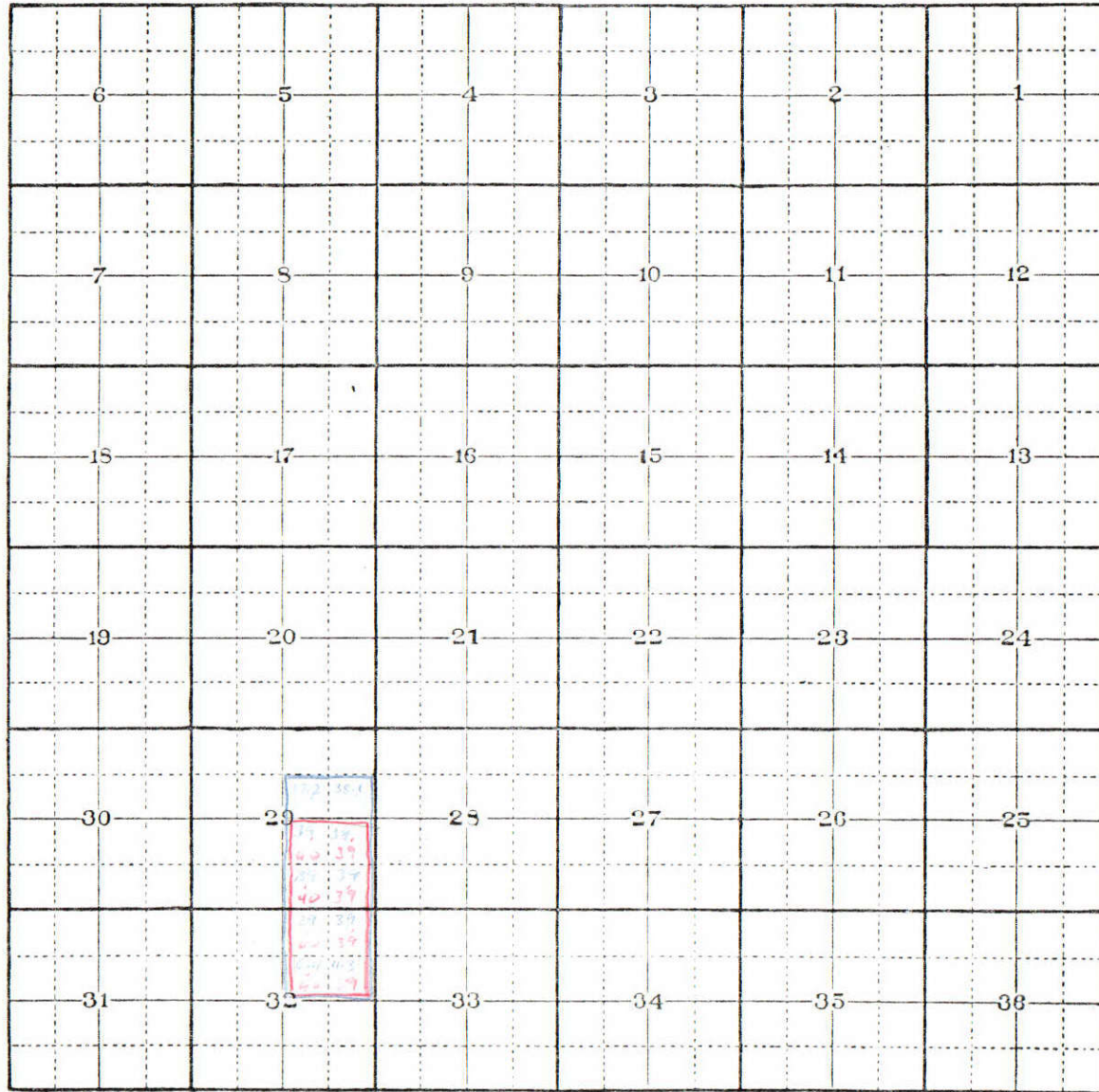
47-7617 ☒ 5.6 of 5 / 280 AC, G.W.

47-2377 ☐

Total Acres = 636.

MICROFILMED

SCALE: ONE INCH TO ONE MILE

Township 9S Range 13E47-2376 ☐47-2377 ☐

Before Transfer

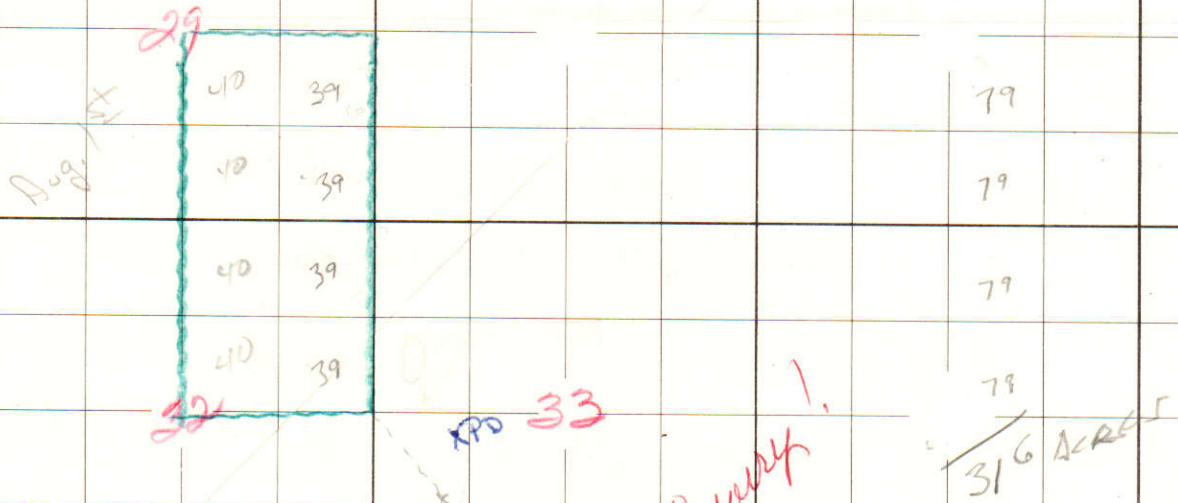
Total Acres = 391.3

$$\frac{4.58}{4.00} = .0219 \frac{\text{cts}}{\text{Ac}}$$

$$\frac{8.58 \text{ cts}}{391.3 \text{ Ac}} = .0219 \frac{\text{cts}}{\text{Ac}}$$

MICROFILMED

Aug 25



smooth roads, turn!

FOR LICENSE - QUANTITY WAS BASED UPON
THE ATTACHED L&B WELL TEST REPORT. - RECOMMEND
BY DRR & DRS & DM TO KEITH & APPROVED BY KEITH.

AREA - 31.6 ACRES

SUBD - 8

Q - 4.0 cfs.

IRRIGATION REQUIREMENT = 4.0 AC-FT/ACRE/SEASON
VOL SHALL NOT EXCEED 1264 AC-FT/SEASON

PRIORITY - AUG 26, 1963

to turn left

AFFIDAVIT of PUBLICATION

STATE OF IDAHO

County of Twin Falls

ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper four consecutive weeks, the first publication having been made on the 15th day of June, 1967, and the last publication having been made on the 16th day of July, 1967; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this

7th day of July, 1967

William D. Lewis

Notary Public.

Bull Lewis

Residing at

1-19-71

My Commission Expires

NOTICE OF PROOF
OF COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that on the 12th day of July, 1967, at Castleford, County of Twin Falls, State of Idaho before Don Reese, Notary Public, at Castleford, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-31349, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Gary K. Blick, Castleford, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is NW 1/4 SW 1/4, Sec. 33, T. 9 S, R. 13 E, B.M.

5. The place where said water is used is SE 1/4, Sec. 29; NE 1/4, Sec. 32, T. 9 S, R. 13 E, B.M.

6. The date of priority which said user is prepared to establish is August 26, 1963.

R. KEITH HIGGINSON
State Reclamation Engineer
(22t4)

31349

R 13 E

T

29

28

WELLS P.D.

9

32

33
Amusement

Permit Map No. 31349

As Approved AUG 30 1953

Carl E. Zappan
State Reclamation Engineer

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	~~Blick, Gary K.~~	~~4.0~~		~~47-2377~~
2407	Easterday, LaRay, etal	4.0		47-2377

RECEIVED
T

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Transfer No. 2407Water Right No. 47-2377

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

Department
South

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant LaRay &/or Janet M. Easterday &/or Ronald D. &/or Mary G. Easterday Phone 543-5841Post office address Route #2, Buhl, ID 83316

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 47-2377 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water groundwater tributary to _____4. Date of priority August 26, 1963

5. Water is used for the following purposes:

amount 4.0 for Irrigation purposes from April 1 to October 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 4.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33
Township 9S Range 13E, B.M., in Twin Falls County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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 $\frac{1}{4}$	
9S	13E	29													39	40	40	39	158
		32	39	40	40	39													158

Total number of acres to be irrigated 3169. Describe any other water rights used for the same purposes as described above Lic. #47-2376.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ %, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

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

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

b. Point(s) of diversion _____ % _____ %, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

c. Description of diverting works _____

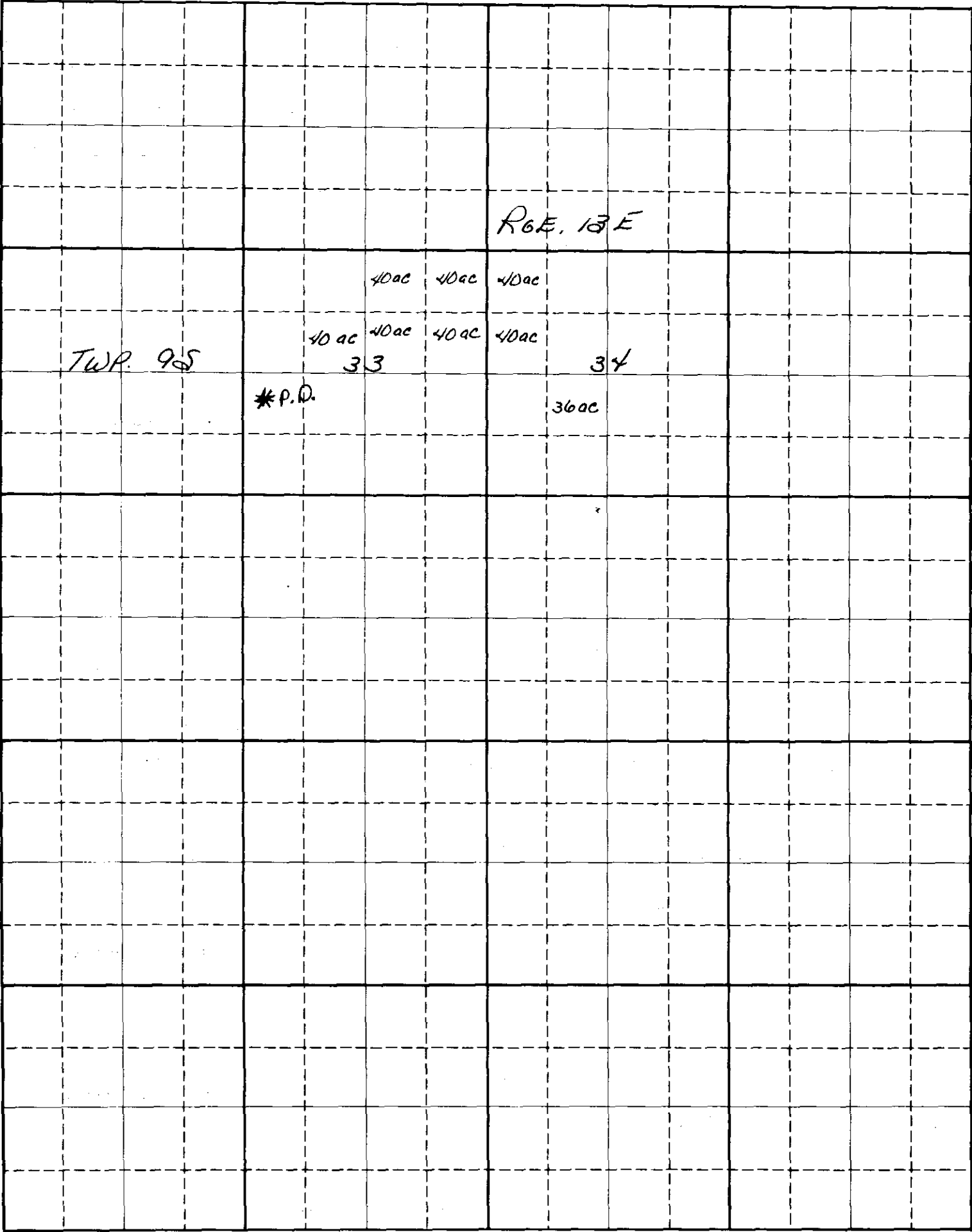
d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	13E	33	40	40	40	40				40									200
		34						40	40		36								116

Total number of acres to be irrigated 316

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

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

Mary H. Easterday Harvey L. Easterday
(Signature of applicant)

Subscribed and sworn to before me this 10th day of March, 1980.

Jane E. Wright
(Notary public)

My commission expires 11-11-83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 47-2377 and said application is hereby approved, subject to the following limitations and conditions:
(1) No more than 4.0 cfs shall be diverted under this right and no more than a total of 4.58 cfs shall be diverted when used in combination with License 47-2376.
(2) No more than 1264 acre-feet per year shall be diverted under this right and no more than 1565.2 acre-feet shall be diverted when used in combination with License 47-2376.
(3) No more than 391.3 acres shall be irrigated under Licenses 47-2376 & 47-2377 combined.

Witness my hand this 17th day of October, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>Lewis</u>	Date <u>3/5/80</u>	Protest filed by _____
Prelim. check by <u>gd</u>	Fee <u>35.00</u> # <u>17137</u>	_____
Receipted by <u>Perry</u>	Date <u>3/5/80</u>	_____
Published in <u>Times news</u>	Copies of protest forwarded by _____	
Pub. dates <u>3/27 + 4/3/80</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>RA DBT</u>	

WATER LICENSE

Water License No. G-31349 Priority August 26, 1963 Amount 4.0 c.f.s.THIS IS TO CERTIFY, that GARY K. BLICK

of Castleford, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 26, 1963; that Permit G-31349 was issued pursuant to said application; that the proposed works were completed on or about 1967, with a storage/or carrying capacity of 5.05 c.f.s., said works consisting of well, motor, pump; and that on July 12, 1967, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1264 acre feet per season, with a maximum rate of diversion of 4.0 cubic feet per second of the waters of underground water, tributary of _____, for the purpose of irrigation from April 1 to October 31; and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 9 S, R. 13 E, B.M., and other additional points _____, in the County of Twin Falls; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 1264 acre feet per year.

Description and location of place of use:

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 $\frac{1}{4}$	
<u>9 S</u>	<u>13 E</u>	<u>29</u>													<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>158</u>
		<u>32</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>													<u>158</u>

Total number of acres irrigated 316

The right to the use of the water 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

13 day of January, 19 69.

[Signature]
State Reclamation Engineer

47 2377

31349

WARRANTY DEED

For Value Received

GEORGE L. BLICK AND MARIE BLICK, husband and wife

the grantor^s, do hereby grant, bargain, sell and convey unto

RONALD D. EASTERDAY AND MARY G. EASTERDAY, husband and wife

the grantees, the following described premises, in.....Twin Falls.....County, Idaho, to-wit:

Township 9 South, Range 13 East, B.M., Twin Falls County, Idaho
Section 28: Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 29: South half South half Southeast Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$)
Section 32: Northeast Quarter (NE $\frac{1}{4}$)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

George L. Blick
Marie Blick

STATE OF IDAHO, COUNTY OF Twin Falls

On this 24 day of January, 1973,
before me, a notary public in and for said State, personally appeared

George L. Blick and Marie Blick,
husband and wife

known to me to be the person^s whose name^s are
subscribed to the within instrument, and acknowledged to
me that they executed the same

Residing at
Comm. Expires

Notary Public
Buhl, Idaho

1-13-74

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at 30 minutes past 2 o'clock m.,
this JAN 23 1973 day of
19, in my office, and duly recorded in Book 223
of Deeds at page 2159

H. A. LANCASTER

Ex-Officio Recorder

By

Fees \$

Mail to:

Deputy.

Heleen Thum
may may subscribe

INSTRUMENT NO. 645116

MICROFILMED

WARRANTY DEED

For Value Received

GEORGE L. BLICK AND MARIE BLICK, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

LARAY L. EASTERDAY AND JANET M. EASTERDAY, husband
and wife

the grantees, the following described premises, in.....County, Idaho, to-wit:

Township 9 South, Range 13 East, B.M., Twin Falls County, Idaho
Section 28: Northwest Quarter Southwest Quarter (NW¹₄SW¹₄)
Section 29: South half Northeast Quarter (S¹₂NE¹₄), North half
Southeast Quarter (N¹₂SE¹₄), North half South half Southeast
Quarter (N¹₂S¹₂SE¹₄)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and with
the said Grantee s, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

George L. Blick
Marie Blick

STATE OF IDAHO, COUNTY OF Twin Falls

On this 2^d day of January, 1973,
before me, a notary public in and for said State, per-
sonally appeared

George L. Blick and Marie Blick,
husband and wife

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

Residing at _____, Idaho
Comm. Expires 1-13-74

Notary Public

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at 30 minutes past 2 o'clock m.,
this JAN 23 1973 day of
19, in my office, and duly recorded in Book 223
of Deeds at page 2158

H. A. LANCASTER

Ex-Officio Recorder

By *Helen Thomas* Deputy.

Fees \$ 1.00

Mail to:

May May & Suburban
Box 105

INSTRUMENT NO. 645114

REVENUE STAMPS

MICROFILM

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

Notice is hereby given that LaRay &/or Janet M. Easterday &/or Ronald D. &/or Mary G. Easterday of Buhl, Idaho have applied to the Department of Water Resources for a change of place of use of the water of a groundwater source. The right sought to be changed is evidenced by License 47-2377, and is recorded as follows:

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Point of Diversion:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T.9S,
R. 13E, B.M., in Twin Falls
County.

The water is used for ir-
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April 1 to October 31 of 316
acres within the SE $\frac{1}{4}$,
Sec. 29; NE $\frac{1}{4}$, Sec. 32,
T.9S, R.13E

TO BE CHANGED AS

FOLLOWS:

Amount: NO CHANGE

Point of Diversion:

CHANGE

Place of Use: NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33;
W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 34, T.9S, R.13E.

Any protest against ap-
proval of the above pro-
posed change of water right
must be filed with the Idaho
Department of Water Re-
sources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301, on or before
April 14, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Mar.
27, and Apr. 3, 1980.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

N^o 9137

I, Linda Capps McQuinn being first duly sworn upon
oath, depose and say that I am Print 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 Weeks, commencing with the issue dated
March 27, 1980, and ending with the issue dated
April 3, 1980.

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 com-
petent 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 there-
of, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McQuinn
Subscribed and sworn to before me on this 7 day of

April, 1980

Della Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

47-2377

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39453
 Permit No. G- 31349
 District No.

1. Name of Applicant: Gary K. Blick
 Postoffice address: Castleford County: Twin Falls State: Idaho
2. Quantity of water claimed: 6.4 c.f.s.
 (a) Rate of withdrawal in cubic feet per second or Idaho
 Miners' inches or gallons per minute
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33
 SE $\frac{1}{4}$ of Section 29
 Twp. 9 S , Rge. 13 E , B.M., County of Twin Falls
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Pump, electric motor, ditches
8. Estimated cost of works: \$ 32,000
9. (a) Is reservoir to be used? no
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Desert Entry

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.

s/ Gary K. Blick Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. August 26, 1963

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 31349

Recorded in Book 110 Page 31349 Approved August 30, 1963

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

One-fifth of the work above specified to be completed on or before March 2, 1966

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 30, 1968

Witness my hand this 30th day of August, 1963 s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, 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 30th day of August, 1963.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE
Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	13 E	29 32	40	40	40	40									40	40	40	40	160 160 320

AMENDMENT TO POINT OF DIVERSION

Comes now Gary K. Blick and represent to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-31349.

That the point of diversion is described in said Permit as being located: NW $\frac{1}{4}$ NW $\frac{1}{4}$, 33, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 9S, R. 13 EBM.

That he now requests that the point of diversion be changed to a point located: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 33, T 9S, R. 13 EBM.

That the reason for desiring to make such change is as follows: Original location did not produce enough water.

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

Signed at Castleford, Idaho, this 22nd day of November 1966.

/s/ Gary Blick

Date of Receipt at Department of Reclamation: November 22, 1966.

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, 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. G-31349. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 110 of Permits,
at Page G-31349, November 29, 1966

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 40 SEC. FE.
LICENSE PAGE NO. 31349

Cheryl —

Plz fill in
47-2377

MS
1-8-86

INTER-DEPARTMENT MEMO — 1

FROM Phil Rassier

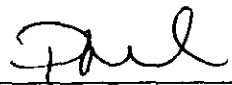
DATE Jan. 6, 1986

TO Norm Young (for water right file)

SUBJECT Transfer No. 2407, Water Right No. 47-2377
Conn. Gen. Life Insur. Co. v. Easterday, Twin Falls Co. Case 37234

Attached for inclusion in the above water right file are copies of the following documents:

- STIPULATION BETWEEN PLAINTIFF AND DEFENDANT STATE OF IDAHO
- ORDER GRANTING SUMMARY JUDGMENT
- JUDGMENT AND DECREE OF FORECLOSURE AND ORDER OF SALE



SIGNATURE

RECEIVED
JAN 6 1988

DEPT. OF WATER RESOURCES
TWIN FALLS, IDAHO

Department of Water Resources

'85 DEC 31 AM 9 42

BY _____
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CONNECTICUT GENERAL LIFE)
INSURANCE COMPANY, a Connecticut)
corporation,)

Plaintiff,)

vs.)

LENARD D. EASTERDAY and LORENE I.)
EASTERDAY, husband and wife;)
LARRY L. EASTERDAY and JANET M.)
EASTERDAY, husband and wife;)
RONALD D. EASTERDAY and MARY G.)
EASTERDAY, husband and wife;)
ELDEN B. EASTERDAY and ANNITA J.)
EASTERDAY, husband and wife;)
STATE OF IDAHO; EASTERDAY FARMS,)
INC., an Idaho corporation)
also known as "Easterday Farms";)
THE UNITED STATES OF AMERICA,)
acting through the Farmers Home)
Administration, Department of)
Agriculture, and also acting)
through the Internal Revenue)
Service, Department of the)
Treasury;)
KENNETH W. MARSHALL and HELEN L.)
MARSHALL, husband and wife;)
DOUG J. MARSHALL, a single man;)
HOWARD D. MARSHALL and LYNN)
MARSHALL, husband and wife;)
JOHN M. THOMAS and RAE THOMAS,)
husband and wife;)
JEAN L. GIUFFRE (formerly Jean L.)

Case No. 37234

ORDER GRANTING
SUMMARY JUDGMENT

Marshall) and JAMES GIUFFRE,)
 wife and husband;)
 SUSAN M. DAVIS and ELBERT DAVIS,)
 wife and husband;)
 SOUTHERN IDAHO PRODUCTION CREDIT)
 ASSOCIATION, a corporation;)
 THE FARMERS NATIONAL BANK, a)
 national banking association;)
 RICHARD L. KERBS and PATRICIA M.)
 KERBS, husband and wife;)
 SCOTT CRYSTAL and PERIANN)
 CRYSTAL, husband and wife;)
 JOHN CRYSTAL and COLLEEN CRYSTAL,)
 husband and wife;)
 FARRELL JOHN PETERSON, GARY B.)
 PETERSON and EVA BELLE PETERSON,)
 Personal Representatives of the)
 Estate of E. John Peterson,)
 Deceased, as the last directors)
 and statutory trustees of)
 PETERSON FARMS, INC., a defunct)
 Idaho corporation;)
 PUREGRO COMPANY, also known as)
 "PureGro Co., d/b/a Farm Service,")
 a California corporation;)
 HUNT OIL COMPANY, a Delaware)
 corporation; and)
 any and all unknown owners, or)
 unknown heirs or unknown devisees)
 of any deceased person, claiming)
 any interest in the property)
 which is the subject of this)
 action, referred to for)
 convenience by the fictitious)
 names or designations of)
 DOES I-XX,)
)
 Defendants.)
)

The Plaintiff's Motion for Summary Judgment having come
 on for hearing this day after due notice to all parties who have
 appeared herein and against whom defaults have not been entered,
 and it appearing that there are no genuine issues of material
 fact unresolved between the remaining parties, and that Plaintiff

is entitled to judgment and decree of foreclosure and order of sale, as a matter of law;

IT IS ORDERED THAT:

1. Plaintiff's Motion for Summary Judgment is hereby granted.

2. Judgment and decree of foreclosure and order of sale in the usual form may be entered in accordance with Plaintiff's Complaint herein and with the affidavits, disclaimers, stipulations and other papers filed herein in support of Plaintiff's Motion for Summary Judgment.

3. Said foreclosure and foreclosure sale will be expressly subject to the following:

(a) The first lien mortgages of the Defendant United States of America, acting by and through the Farmers Home Administration, U.S. Department of Agriculture, as to the two parcels of the subject real estate described on EXHIBIT 1 attached hereto and made a part hereof; and

(b) Offer to Lease and Lease for Oil and Gas given by the United States of America to the Defendant Hunt Oil Company, recorded December 10, 1984, as Instrument No. 872052, records of Twin Falls County, Idaho.

4. Said foreclosure and foreclosure sale will also be subject to the following conditions stipulated between Plaintiff and Defendant Southern Idaho Production Credit Association ("SIPCA"):

(a) The subject real and personal property described in the Plaintiff's Mortgage (EXHIBIT 2 to Plaintiff's Complaint) will be offered for sale first, and then if, and only if, the amount realized therefrom is insufficient to satisfy the Plaintiff's judgment (including accruing interest and accruing costs), the water rights transferred to Tract IV of the subject real property (described on page 2 of the Mortgage Modification Agreement, EXHIBIT 7 to Plaintiff's Complaint), to wit:

In Township 9 South, Range 13, East, B.M.:

Section 33: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34: W $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; and

as evidenced by Transfer No. 2407; of the Department of Water Resources, State of Idaho, a copy of which is attached hereto, will be next offered for sale.

(b) The water rights referred to in 4.(a), above, will be subject to redemption in like manner as the rest of the subject real and personal property, within one (1) year after the date of the Sheriff's foreclosure sale herein.

5. The issue between Plaintiff and the State of Idaho, acting by and through the Department of Water Resources, as to whether Plaintiff need comply with the statutory and regulatory procedures for retransfer of water rights referred to in the second claim of Plaintiff's Complaint, is deemed to be premature and is reserved for further proceedings herein, or in a separate action or proceeding between the interested parties if the issue need be litigated in the future.

6. The Court will execute a certificate pursuant to Rule 54(b) I.R.C.P. to be affixed to the judgment herein.

DATED this 31 day of December, 1985.

157 Daniel C. Hulbert
District Judge

1. Township 10 South, Range 13 East, BM, Twin Falls County, Idaho:

Section 11: that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the intersection of the North line of canal of Twin Falls Canal Co., and the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence West along the North line of Canal 100 feet; thence North 100 feet; thence East paralleling canal, 100 feet to the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along the East of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 100 feet to the point of beginning;

Together with the buildings and improvements thereon and appurtenances thereto.

2. In Township 9 South, Range 13 East, BM, Twin Falls County, Idaho:

Section 28: part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ being more particularly described as follows:

Beginning at the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence East along the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 210 feet; thence South and parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 225 feet; thence West and parallel to the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 210 feet to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North along said West line for 225 feet to the point of beginning;

Together with the buildings and improvements thereon and appurtenances thereto.

Transfer No. 2407Water Right No. 47-2377

RECEIVED
The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.
Signed this 13 day of Dec, 1985
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

Department
Source

To Change the Point of Diversion and/or the Place of Use

Name of applicant LaRay &/or Janet M. Easterday &/or Ronald D. &/or Mary G. Easterday Phone 543-5841
Post office address Route #2, Buhl, ID 83316

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 47-2377 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water groundwater tributary to _____4. Date of priority August 26, 1963

5. Water is used for the following purposes:

amount 4.0 for Irrigation purposes from April 1 to October 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 4.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33
Township 9S Range 13E, B.M., in Twin Falls County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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 $\frac{1}{4}$	
9S	13E	29													39	40	40	39	158
		32	39	40	40	39													158

Total number of acres to be irrigated 316

9. Describe any other water rights used for the same purposes as described above Lic. #47-2376

9. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part 8).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

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

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____

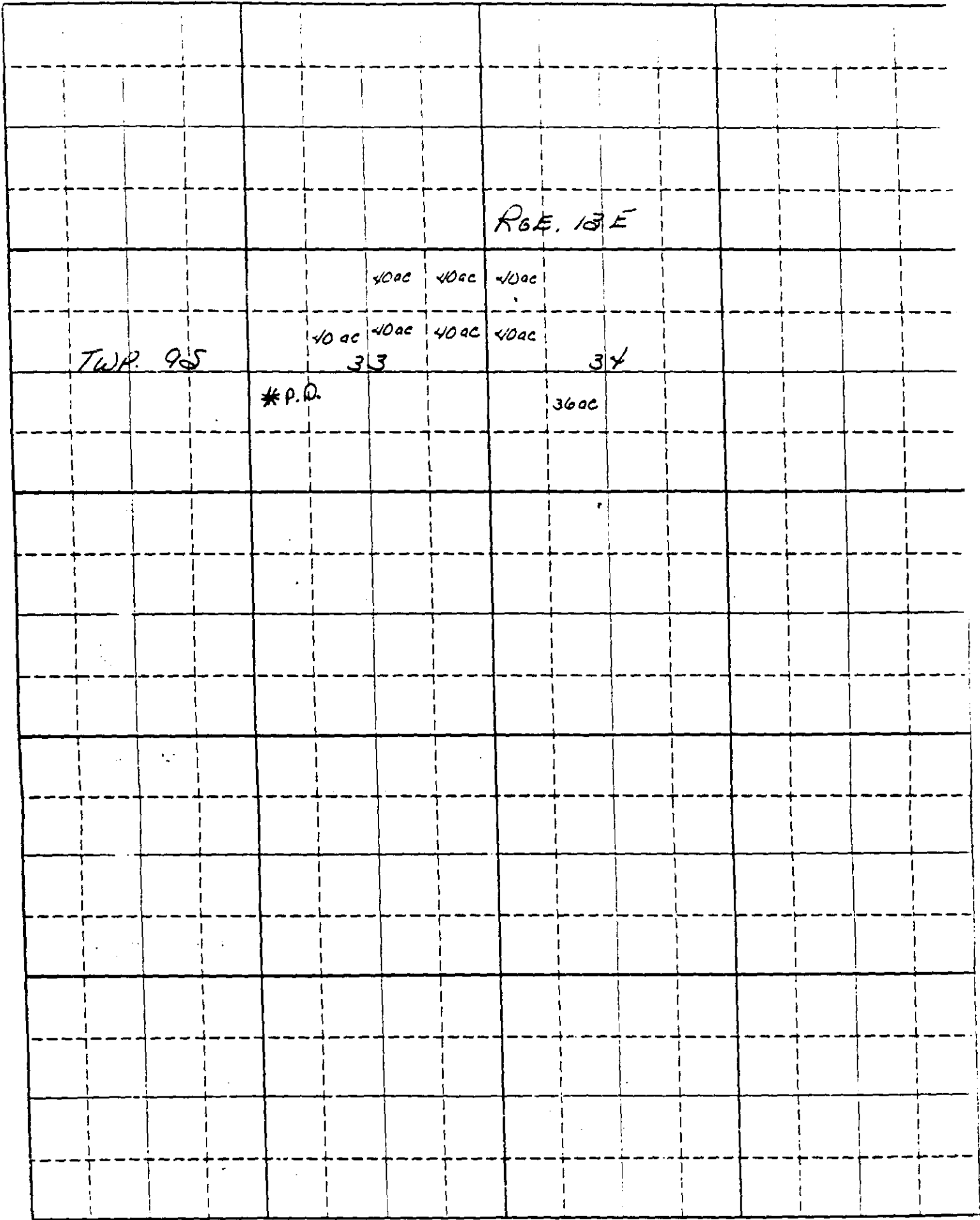
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	13E	33	40	40	40	40				40									200
		34						40	40		36								116

Total number of acres to be transferred 316

3. Draw a map indicating the new point(s) of diversion and/or the land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

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

Mary H. Easterday

Kelley L. Easterday
(Signature of applicant)

Subscribed and sworn to before me this 10th day of March, 1980.

Jane B. Wright
(Notary public)

My commission expires 11-11-83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 47-2377 and said application is hereby approved, subject to the following limitations and conditions:

- (1) No more than 4.0 cfs shall be diverted under this right and no more than a total of 4.58 cfs shall be diverted when used in combination with License 47-2376.
- (2) No more than 1264 acre-feet per year shall be diverted under this right and no more than 1565.2 acre-feet shall be diverted when used in combination with License 47-2376.
- (3) No more than 391.3 acres shall be irrigated under Licenses 47-2376 & 47-2377 combined.

Witness my hand this 17th day of October, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>Reis</u>	Date <u>3/5/80</u>	Protest filed by _____
Prelim. check by <u>gd</u>	Fee <u>35.00</u> # <u>17137</u>	_____
Receipted by <u>Reis</u>	Date <u>3/5/80</u>	_____
Published in <u>Times news</u>	Copies of protest forwarded by _____	
Pub. dates <u>3/25 - 4/5/80</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>not psc</u>	

Thomas A. Miller
Richard F. Goodson
HAWLEY TROXELL ENNIS & HAWLEY
P.O. Box 1617
Boise, Idaho 83701
Telephone (208) 344-6000

Attorneys for Plaintiff

PHILLIP J. RASSIER
KENNETH R. ARMENT
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, Idaho 83720
Telephone: (208) 334-4448

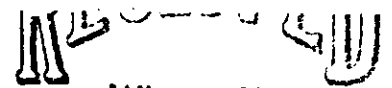
Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CONNECTICUT GENERAL LIFE	)	
INSURANCE COMPANY, a Connecticut	)	
corporation,	)	
	)	Case no. 37234
Plaintiff,	)	
	)	
vs.	)	STIPULATION BETWEEN
	)	PLAINTIFF AND DEFENDANT
LENARD D. EASTERDAY, et al.	)	STATE OF IDAHO
	)	
Defendants.	)	
	)	

COME NOW, the plaintiff, Connecticut General Life Insurance Company, and the Defendant, State of Idaho, acting through the Director of the Department of Water Resources, by and through their respective undersigned attorneys of record, and stipulate and agree as follows:

1. That based upon the record herein, plaintiff is entitled to judgment and decree of this Court that plaintiff has



JAN 6 1986

Department of Water Resources

86 JAN 31 AM 3 50

BY

WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CONNECTICUT GENERAL LIFE)
INSURANCE COMPANY, a Connecticut)
corporation,)

Plaintiff,)

vs.)

LENARD D. EASTERDAY and LORENE I.)
EASTERDAY, husband and wife;)
LARRY L. EASTERDAY and JANET M.)
EASTERDAY, husband and wife;)
RONALD D. EASTERDAY and MARY G.)
EASTERDAY, husband and wife;)
ELDEN B. EASTERDAY and ANNITA J.)
EASTERDAY, husband and wife;)
STATE OF IDAHO; EASTERDAY FARMS,)
INC., an Idaho corporation)
also known as "Easterday Farms";)
THE UNITED STATES OF AMERICA,)
acting through the Farmers Home)
Administration, Department of)
Agriculture, and also acting)
through the Internal Revenue)
Service, Department of the)
Treasury;)
KENNETH W. MARSHALL and HELEN L.)
MARSHALL, husband and wife;)
DOUG J. MARSHALL, a single man;)
HOWARD D. MARSHALL and LYNN)
MARSHALL, husband and wife;)
JOHN M. THOMAS and RAE THOMAS,)
husband and wife;)
JEAN L. GIUFFRE (formerly Jean L.)

Case No. 37234

JUDGMENT AND DECREE OF
FORECLOSURE AND ORDER
OF SALE

Marshall) and JAMES GIUFFRE,)
 wife and husband;)
 SUSAN M. DAVIS and ELBERT DAVIS,)
 wife and husband;)
 SOUTHERN IDAHO PRODUCTION CREDIT)
 ASSOCIATION, a corporation;)
 THE FARMERS NATIONAL BANK, a)
 national banking association;)
 RICHARD L. KERBS and PATRICIA M.)
 KERBS, husband and wife;)
 SCOTT CRYSTAL and PERIANN)
 CRYSTAL, husband and wife;)
 JOHN CRYSTAL and COLLEEN CRYSTAL,)
 husband and wife;)
 FARRELL JOHN PETERSON, GARY B.)
 PETERSON and EVA BELLE PETERSON,)
 Personal Representatives of the)
 Estate of E. John Peterson,)
 Deceased, as the last directors)
 and statutory trustees of)
 PETERSON FARMS, INC., a defunct)
 Idaho corporation;)
 PUREGRO COMPANY, also known as)
 "PureGro Co., d/b/a Farm Service,")
 a California corporation;)
 HUNT OIL COMPANY, a Delaware)
 corporation; and)
 any and all unknown owners, or)
 unknown heirs or unknown devisees)
 of any deceased person, claiming)
 any interest in the property)
 which is the subject of this)
 action, referred to for)
 convenience by the fictitious)
 names or designations of)
 DOES I-XX,)
)
 Defendants.)

Based upon the Court's Order granting Plaintiff's Motion
 for Summary Judgment and upon the other records and files in this
 action, in good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiff, Connecticut General Life Insurance
 Company, has a valid and subsisting mortgage lien and security

interest in and to the property, real and personal, described and referred to on EXHIBIT 1 attached hereto (herein referred to the "Subject Property"); provided, however, that Plaintiff's first lien with respect to the real property described in Paragraph 3 of this judgment is limited to the water rights transferred thereto, as evidenced by Transfer No. 2407 referred to therein.

2. That except as to (a) the two parcels of real property described and referred to on EXHIBIT 2 attached hereto (herein referred to as the "EXHIBIT 2 Property"), and (b) the oil and gas lease rights of the Defendant Hunt Oil Company, hereinafter mentioned, said mortgage lien and security interest of Plaintiff are paramount and senior to any right, title, claim or interest in or to the Subject Property of any Defendant herein. As to the "EXHIBIT 2 Property" the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, has first lien mortgages, and Plaintiff's mortgage constitutes a second lien against the said "EXHIBIT 2 Property." The Defendant Hunt Oil Company, a Delaware corporation, has certain rights prior in time and right to Plaintiff, as evidenced by that certain offer to lease and lease for oil and gas given by the United States of America to Hunt Oil Company, recorded December 10, 1984, as Instrument No. 872052, records of Twin Falls County, Idaho, and Plaintiff's mortgage lien and security interest are subject thereto.

3. This judgment and the foreclosure sale mentioned herein will also be subject to the following conditions

stipulated between Plaintiff and Defendant Southern Idaho
Production Credit Association ("SIPCA"):

(a) The subject real and personal property described in the Plaintiff's Mortgage (EXHIBIT 2 to Plaintiff's Complaint) will be offered for sale first, and then if, and only if, the amount realized therefrom is insufficient to satisfy the Plaintiff's judgment (including accruing interest and accruing costs), the water rights transferred to Tract IV of the subject real property (described on page 2 of the Mortgage Modification Agreement, EXHIBIT 7 to Plaintiff's Complaint), to wit:

In Township 9 South, Range 13, East, B.M.:

Section 33: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

as evidenced by Transfer No. 2407, of the Department of Water Resources, State of Idaho, a copy of which is attached hereto, will be next offered for sale.

(b) The water rights referred to in 3.(a), above, will be subject to redemption in like manner as the rest of the subject real and personal property, within one (1) year after the date of the Sheriff's foreclosure sale herein.

4. Plaintiff, Connecticut General Life Insurance Company, shall have and recover judgment against the Defendant

Mortgagors Easterdays (Lenard D. Easterday and Lorene I. Easterday, husband and wife; LaRay L. Easterday and Janet M. Easterday, husband and wife; Ronald D. Easterday and Mary G. Easterday, husband and wife; Elden B. Easterday and Annita J. Easterday, husband and wife), and each of them in the amount of \$ 572,852.94 (including principal, accrued interest, attorney fees and other foreclosure costs, and advances to the Receiver herein, Alonzo B. Leavell), to be satisfied, if at all, out of the proceeds of the Sheriff's sale of the subject property herein, without any right to a deficiency judgment against the Defendants Mortgagors Easterdays, or any of them, or against any other Defendant herein.

5. The Sheriff of Twin Falls County, Idaho, shall sell the Subject Property at public auction, for cash, in lawful money of the United States, subject to the conditions of ^{other} Paragraphs of this judgment, and out of the proceeds of said sale, the Sheriff shall (a) retain his lawful fees, disbursements, commissions and costs of sale; (b) pay to the Plaintiff or its attorney out of the remaining proceeds of said sale, Plaintiff's judgment mentioned in Paragraph 4 above, with interest thereon at the rate of eighteen percent (18%) per annum from and after the date of this Judgment and until paid, together with any accruing costs paid by Plaintiff; and (c) return any remaining net proceeds of said sale to the Court to abide the further Order of this Court. Plaintiff may credit bid the amount of its Judgment, with accruing interest and any accruing costs paid by Plaintiff, upon

the purchase price. Any other person, including any other party to this action, shall be a cash bidder.

6. The Sheriff shall fix a date and time of said sale, which sale shall be between the hours of 9:00 a.m. and 5:00 p.m., on a business day, Saturdays, Sundays and holidays excluded, to be held at the front door of the Twin Falls County Courthouse at Twin Falls, Twin Falls County, Idaho. The Sheriff shall give due and regular notice of said sale by publication thereof once a week for three consecutive weeks in the Twin Falls Times-News, a legal newspaper published at Twin Falls, Idaho, and regularly issued and of general circulation in Twin Falls County, Idaho, where the Subject Property is located, the first such publication to occur at least twenty (20) days prior to the date of said sale. The Sheriff shall also post copies of such notice of sale at least twenty (20) days prior to the date of sale in the following places:

(a) The front door of the Twin Falls County Courthouse at Twin Falls, Idaho, where legal notices are generally posted; and

(b) In at least three (3) other public places in the precinct where the Subject Property is situated, including at least one (1) public place at or near the Subject Property.

The Sheriff may, but is not required to, post such notice of sale at other places.

7. The Sheriff shall execute, acknowledge and deliver to any purchaser at such sale a Sheriff's Certificate of Sale of the property purchased and shall execute, acknowledge and record a duplicate of any such Certificate of Sale in the office of the County Recorder of Twin Falls County, Idaho.

8. Any party and any other lawful redemptioner may redeem the Subject Property (or any part thereof sold separately, including the water rights mentioned in Paragraph 3 of this judgment) by timely paying to the Sheriff within one (1) year after the date of the sale, to the credit of the purchaser, the amount of the purchase price together with interest thereon at the rate of twelve percent (12%) per annum from the date of sale to the date of redemption, together with the amount of any assessments or taxes paid by the purchaser, together with interest thereon at the rate of twelve percent (12%) per annum.

9. In the event the Subject Property (or any part thereof sold separately, including the water rights mentioned in Paragraph 3 of this judgment) be not redeemed within one (1) year following the date of the Sheriff's sale, the Sheriff shall execute, acknowledge and deliver to the purchaser (or assigns) a Sheriff's Deed to the property purchased. The Grantee in any such Sheriff's Deed shall thereupon be entitled to possession of the property purchased (subject to the termination of the receivership in the above-entitled action if the same shall not have been previously terminated).

10. The above-named Defendants, and each of them, and all persons claiming by, through or under any of them, and all persons having or claiming any liens or interests in the Subject Property subsequent to the lien and security interests of Plaintiff, and such persons' heirs, personal representatives, successors, assigns, and all persons claiming to have acquired any right, title, estate or interest in or to the Subject Property or any part thereof subsequent to the recording of the Plaintiff's Amended Lis Pendens with the Recorder of Twin Falls County, Idaho, are forever barred and foreclosed of and from any and all right, title, interest or estate in or to the Subject Property and every part thereof, subject to any statutory right of redemption that they may have during the one (1) year period of redemption following the date of the Sheriff's sale herein; provided, however, that anything to the contrary herein notwithstanding, said foreclosure sale shall be subject to (a) the continued first lien mortgages of the United States of America, acting by and through the Farmers Home Administration, United States Department of Agriculture, as to the property described on EXHIBIT 2 attached hereto (hereinbefore referred to as the "EXHIBIT 2 Property"), and (b) the oil and gas lease rights of the Defendant Hunt Oil Company, mentioned in paragraph 2, above.

DATED this 31 day of December, 1985.

15/ Kenneth G. Hulchitt
District Judge

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this 31 day of December, 1985

151 x Daniel G. Hurlburt
District Judge

TOWNSHIP 9 SOUTH, RANGE 13 EAST OF THE BOISE
MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 28: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 32: NE $\frac{1}{4}$. Section 34: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 10 SOUTH, RANGE 13 EAST OF THE BOISE
MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 11: That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described
as follows:

Beginning at the Intersection of the North line
of Canal of Twin Falls Canal Co., and the East line
of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence West along the North line of canal 100 feet;
Thence North 100 feet;

Thence East paralleling canal, 100 feet to the East

line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence South along the East of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 100 feet
to the point of beginning.

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township
9 South, Range 13 East, Boise Meridian, Twin Falls
County, Idaho, and being more specifically described
as follows:

Commencing at the Northwest (NW) corner of
the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of
Section 33, Township 9 South, Range 13 East,
Boise Meridian; thence South 0°3'00" East along
the West boundary of said Section 33, a distance
of 1,314.50 feet to the Southwest corner of the
said Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
of said Section 33; thence North 89°53'00" East
along the South boundary of the said Northwest
Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33,
a distance of 979.34 feet to the Point of Beginning;
thence North 0°3'00" West 132.26 feet;
thence North 89°53'00" East 50 feet;
thence South 0°3'00" East 132.26 feet;
thence South 89°53'00" West 50 feet to the
Real Point of Beginning.

EASEMENTS:

A strip of land twenty (20) feet in width for
the purpose of constructing, operating and maintain-
ing a water delivery system over and across a portion
of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township
9 South, Range 13 East, Boise Meridian, Twin Falls
County, Idaho. said twenty (20) foot wide strip of
land to be centered on a line being more specifically
described as follows:

Commencing at the Northwest corner of the Northwest
Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33,
Township 9 South, Range 13 East, Boise Meridian;
Thence North 0°03'00" West a distance of 10 feet
along the West boundary of said Section 33 to the
Point of Beginning being the centerline of said
twenty (20) foot wide strip of land;
Thence from this Point of Beginning South 40°11'18"
East a distance of 1558.00 feet along said center
line to the Point of Ending of said Twenty (20) foot
wide easement.

A strip of land thirty (30) feet in width for
the purpose of constructing and maintaining an
access road and power line over and across a
portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33,
Township 9 South, Range 13 East, Boise Meridian,
Twin Falls County, Idaho; said Thirty (30) foot
wide strip of land to be centered on the boundary
common to the said NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and being
more specifically described as follows:

Commencing at the Northwest corner of the Northwest
Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33,
Township 9 South, Range 13 East, Boise Meridian;
Thence South 0°03'00" East along the West boundary
of said Section 33 a distance of 1,314.00 feet

to the Point of Beginning, being the centerline
of said thirty (30) foot wide strip of land;
Thence from this Point of Beginning North 89°
53'00" East a distance of 1004.34 feet along said
centerline to the Point of Ending of said thirty
(30) foot wide easement.

PERSONAL PROPERTY

1 - 300 Horsepower General Electric Motor, Serial Number ACJ118001

1 - 125 Horsepower U.S. Electric Motor, Serial No. C1006311

1320' - 10" Wrapped Steel Mainline

12,000' of 3" x 40' Aluminum Handline Sprinklers
(10 - 1/4 mile lines)

OF IDAHO FALLS } SS.
 CITY OF TWIN FALLS THE FOREGOING TO BE A
 COPY CERTIFY THE FOREGOING COPY OF
 TRUE AND CORRECT TRACES
See Record
 OFFICE RECORDER
W. H. H. H. H. H.

1. Township 10 South, Range 13 East, BM, Twin Falls County, Idaho:

Section 11: that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the intersection of the North line of canal of Twin Falls Canal Co., and the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence West along the North line of Canal 100 feet; thence North 100 feet; thence East paralleling canal, 100 feet to the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along the East of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 100 feet to the point of beginning;

Together with the buildings and improvements thereon and appurtenances thereto.

2. In Township 9 South, Range 13 East, BM, Twin Falls County, Idaho:

Section 28: part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ being more particularly described as follows:

Beginning at the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence East along the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 210 feet; thence South and parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 225 feet; thence West and parallel to the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 210 feet to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North along said West line for 225 feet to the point of beginning;

Together with the buildings and improvements thereon and appurtenances thereto.

8. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

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 $\frac{1}{4}$	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Point(s) of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
- c. Description of diverting works _____
- d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

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 $\frac{1}{4}$	
9S	13E	33	40	40	40	40				40									200
		34						40	40		36								116

Total number of acres to be irrigated 316

4. Remarks _____

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

Mary H. Easterday

Ray L. Easterday
(Signature of applicant)

Subscribed and sworn to before me this 10th day of March, 1980.

Jane B. Wright
(Notary public)

My commission expires 11-11-83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 47-2377 and said application is hereby approved, subject to the following limitations and conditions:

(1) No more than 4.0 cfs shall be diverted under this right and no more than a total of 4.58 cfs shall be diverted when used in combination with License 47-2376.

(2) No more than 1264 acre-feet per year shall be diverted under this right and no more than 1565.2 acre-feet shall be diverted when used in combination with License 47-2376.

(3) No more than 391.3 acres shall be irrigated under Licenses 47-2376 & 47-2377 combined.

Witness my hand this 17th day of October, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>Lewis</u>	Date <u>3/5/80</u>	Protest filed by _____
Prelim. check by <u>jd</u>	Fee <u>35.00</u> # <u>17137</u>	_____
Receipted by <u>Lewis</u>	Date <u>3/5/80</u>	_____
Published in <u>Times News</u>	Copies of protest forwarded by _____	
Pub. dates <u>3/5 - 5/5</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>JEH</u>	

Western Mortgage & Realty Company

2211 West Court, Suite D, P.O. Box 3110, Pasco, Washington 99302-3110
Phone (509) 545-4545 Fax (509) 545-4804

July 7, 1998

State of Idaho
Department of Water Resources
Attn: Julie Yarbrough
P.O. Box 83720
Boise, ID 83720-0098

RE: Water License Nos. 47-2374, 47-2376, 47-2377, 47-2379, 47-2419, 47-7040 and
Statutory Claim to Water Right No 47-2405 - R & L Farms

To Whom It May Concern:

The above referenced water licenses were previously pledged to Connecticut General Life Insurance Company ("CG") by way of a Notice of Lienholder's Interest dated January 18, 1988. On or about October 31, 1996, CG assigned all of its right, title and interest in and to said water licenses by way of a Notice of Lienholder's Interest to Western Mortgage & Realty Company.

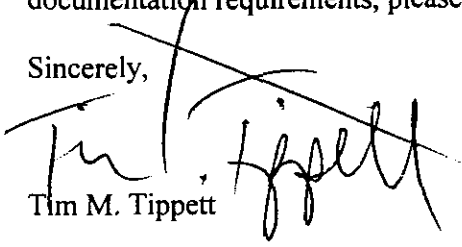
Please be advised that the obligation owing in connection with the Promissory Note and Mortgage for which the collateral security was pledged has been fully satisfied. The pledged interest referenced herein is hereby released and you are hereby notified and requested to mark your records accordingly.

For reference purposes, please find enclosed herewith the following:

1. Notice of Lienholder's Interest from R&L Farms to CG
2. Notice of Lienholder's Interest from CG to Western Mortgage

Thank you for your attention to this matter and if you should have any questions or additional documentation requirements, please advise us at your earliest convenience.

Sincerely,


Tim M. Tippet

TMT/ras

enclosures

deptofwa.ltr

NOTICE OF LIENHOLDER'S INTEREST

TO: Department of Water Resources
State of Idaho

YOU ARE HEREBY NOTIFIED that the undersigned, being a lienholder to claim to Water License Nos. 47-2374, 47-2376, 47-2377, 47-2379, 47-2419, 47-7040, and Statutory Claim to Water Right No. 47-2405, has assigned its lienholder's rights to WESTERN MORTGAGE AND REALTY COMPANY, a Washington corporation, whose address is 2211 West Court Street, Suite D, Pasco, Washington, 99301.

The purpose of this Notice is to advise you of this assignment of the undersigned's interest. The prior Notice of Lienholder's Interest is attached hereto and incorporated herein by this reference.

DATED this 31 day of October, 1996.

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY

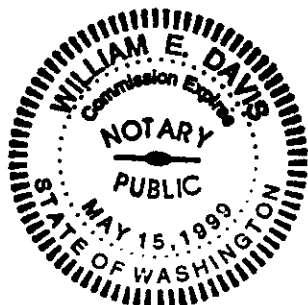
BY

Alpha O. Nicholson, III
Vice President

STATE OF Washington)
COUNTY OF Franklin) ss.

On this day personally appeared before me ALPHA O. NICHOLSON, III, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal this 31 day of October, 1996.



William E. Davis
Notary Public in and for the
State of Washington
residing at Pasco

William E. Davis 5/15/99
NAME OF NOTARY PUBLIC (TYPE OR PRINT)

NOTICE OF LIENHOLDER'S INTEREST

TO: The Department of Water Resources, State of Idaho;

YOU ARE HEREBY NOTIFIED that R & L FARMS, a general partnership consisting of LaRay L. Easterday and Ronald D. Easterday, whose current address is P.O. Box 107C, Route 2, Buhl, Idaho 83316, has mortgaged to Connecticut General Life Insurance Company the real property described in the following:

Water License # 47-2374; and
Water License # 47-2376; and
Water License # 47-2377; and
Water License # 47-2379; and
Water License # 47-2419; and
Water License # 47-7040; and
Statutory Claim to Water Right # 47-4205.

Would you please notify Connecticut General Life Insurance Company of any notices, objections, petitions, or any other documents which may be filed in connection with the above listed Water Licenses and the Statutory Claim to a Water Right, at the following address:

Connecticut General Life Insurance Company
c/o CIGNA Investments, Inc.
Regional Agricultural Investment Operations
8100 Emerald St., Suite 130
Boise, Idaho 83704.

DATED this 28th day of January, 1988.

HAWLEY TROXELL ENNIS & HAWLEY

By Richard F. Goodson
Richard F. Goodson
One Capital Center, Suite 701
P.O. Box 1617
Boise, Idaho 83701

Attorneys for Connecticut
General Life Insurance
Company



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 17, 1988

RE: Water Right Nos. 47-2374/2376/2377/2379/2419/7040

Richard F. Goodson
Hawley, Troxell, Ennis & Hawley
Box 1617
Boise, ID 83701

Dear Mr. Goodson:

We are in receipt of your correspondence of 1/28/88 regarding the above referenced water rights.

As requested, we have placed a copy of the Notice of Lienholder's Interest in each of the files. Since you are not the right holder of record, the Department will not change it's computer records to show you as current owners. Unless you are the current owners of record, the Department cannot guarantee that you will be notified of all transactions pertaining to the water rights.

If this is not satisfactory, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. McCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. SABBITT, P.A.
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH
JOHN F. KURTZ, JR.
ROBERT S. ERICKSON

NICHOLAS G. MILLER
BRENT F. LLOYD
JOHN McGOWN, JR.
ALBERT P. BARKER
JOHN T. HAWLEY, JR.
DON A. OLOWINSKI
RONALD E. BUSH
STEVEN W. BERENTER
CATHY R. SILAK
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL M. STODDARD
JOSEPH P. LANGFIELD
SUSAN D. MINER
KEVIN J. SEATON
PATRICK V. COLLINS
ANDREA M. POGUE
CHRIS F. ODE
DAVID A. CHANNER*

*ADMITTED TO PRACTICE
IN TEXAS ONLY

ONE CAPITAL CENTER
SUITE 701
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

TELECOPIER
(208) 342-3829

PAUL B. ENNIS
(1918-1982)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-0845

January 28, 1988

The State of Idaho
Department of Water Resources
State Office
1301 North Orchard Street
Boise, Idaho 83706

JAN 29 1988

Re: Connecticut General Life Insurance Company
Property Owned Nos. F-01766 & F-01857
(Loan No. 8701350, Sale to R&L Farms)

Gentlemen:

We write as attorneys for Connecticut General Life Insurance Company. Our client has recently sold certain real property located in Twin Falls County, Idaho to R&L Farms, a general partnership consisting of LaRay L. Easterday and Ronald D. Easterday. As security for the repayment of the remaining balance of the purchase price for said property our client has been granted a mortgage on the real property which was sold together with the water rights and statutory claim to a water right appurtenant thereto. We would like the Department of Water Resources to place a copy of the enclosed Notice of Lienholder's Interest in the file for each one of the listed water licenses and the statutory claim to a water right.

Please acknowledge receipt of the Notice of Lienholder's Interest and the fact that you will incorporate it into the water right files.

Thank you very much for your usual time and consideration.

Very truly yours,

Richard F. Goodson

Richard F. Goodson

RFG/vk
Enclosure
cc: Robert M. Tippet (w/Enc.)

NOTICE OF LIENHOLDER'S INTEREST

TO: The Department of Water Resources, State of Idaho;

YOU ARE HEREBY NOTIFIED that R & L FARMS, a general partnership consisting of LaRay L. Easterday and Ronald D. Easterday, whose current address is P.O. Box 107C, Route 2, Buhl, Idaho 83316, has mortgaged to Connecticut General Life Insurance Company the real property described in the following:

Water License # 47-2374; and
Water License # 47-2376; and
Water License # 47-2377; and
Water License # 47-2379; and
Water License # 47-2419; and
Water License # 47-7040; and
Statutory Claim to Water Right # 47-4205.

Would you please notify Connecticut General Life Insurance Company of any notices, objections, petitions, or any other documents which may be filed in connection with the above listed Water Licenses and the Statutory Claim to a Water Right, at the following address:

Connecticut General Life Insurance Company
c/o CIGNA Investments, Inc.
Regional Agricultural Investment Operations
8100 Emerald St., Suite 130
Boise, Idaho 83704.

DATED this 28th day of January, 1988.

HAWLEY TROXELL ENNIS & HAWLEY

By Richard F. Goodson
Richard F. Goodson
One Capital Center, Suite 701
P.O. Box 1617
Boise, Idaho 83701

Attorneys for Connecticut
General Life Insurance
Company

WATER RIGHT NUMBER 47-2377

OWNER LAST NAME - BLICK
OWNER LAST NAME - EASTERDAY
OWNER LAST NAME - EASTERDAY
OWNER LAST NAME - EASTERDAY
OWNER LAST NAME - EASTERDAY

FIRST NAME - GARY K.
FIRST NAME - LARAY
FIRST NAME - JANET M.
FIRST NAME - RONALD D.
FIRST NAME - MARY G.

ORIG OWNER - 0
ORIG OWNER -
ORIG OWNER -
ORIG OWNER -
ORIG OWNER -

ADDRESS LINE 1 - RT. 2

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BUHL

STATE - ID ZIP CODE - 83316

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 08-26-1963

COUNTY - TWIN FALLS

TOTAL DIV. RATE -

4.0000 -CFS

TOTAL DIV. VOLUME -

1264.00 AFA

TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSW 33 09S 13E LOT

REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE -

4.0000 CFS

USE DIV. VOLUME -

1264.00 AFA

USE - IRRIGATION

PLACE OF USE - T4N 09S R4G 13E SEC 34

TRACT NWNW LOT

AC 40

TRACT SWNW LOT

AC 40

USE - IRRIGATION

PLACE OF USE - T4N 09S R4G 13E SEC 33

TRACT NENE LOT

AC 40

TRACT NWNE LOT

AC 40

TRACT SWNE LOT

AC 40

TRACT SENE LOT

AC 40

TRACT SENW LOT

AC 40

DECKEE NAME -

DATE -

TOTAL ACRES

316

REMARKS - TRANS. 2407.

NO MORE THAN 4.0 CFS SHALL BE DIVERTED UNDER THIS RT. & NO MORE
THAN A TOTAL OF 4.58 CFS SHALL BE DIVERTED WHEN USED IN
COMBINATION WITH LICENSE 47-2376. NO MORE THAN 1264 AF/YR SHALL
BE DIVERTED UNDER THIS RT. & NO MORE THAN 1565.2 AF SHALL BE
DIVERTED WHEN USED IN COMBINATION WITH LICENSE 47-2376. NO MORE
THAN 391.3 ACRES SHALL BE IRRIGATED UNDER LICENSES 47-2376 &
47-2377 COMBINED.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 31349

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL - 16

DIVERSION MEANS -

October 17, 1980

LaRay & Janet Easterday &
Ronald & Mary Easterday
Route # 2
Buhl, Idaho 83316

Dear Sirs,

RE: Transfer of Water Right No. 47-2377

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2407). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

RECEIVED

TO: State Office

FROM: Loren Holmes *LH*

RE: Transfer of License 47-2377

There appear to have been some errors made in issuing the licenses on the original P/U.

47-2377 was examined in 1967 & a system capacity of 5.05 cfs was found. I can't determine why the license was only issued for 4 cfs.

47-2376 was examined in 1971 & a capacity of 4.58 cfs was found. The same horsepower pump & booster is described in both exams, so apparently the capacity of the system had declined.

Based on the second exam, 47-2376 was amended to overlap with 244.7 acres of 47-2377 & licensed for 4.58 cfs, resulting in .027 cfs/acre on the overlap land.

An annual volume of 4 acre-feet per acre was included in both licenses without respect to the overlap.

If maximum allowances of .02 cfs and 4 AF per acre are used, the two licenses represent 4.58 cfs and 1565.2 acre-feet. ~~Then the proportional amounts available for transfer would be 3.70 cfs and 632.16 acre-feet.~~ Does not apply *Jim*

The new place of use is also covered by pending application 47-7617, for groundwater to be diverted from outside the CGWA.

The amounts of water to be transferred can be limited, but the transfer still represents an expansion of irrigated land, and therefore should be denied unless licenses 47-2376 & 47-2377 can be limited 391.3 acres regardless of use.

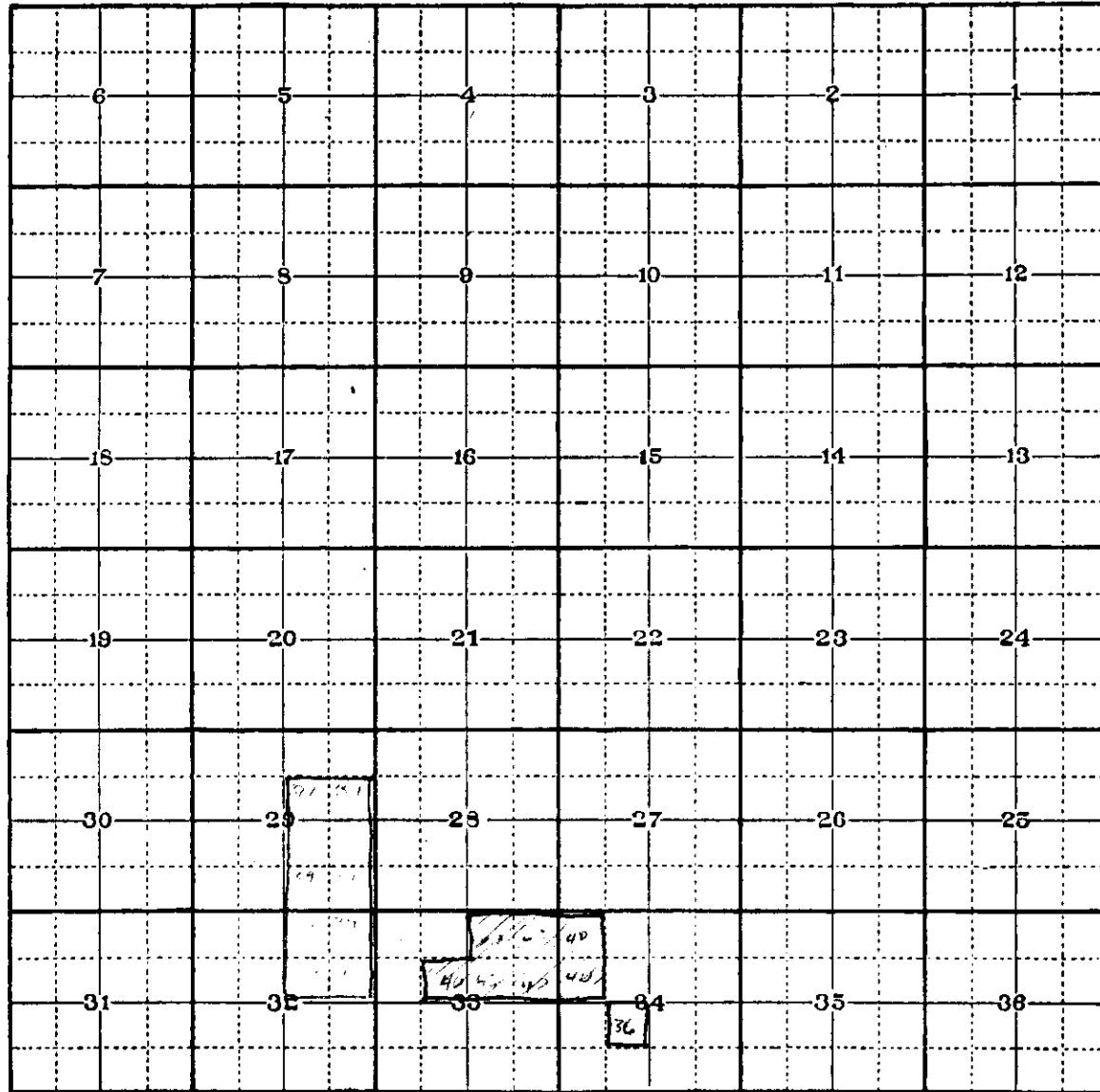
Proposed Conditions of Approval

- 1) No more than ^{4.0}~~3.70~~ cfs shall be diverted under this right and no more than a total of 4.58 cfs shall be diverted when used in combination with Lic. 47-2376.
- 2) No more than ¹²⁶⁴~~632.16~~ acre-feet per year shall be diverted under this right and no more than 1565.2 acre-feet shall be diverted when used in combination with Lic. 47-2376.
- 3) No more than 391.3 acres shall be irrigated under Licenses 47-2376 & 47-2377 combined.

MICROFILMED

SCALE: ONE INCH TO ONE MILE

Township 9S Range 13E



47-2376 ☐

After Transfer

47-7617 ☒ 5.6 cfs / 280 AC, G.W.

47-2377 ☐

Total Acres = 636.

MICROFILMED

AUG 22 1980

ANDERSON, KAUFMAN, ANDERSON AND RINGERT
CHARTERED
LAWYERS

IDAHO BUILDING
BOISE, IDAHO 83701

Department of Water Resources

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

EUGENE H. ANDERSON (1902-1972)
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN

July 16, 1980

RECEIVED

JUL 17 1980

Department of Water Resources
Southern District Office

Mr. Loren Holmes
Department of Water Resources
Southern Region Office
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Re: Water License No. 47-2377

Dear Mr. Holmes:

Last week when we discussed the pending Application for Change in Place of Use under Permit 47-2377, you indicated that there might be some concern that the change would result in an enlargement of the use of water under the license. It seems to us that since the original place of use consists of 316 acres and the new place of use consists of 316 acres, no enlargement should result from the change.

The continued irrigation of the lands for which the water originally was licensed would have to be under License No. 47-2376, subject to any limitations the law might already impose on that water right.

In the meantime, the statutory period for completing reclamation on the desert land entries expires on or about September 1, 1980, and it is essential that they have a full water right for all irrigable areas within the entry, in order to make proper final proof on the entry. The water right submitted to the BLM must be one under which water can be delivered through the system that is presently located on the entry, and License No. 47-2377 is the only presently recorded water right of LaRay and Janet Easterday that will satisfy that requirement, so far as we are able to ascertain. We are preparing a Claim to a Water Right for part of the land in LaRay's entry and might have to re-transfer some of the 47-2377 water after the Claim has been filed.

For these reasons, we ask that the Application to Amend License No. 47-2377 to change the place of use be approved as soon as possible.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By

W. F. Ringert
W. F. Ringert

WFR:am

cc: Mr. LaRay Easterday

NOTICE OF PROPOSED CHANGE ~~ON~~ WATER RIGHT

NO. 47-2377

Notice is hereby given that LaRay &/or Janet M. Easterday &/or Ronald D. &/or Mary G. Easterday of Buhl, Idaho have ~~has~~ applied to the Department of Water Resources for a change of ~~point of diversion &/or~~ place of use of the water of a groundwater source. The right sought to be changed is evidenced by License 47-2377, and is recorded as follows:

Amount: 4.0 cfs

Priority: August 26, 1963

Point of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T.9S, R.13E, B.M., in Twin Falls County

The water is used for irrigation purposes from April 1 to October 31 of 316 acres within the SE $\frac{1}{4}$, Sec. 29; NE $\frac{1}{4}$, Sec. 32, T.9S, R.13E

TO BE CHANGED AS FOLLOWS:

Amount: NO CHANGE

Point of Diversion: NO CHANGE

Place of Use: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33; W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T.9S, R.13E.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd North, Twin Falls, Idaho 83301, on or before April 14, 1980.

C. STEPHEN ALLRED
Director

Published in Times News on March 27 and April 3, 1980.

MICROFILMED

**NOTICE OF PROPOSED
CHANGE ON WATER RIGHT
NO. 47-2377**

Notice is hereby given that LaRay &/or Janet M. Easterday &/or Ronald D. &/or Mary G. Easterday of Buhl, Idaho have applied to the Department of Water Resources for a change of place of use of the water of a groundwater source. The right sought to be changed is evidenced by License 47-2377, and is recorded as follows:

Amount: 4.0 cfs

Priority: August 26, 1963

Point of Diversion:
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T.9S,
R. 13E, B.M., in Twin Falls
County.

The water is used for ir-
rigation purposes from
April 1 to October 31 of 316
acres within the SE $\frac{1}{4}$,
Sec. 29; NE $\frac{1}{4}$, Sec. 32,
T.9S, R.13E

**TO BE CHANGED AS
FOLLOWS:**

Amount: NO CHANGE

Point of Diversion: NO
CHANGE

Place of Use: NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33;
W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 34, T.9S, R.13E.

Any protest against ap-
proval of the above pro-
posed change of water right
must be filed with the Idaho
Department of Water Re-
sources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301, on or before
April 14, 1980.

C. STEPHEN ALLRED

Director

**PUBLISH: Thursday, Mar.
27, and Apr. 3, 1980.**

*ok
macy
3/25/80*

March 17, 1980

Times News
P. O. Box 543
Twin Falls, Idaho 83301

Re: Notice of Proposed Change on Water Right No. 47-2377

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. 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.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

Bill submit

MICROFILMED

December 15, 1970

Re: Permit No. 47-2377 (31349)

C Gary K. Blick
Castleford, Idaho 83321

Dear Mr. Blick:

O This letter is to notify you as a permit holder in the Blue Gulch area that a portion of the land west of Salmon Falls Creek has been declared a critical ground-water area and closed to further appropriation of ground water. This designation went into effect December 9, 1970 and will remain until it is shown that ground-water withdrawals do not exceed the estimated natural recharge to the area.

P A public hearing will be held at the Buhl Senior High School, January 7, 1971 at 8:00 P.M., to accept any testimony or comment regarding the closure. A copy of the notice and hearing and description of the area is enclosed for your information.

Very truly yours,

Y Sherl L. Chapman
Acting Assistant Director

SLC:rh
Enc.

47-2377

Mr. Blick and Mr. Jarolimek
have agreed to let the Department
rule in the matter of Permit No.
G-32860 and G-31349.

We have decided to disregard both
protests and license both permits.

31349

RECEIVED
MAR 6 1968

Department of Reclamation

DEPARTMENT OF RECLAMATION
STATE OF IDAHO

IN THE MATTER OF GARY K.) PROTEST AND OBJECTIONS TO
BLICK, PERMIT NO. G-31349) PERMIT NO. G-31349 AND
) WATER LICENSE UNDER SAID
) PERMIT.

COMES NOW Edward Jarolimek and protests and objects to the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-31349 in the name of Gary L. Blick, of Castleford, Idaho, and protests and objects to the issuance of a license by the Department of Reclamation, State of Idaho, under the terms of said permit on the grounds and for the reasons as follows:

1. That Rose L. Jarolimek, now deceased, was the holder of Desert Land Entry 016509, which Desert Land Entry includes lands described as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 9 South, Range 13 East, Boise Meridian.

2. That Gary K. Blick, has no right, title or interest in or to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 9 South, Range 13 E.B.M., and no right of way to go across said lands and no right to drill a well on said NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 9 South, Range 13 E.B.M. or to use any water from any well located on said land.

3. That Permit No. G-31349 in the name of Gary K. Blick originally provided for two points of diversion, one in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33 and the other in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, all in Township 9 South, Range 13 E.B.M. That said permit was amended to show a change in the point of diversion to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 9 South, Range 13 E.B.M. That

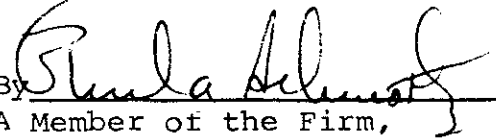
31349

1 said purported change in the point of diversion is not in accord
2 with the provisions of Section 42-222 of the Idaho Code. That
3 said Edward Jarolimek and Rose L. Jarolimek, now deceased, have
4 never agreed or consented to the change in the point of diversion
5 of Permit G-31349 to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 9
6 South, Range 13 E.B.M., and have further never consented or
7 agreed that said Permit No. G-31349, or any water license
8 issued by virtue of said permit have a priority date of August
9 26, 1963, or any other date.
10

11 WHEREFORE, your applicant, by reason of the protests and
12 objections stated above, request that the completion of works
13 and the diversion of 6.4 cubic feet per second of underground
14 water from the well and application of beneficial use of said
15 water, and the diversion point located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec-
16 tion 33, Township 9 South, Range 13 E.B.M., under Permit No.
17 G-31349, in the name of Gary K. Blick, be denied and refused,
18 and that any water license issued under said permit showing
19 the point of diversion of said water as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section
20 33, Township 9 South, Range 13 E.B.M. be denied and refused.
21

22 DATED this 4th day of March, 1968.
23

24 SCHWARTZ & DOERR

25 By 
26 A Member of the Firm,
27 Attorneys for Edward
28 Jarolimek,
29 Residing at Twin Falls, Idaho
30
31
32

31349

RECEIVED
JUN 12 1967

DEPARTMENT OF RECLAMATION
STATE OF IDAHO

Department of Reclamation

IN THE MATTER OF GARY K.) OBJECTIONS TO PERMIT NO.
BLICK, PERMIT NO. G-32860) G-31349

COME NOW Edward Jarolimek and Rose L. Jarolimek, husband and wife, and object to the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-31349 in the name of Gary L. Blick, of Castleford, Idaho, and object to the issuance of a license by the Department of Reclamation, State of Idaho, under the terms of said permit on the grounds and for the reasons as follows:

1. That Rose L. Jarolimek is the holder of Desert Land Entry 016509, which Desert Land Entry includes lands described as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 East, Boise Meridian.

2. That Gary K. Blick has no right, title or interest in or to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M., and no right of way to go across said lands and no right to drill a well on said NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. or to use any water from any well located on said land.

3. That Permit No. G-31349 in the name of Gary K. Blick originally provided for two points of diversion, one in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 and the other in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, all in Township 9 South, Range 13 E.B.M. That said permit was amended to show a change in the point of diversion to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. That said purported change in the point of diversion is not in accord with the provisions of Sec. 42-222 of the Idaho Code.

1 WHEREFORE, your applicants, by reason of the objections
2 stated above, request that the completion of works and the
3 diversion of 6.4 cubic feet per second of underground water from
4 a well and application of beneficial use of said water and the
5 diversion point located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9
6 South, Range 13 E.B.M. under Permit No. G-31349 in the name of
7 Gary K. Blick be denied and refused and that the license under
8 said permit showing the point of diversion of said water as the
9 NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. be denied
10 and refused.
11

12 CUNNINGHAM, SCHWARTZ & DOERR

13 By Edward Jarolimek
14

15 A Member of the Firm
16 Attorneys for Edward Jarolimek
17 and Rose L. Jarolimek
18 Residing at Twin Falls, Idaho
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MAILED
JUN 17 1967

DEPARTMENT OF RECLAMATION
STATE OF IDAHO

IN THE MATTER OF GARY K.) OBJECTIONS TO PERMIT NO.
BLICK, PERMIT NO. G-32860) G-31349

COME NOW Edward Jarolimek and Rose L. Jarolimek, husband and wife, and object to the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-31349 in the name of Gary L. Blick, of Castleford, Idaho, and object to the issuance of a license by the Department of Reclamation, State of Idaho, under the terms of said permit on the grounds and for the reasons as follows:

1. That Rose L. Jarolimek is the holder of Desert Land Entry 016509, which Desert Land Entry includes lands described as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 East, Boise Meridian.

2. That Gary K. Blick has no right, title or interest in or to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M., and no right of way to go across said lands and no right to drill a well on said NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. or to use any water from any well located on said land.

3. That Permit No. G-31349 in the name of Gary K. Blick originally provided for two points of diversion, one in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 and the other in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, all in Township 9 South, Range 13 E.B.M. That said permit was amended to show a change in the point of diversion to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. That said purported change in the point of diversion is not in accord with the provisions of Sec. 42-222 of the Idaho Code.

WHEREFORE, your applicants, by reason of the objections stated above, request that the completion of works and the diversion of 6.4 cubic feet per second of underground water from a well and application of beneficial use of said water and the diversion point located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. under Permit No. G-31349 in the name of Gary K. Blick be denied and refused and that the license under said permit showing the point of diversion of said water as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 E.B.M. be denied and refused.

CUNNINGHAM, SCHWARTZ & DOERR

By /s/ Fred A. Schwartz
A Member of the Firm
Attorneys for Edward Jarolimek
and Rose L. Jarolimek
Residing at Twin Falls, Idaho

SCHWARTZ & DOERR

ATTORNEYS AT LAW
1227 LYNWOOD MALL
TWIN FALLS, IDAHO 83301



Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

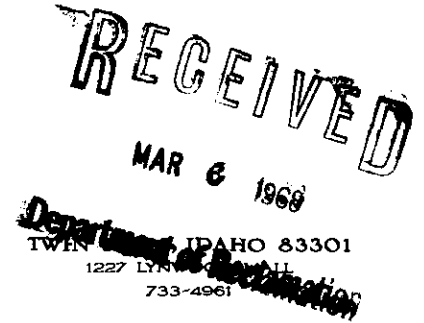
Attention: Mr. R. Keith Higginson

31349

LAW OFFICES OF
SCHWARTZ & DOERR

FRED A. SCHWARTZ
JOHN A. DOERR

March 4, 1968



Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

Attention: Mr. R. Keith Higginson

Re: Permit No. G-31349 - Gary K. Blick

Dear Mr. Higginson:

I was in your office a couple of weeks ago, and Mr. McEldowney indicated that there may be some doubt as to whether or not Mr. Jarolimek had protested the issuance of your license under Permit No. G-31349. You will recall that I filed objections to the issuance of a license and forwarded those objections to you by registered mail on July 11, 1967. I used the word "objections" rather than "protest", but I firmly believe that either word is permissible and that the objections that I filed constitute a protest.

In order to eliminate any doubt about the matter, However, I am enclosing an amended protest and objections wherein I have set forth all of the original objections that I made and included some additional objections.

My understanding from Mr. McEldowney is that you must set the matter for hearing before proceeding further, and when the matter is set, that you will give notice to Mr. Jarolimek so that he will be able to attend the hearing and produce such evidence as he might have in support of your position.

I would appreciate your confirming that the matter

31349

Page 2
3/4/68
Department of Reclamation

will be set for hearing and that the notice will be given to my office of a hearing date.

Very truly yours,

SCHWARTZ & DOERR

By
Fred A. Schwartz

FAS:NH
Certified Mail.
Return Receipt Requested.

31345

July 15, 1968

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Statehouse Annex 2
Boise, Idaho

Déar Sir:

I am writing in support of the protest I have filed as to the priority of Gary and Marie Blick, known as Blinks.

I, Edward Jarolimek, and Rose Jarolimek, known as the Jarolimeks, have granted permission to the Blinks to drill a well; but we did not grant first priority to take away our water rights. We, the Jarolimeks, have gone to quite a bit of expense; and both Blinks' attorney and Jarolimeks' attorney discussed the situation and an agreement as to the equal rights of priority was agreed on with a handshake by Blinks and Jarolimeks. A copy of that agreement is in your files. It was agreed that the Jarolimeks' attorney draw up the agreement and mail one to the Blinks and on to the Jarolimeks to inspect and to be signed at the Jarolimeks' attorney's office. The agreement was drawn up and the Blinks' attorney notified. An excuse was given that George Blick wanted some changes made. To this day the Blinks' have made no attempt to try and have the change made in writing. One part of the deal was that bot the Blinks and Jarolimeks wells were to be pumped and if the drawdown would affect either well, a draw-down test would be made. The Jarolimeks' well has been draw-down tested by Layne & Bowler of Twin Falls. The draw down was 25 feet. The Blinks' well, to my knowledge, was not draw-down tested.

The water in the Jarolimek well is static level is 387 feet, 450 feet of column, no air from draw down while pumping on 12 sprinkler lines 1320 feet at 80 pounds, 13 lines at 70 pounds. The time from starting the motor to water delivery at the top of the pump is 31 seconds.

31348

Mr. R. Keith Higginson

Page Two

July 15, 1968

This is our first development of a Desert Entry and the Jarolimek well was drilled and tested before the Blicks' well was drilled.

In the fall of 1967 when the agreement papers were drawn, my wife was in the hospital with cancer. All development stopped. All my time was spent with her. She passed away December 18, 1967.

Now the Blicks are stalling for time. They operate that way, to my knowledge, money wise.

My son has cleared the brush and partly leveled this land. He is 19 years old. In his mother's will, he is granted this land when he is 21 years old. He is very proud and has a hundred acres seeded to barley. He planted the last part of February, and there was no rain or showers since planting. Our pump arrived six weeks late before it was installed.

The well is cased 187 feet to rock. The casing, when installed, caved in on the bottom edge and a different set up had to be arranged. We have had the following expenses:

Casing	\$ 980.00
Reeming of well to 650' x 16"	2,960.00
Well drilling	5,835.00
Pump installation	8,390.00
Electric Motor	7,890.00
Land clearing and soil preparation	1,200.00
	\$27,255.00
Sprinklers, main lines & rizers	\$ 4,500.00
TOTAL	\$31,755.00

The location of the land is Township Nine (9) South, Range Thirteen (13) E. B. M., Section Thirty-three (33),

31348

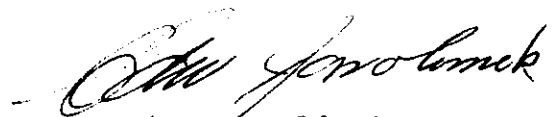
Mr. R. Keith Higginson

Page Three

July 15, 1968

West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$), and the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$). The well location is the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$). The Notice of Allowance was 4-14-67. The Desert Entry is I016509. The Water Permit is No. G32860. B. L. M. Water Right of Way No. 017405 was granted 1-11-67.

The Jarolimeks are willing to share equal priority of the water rights on this Desert Entry. We have developed and applied water to the land. The final proof is advertised July 1, 1968, for five weeks. The State Reclamation Bureau's favorable decision, approval, and allowance of Notice of Proof of Completion of Works and Application of Water to Beneficial Use will be appreciated. Thank you.

 EXECUTOR

Edw. Jarolimek
929 Burley
Buhl, Idaho 83316

EJ/cb

81298

SCHWARTZ & DOERR

ATTORNEYS AT LAW

1227 LYNWOOD MALL
TWIN FALLS, IDAHO 83301

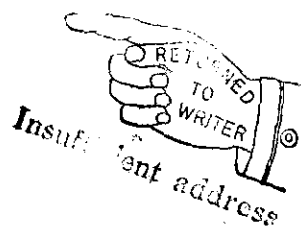
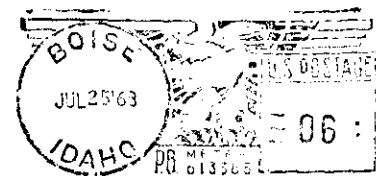


Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Mr. C. Stephen Allred, Assistant
State Reclamation Engineer

31349

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO 83701



Edward Jarolimek and Rose L. Jarolimek
Twin Falls, Idaho
R.O.F.

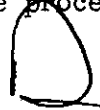
31349

M E M O

Re: Permit No. G-31349

On March 11, 1968, Steve Allred, Assistant State Reclamation Engineer advised the appropriation section that scheduling of protests, conference, and hearing for Permit No. G-31349 should be postponed 3 weeks from this date.

The reason for the postponement was that the parties concerned in the protest are trying to reach an agreement without conference and hearing under the administrative procedures act.


Donald W. McEldowney
Appropriation Examiner

DWM:ks

Hold till Aug 15 1968 CSA

31349

LAW OFFICES OF
SCHWARTZ & DOERR

FRED A. SCHWARTZ
JOHN A. DOERR

February 20, 1969

TWIN FALLS, IDAHO 83301
1227 LYNWOOD MALL
733-4981

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Mr. C. Stephen Allred, Assistant
State Reclamation Engineer

Re: Permit No. G-31349

Dear Mr. Allred:

I received your letter of February 10, 1969 and copy of order in the matter of the protest to licensing of Permit G-31349 - Gary K. Blick. The order recites that I filed a protest on behalf of Edward Jarolimek and that there were subsequent conferences held to discuss the matter and it was agreed by both parties to submit the matter informally for decision by the State Reclamation Engineer.

In reviewing my file, I find that on July 24, 1968, the Department advised that they were in receipt of the protest to the notice of proof of completion of works, and further, that the Department would advise at a later date as to the time, place and date of conference and/or the hearing to review the matter as a protest. I have never been notified by the Department of any conference nor of any hearing.

Will you advise when the conferences were held and who was present, and further advise if Mr. Jarolimek was represented by counsel? I would appreciate your advise if there was some reason why I was not given notice. If Mr.

31349

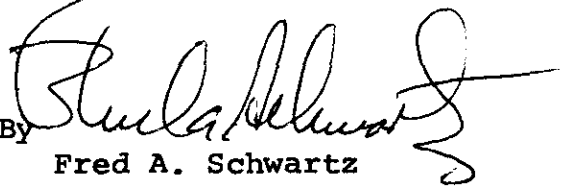
Page 2
2/20/69
Dept. of Reclamation

Jarolimek instructed you not to give notice or if he was represented by other counsel, I would appreciate your advice to that effect.

Will you advise?

Very truly yours,

SCHWARTZ & DOERR

BY 
Fred A. Schwartz

FAS:NH

31-349

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST OF LICENSING
OF PERMIT G-31349; GARY K. BLICK

ORDER

WHEREAS, application for permit G-31349 was received by the department on August 26, 1963, and permit was issued for the diversion of 6.4 cubic feet per second of water from wells in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 9 South, Range 13 East, Boise Meridian, and;

WHEREAS, the permit was amended on November 22, 1966, so that the point of diversion was listed as NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 9 South, Range 13 East, B.M., and;

WHEREAS, the permit required the applicant to make Proof of Completion of Works and Application of Water to Beneficial Use on or before August 30, 1968, and such proof was received by the department on July 12, 1967, and;

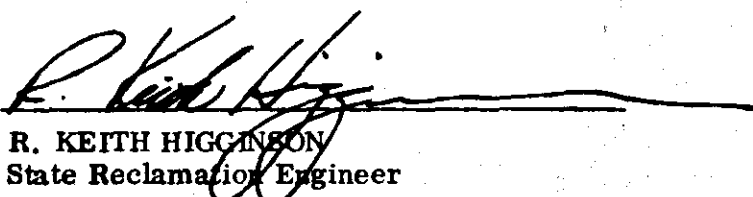
WHEREAS, a notice of intent to make proof of beneficial use of water under the permit was published in the Buhl Herald, Buhl, Idaho, for four consecutive weeks starting June 15, 1967 and ending July 6, 1967, and;

WHEREAS, a protest was received against the issuance of the license by Edward Jarolimek through his attorney, Fred A. Schwartz, contending that the amendment approved by the department on November 22, 1966, would cause an injury to Mr. Jarolimek's ability to develop Permit G-32860 which he holds, with a point of diversion in the same described 40 acre subdivision, and that the subsequent appropriation of water from that well would interfere with Mr. Jarolimek's well being pumped, and;

WHEREAS, subsequent conferences were held to discuss the matter and it being agreed by both parties to submit the matter informally for decision by the State Reclamation Engineer, and;

IT IS THEREFORE HEREBY ORDERED, that Permit G-31349 be licensed subject to the conditions of beneficial use as determined by a field examination conducted by the Department of Reclamation, and that the priority of the right established by this permit remain August 26, 1963.

Dated this 10th day of February, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

CSA:kh

31349

February 10, 1969

Re: Permit No. G-31349

Mr. Gary K. Blick
Castleford,
Idaho 83321

Dear Mr. Blick:

Enclosed you will find an order signed by the State Reclamation
Engineer concerning your above numbered permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure: order

copy to Edward J. Grahm
Lavin Falls, Idaho

Returned 2-12-69
Resent 2-13-69 to

L. A. Schuery
1227 Depue Road
Lavin Falls, Idaho

3/3/69

February 25, 1969

Re: Permit No. G-31349

Fred Schwartz
Schwartz and Doerr
1227 Lynwood Mall
Twin Falls, Idaho

Dear Mr. Schwartz:

As I discussed with you by phone on February 21, 1969, in reply to your letter of February 20, this office did not call or set any type of hearing or conference regarding permit no. G-31349. However, there were several conferences held in that both Mr. Jarolimek and Mr. Blick voluntarily came into the office to discuss the matter both separately and together. On one of these occasions, Mr. Jarolimek submitted the enclosed letter requesting that we set the matter for a formal hearing or conference; however, before we could act, Mr. Jarolimek and Mr. Blick again visited the office and requested that the Department proceed to make a decision based upon the records of the Department and information we might gain through a field examination. It was these visits and our records upon which the memorandum decision was based.

As you are aware, we normally follow the policy of advising legal counsel as to any actions taken. However, in this case, the actions of the applicant and the protestant were so spontaneous that we did not have an opportunity to do so. I hope the enclosed information will fully explain our actions, and I would again

51349

Mr. Fred Schwartz

-2-

February 25, 1969

emphasis that we normally attempt to keep any attorney involved in the matter fully informed. I am sorry that the circumstances in this case were such that we did not have you available during our conferences.

If I can be of further assistance, please do not hesitate to call me.

Very truly yours,

S. Stephen Allred, P. E.
Assistant State Reclamation
Engineer

CSA:tg

Enc: letter

31349

January 13, 1969

Re: Permit No. G-31349

Mr. Gary K. Blick
Castleford,
Idaho 83321

Dear Mr. Blick:

Enclosed you will find a copy of your Water License
issued on the above numbered permit.

Also enclosed is departmental receipt No. 2511 in the
amount of \$21.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

3 13 69

1-10-69

C
O
P
Y

Mr. George Buck visited this office on behalf of Gary K. Blick in reference to permit G-31349. He requested that the department issue a license to allow Kansas City Life Insurance Company to disburse funds regarding a pending loan.

Information gathered by Dick Stickle showed that an equipped well capable of conveying 4.0 cfs for the irrigation of 316 Acres did exist. Upon the basis of his verification and that data supplied by Mr. George Blick in the form of a Layne & Bowler well test pump report--Keith approved the recommendation from DM, DRS, & DRR that a license be issued for 4.0 cfs for the irrigation of 316 Acres with the 4.0 Acre-Feet/Acre/Season irrigation requirement limitation.

Dean R. Reynolds

2100 License Fee PD 1-10-69 JRR

31349

UPON the recommendation by DM
DRS & DRR to Keith that
a license be issued upon the
basis of the following information
gathered:

~~2140~~
2 31349

-E014552

LAYNE AND BOWLER PUMP COMPANY WELL TEST REPORT

NAME George & Gary Blick DATE 12-7-66

LOCATION Blue Gulch-Castelford, Idaho SEC. 16" to 500' RANGE T.

WELL DEPTH 868' WELL SIZE 12" to 868' CASING 16" to 169'

TEST PUMP DEPTH 480' & 10 stgs 12"K bowls & 5' suction ORIFICE SIZE 10" x 8½"

STATIC WATER LEVEL 380' STARTING TIME 10:00 A.M.

TIME	PUMPING LEVEL	ORIFICE READING	G.P.M.	MINERS INCHES
10:30	452'	13"	1280	142
10:45	480'	17"	1480	164 - Dirty
11:45	460'	23"	1700	189 - Improved
12:00	455'	23"	1700	189 - Improved
1:00	450'	24"	1720	192 - Little dirty
2:00	442'	24½"	1760	195.5 - Clear
3:00	443'	28"	1860	207 "
3:10	443'	26"	1800	200 "
3:20	420'	15"	1350	150 "
3:35	405'	6½"	900	100 "
4:30	441'	20"	1800	200 "
5:00	441'	26"	1800	200 "

REMARKS

Surged well three to four times per hour. Got a little dirty each time until the last hour. Pumped small rock and drill cuttings.

T.M. Thompson - Dist. Mngr.

T.M. Thompson

Layne & Bowler Pump Co.
P.O. Box 892
Twin Falls, Idaho

Water Temp. 90°

31349

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

Permit No. G-31349

This proof is for c/w and b/u

In Water District No. _____

1. Name of applicant Gary K. Blick

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the NW 1/4 S of Section 33

T. 9S R. 13E County of Twin Falls

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

300 H.P. AC J 118001 - Layne & Bowler D16434

10" Discharge 62# at pump. Booster pump

G.E. Motor 125 H.P. DC J 405136 Layne & Bowler

Verti-Line D16433 10" Discharge

(1800 gpm 500') DISCHARGE NORTH WEST

5. Water is used for: irrigation

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

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):

SE 1/4 Sec. 29; NE 1/4 Sec. 32, T. 9S, R. 13E, B.M.

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

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

Remarks: _____

TEST PUMP SHOWS & SUBSTANTIATES 1800 gpm

(UNKNOWN HP OR TEST EQUIPMENT)

DEPOSITIONS SHOW 17' 4" WIDE LAT 9/16" RAIN BARS 39 WS @ 50 lbs

$Q = (17.00') (33.00') (4.00 \text{ gpm}) = 5.05 \text{ cfs}$

1400 gpm

MR. BLICK STATES 1-10-69 THAT THE ABOVE IS CORRECT

& ALL THAT IS ASKED FOR IS 1.0 cfs

I recommend that the Dept issue a lie for 1.0 cfs with
the limitation of placing 4.0 AC-FT / ACRE / SEASON ON THE LICENSE
This examination was made on the 10th day of Jan, 19 69

(Signed) _____

John Reynolds

Examiner _____

31349

PLAT ✓

DER

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.
-

No. Photo
Gary K. Blick
Castleford, Idaho

Permit No. 6-31349

Examination for c/w & b/u

County Twin Falls

Quantity: Sec 33 T. 9S R. 13E

6.4. c.f.s.

Source: subterranean

P.D.: NW 1/4, Sec. 33, T. 9S, R. 13E, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights: none

Filed: August 26, 1963

Due: August 30, 1968

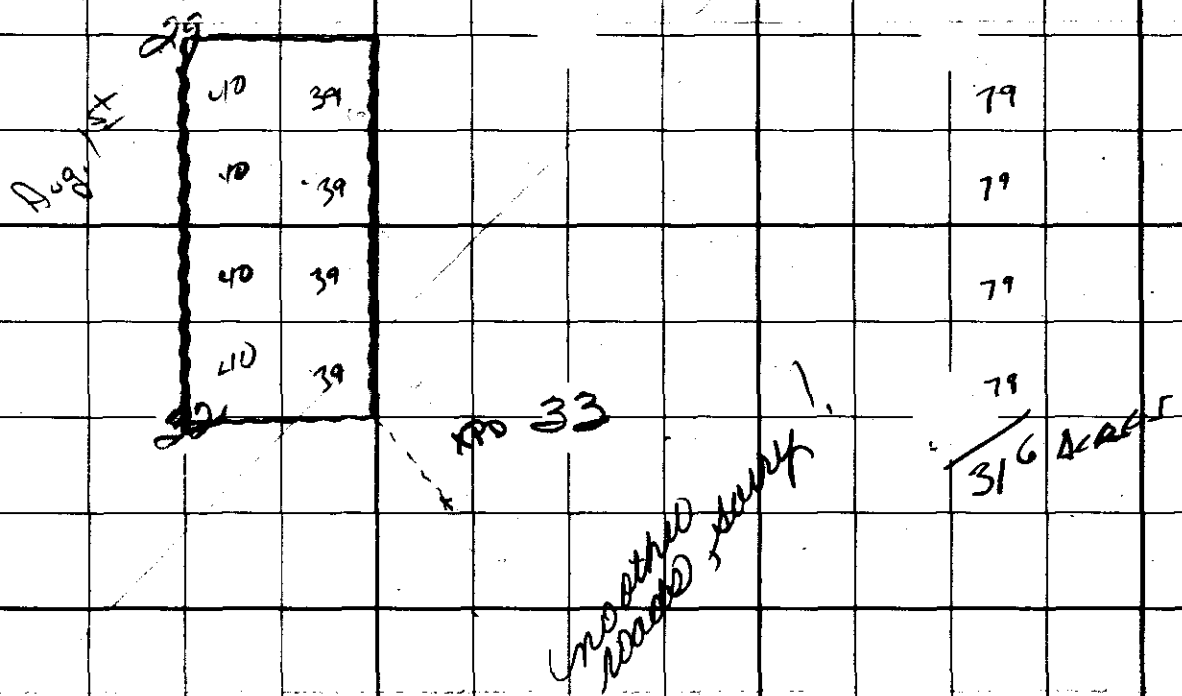
Made: July 12, 1967

Priority: August 26, 1963

deep well
250' x 14"
4-385
Q-10"-335' water
? - 9/14-50"
intense

6/13/69

June 95



FOR LICENSE - QUANTITY WAS BASED UPON
 THE ATTACHED LEIS WELL TEST REPORT. - RECOMMENDED
 BY DOR & DRS & DM TO KEITH & APPROVED BY KEITH.

AREA - 316 ACRES
 SUBD - 8
 Q - 4.0 cfs.

IRRIGATION REQUIREMENT = 4.0 AC-FT/ACRE/SEASON
 VOL - SHALL NOT EXCEED 1264 AC-FT/SEASON

PRIORITY - AUG 26, 1963

John J. J. J.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 6-31349

REPORT ON PROOF OF Completion of Works and Beneficial Use

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 24, 1968

Re: Permit No. G-31349
Gary K. Blick

Edward Jarolimek and Rose L. Jarolimek
Twin Falls, Idaho

Dear Mr. Jarolimek:

Please be advised that the Department of Reclamation is in receipt of your protests filed in opposition to the proof of completion of works for the above referenced permit. Copies of these protests have been forwarded to the applicant.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of protest.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:ks

cc: Cunningham, Schwartz & Doerr

31349

July 24, 1968

Re: Permit No. G-31349

Gary K. Blick
Castleford,
Idaho

Dear Mr. Blick:

Enclosed are copies of protests received in opposition to the proof of completion of works for the above referenced permit. The protests have been filed by Edward Jarabinek.

The Department of Reclamation will advise you in the near future as to the time, place, and date of a conference and/or hearing to be held to review the matters of protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Copies of protests

31349

July 24, 1968

Re: Permit No. C-31349
Gary K. Blick

Edward Jarolimek and Rose L. Jarolimek
Twin Falls, Idaho

Dear Mr. Jarolimek:

Please be advised that the Department of Reclamation is in receipt of your protests filed in opposition to the proof of completion of works for the above referenced permit. Copies of these protests have been forwarded to the applicant.

The Department of Reclamation will advise you at a later date as to the time, place, and date of a conference and/or hearing to review the matters of protest.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

cc: Cunningham, Schwartz & Doerr

31349

A G R E E M E N T

THIS AGREEMENT, Made and entered into by and between EDWARD JAROLIMEK and ROSE L. JAROLIMEK, husband and wife, hereinafter referred to as "Jarolimek", and GARY L. BLICK and MARIE C. BLICK, husband and wife, hereinafter referred to as "Blick",

WITNESSETH:

WHEREAS, Rose L. Jarolimek is the owner of Desert Land Entry, Idaho No. 016509, covering the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, Township 9 South, Range 13 E.B.M.; and

WHEREAS, Jarolimeks have drilled a well in the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; and

WHEREAS, Jarolimeks have permitted Blick to drill a well in the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; and

WHEREAS, a dispute has arisen between the parties as to the priority date of said wells and the amount of water that each party may pump from said wells in the event it is determined that there is not sufficient water for each party to pump the maximum amount allowed by the Department of Reclamation of the State of Idaho; and

WHEREAS, the parties desire to settle all of the disputes that have arisen between the parties pertaining to said wells and that may arise in the future, and further desire to grant easements and rights-of-way over and across the properties of the respective parties for pipelines, ditches and roadways;

NOW, THEREFORE, the parties agree as follows:

1. Jarolimek agrees that Blick shall have the sole and exclusive right to the use of that certain well located _____ feet west and _____ feet north of the

southeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 9 South, Range 13 E.B.M., hereinafter sometimes referred to as "Blick's well", and Jarolimek hereby relinquishes and releases any right or interest that he may have to use of water from Blick's well.

2. The parties agree that Blick shall have a priority date for the use of water from said well of October 11, 1963. The parties further agree that Blick shall be entitled to pump and use the amount of water determined by the Department of Reclamation of the State of Idaho as having been applied to beneficial use pursuant to the notice of proof of completion of works and application of water to beneficial use given by Gary Blick under the terms and conditions of Permit No. G31349. The parties anticipate that the Department of Reclamation will determine that approximately 235 inches of water has been applied to beneficial use from Blick's well.

3. Blick agrees that Jarolimek has the sole and exclusive right to the use of the water from that certain well _____ feet west and _____ feet north of the southeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 9 South, Range 13 E.B.M., hereinafter sometimes referred to as "Jarolimek's well". Blick hereby releases and relinquishes any and all right, title and interest that he may have in and to Jarolimek's well or the use of any of the water of said well.

The parties further agree that Jarolimek shall have a priority date for use of water from his well equal to the priority date of Blick, or October 11, 1963.

The parties agree that at the present, the Blick's well is a 16 inch well and that the Jarolimek's well is a 12

inch well. Blick agrees that Jarolimek has the right to increase the size of his well to a 16 inch well, thereby enabling Jarolimek to pump from his well an amount of water equal to the amount that Blick has applied to beneficial use, which amount is estimated by the parties to be in the approximate amount of 235 inches, and which amount will finally be determined by the Department of Reclamation of the State of Idaho. The parties understand and agree that said wells are in close proximity to each other, and it is the intention of the parties that each party have an equal priority date for an equal amount of water from said wells. It is further the intention of the parties that in the event there is not a sufficient amount of water for each party to pump the amount applied to beneficial use by Blick as determined by the Department of Reclamation in the approximate amount of 235 inches, then the parties desire to limit the use of water from said wells on an equal basis so that each party will be pumping or using from his well an amount equal to the other party.

The parties understand and agree that the static water level in Jarolimek's well is approximately 40 feet higher than in Blick's well. The parties further understand and agree that the pumping of the wells may lower the static level and each party agrees to lower the pumping level proportionately if required to do so in order that both parties may have maximum use of the water allowed by the Department of Reclamation of the State of Idaho.

The parties further understand and agree that there are a number of uncertainties that they may not anticipate in the event either well is affected by use of the other well.

The parties intend and by this instrument agree, that they will cooperate with each other on any such contingencies that may arise in such a manner as to carry out the expressed intention of the parties, that is, that each party shall have an equal priority date for use of an equal amount of water from said wells.

Blick hereby grants to Jarolimek an easement and right-of-way 30 feet wide, extending 15 feet from each side of the following described center line: Beginning at a point on the southern boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 9 South, Range 13 East of Boise Meridian, 15 feet west of the southeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, thence running north along a line parallel with and 15 feet west of the east boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ for 1320 feet to the northern boundary of said Section 33; thence north along a line parallel with and 15 feet west of the east boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28 of the aforesaid township and range for 1320 feet, thence north along a line parallel with and 15 feet west of the east boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 38 for 1320 feet to the northern boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Also a strip of land 30 feet wide extending 15 feet from each side of the following described center line: Beginning at a point on the eastern boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 9 South, Range 13 E.B.M., 440 feet north of the southeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, and thence running in a northwesterly direction to a point on the northern boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, which point is 117 feet east of the northwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Blick understands and agrees that said easement and

right-of-way shall be appurtenant to the following described real estate:

The SE $\frac{1}{4}$ of Section 20, the W $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, all located in Township 9 South, Range 13 E.B.M.

and that said easement and right-of-way shall be a covenant running with the land forever.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this ____ day of August, 1967.

Edward Jarolimek

Rose L. Jarolimek

Gary L. Blick

Marie C. Blick

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

On this ____ day of August, 1967, before me, the undersigned Notary Public in and for said State, personally appeared EDWARD JAROLIMEK and ROSE L. JAROLIMEK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary Public for the State of
Idaho, Residing at Twin Falls,
Idaho

STATE OF IDAHO

)

)

88.

County of _____)

On this ____ day of August, 1967, before me, the

undersigned Notary Public in and for said State, personally

appeared GARY L. BLICK and MARIE C. BLICK, husband and wife,

known to me to be the persons whose names are subscribed to the

within instrument, and acknowledged to me that they executed

the same.

IN WITNESS WHEREOF, I have hereunto set my hand

and affixed my official seal, the day and year in this certificate

first above written.

Notary Public for the State of Idaho,

Residing at _____, Idaho

31349

5
This is a memorandum on the Blick-Jarolimek agreement.

1. Each of the parties agree, notwithstanding what has been done in the past, to have an equal priority date on each of the respective wells.

2. That the parties will be bound by the testing system that the State of Idaho requires on the test of each well.

3. Should the testing show different volume for each well, the parties agree, in the event of a drawdown, to reduce their wells proportionate to the amount of water each holds.

4. That Ed Jarolimek reserves the right to increase the flow of water in his well up to and equal to the amount of the Blick well in the event they are not the same.

5. Should this be done, the parties will, in the event of a drawdown, share equally on the drawdown.

6. Make formal the parties agreements pertaining to easements and rights of way across the respective properties of the parties.

31349

LOCATION OF WELL 2-8-67

SW corner NW $\frac{1}{4}$ SW $\frac{1}{4}$ T9S R13E Sec 33

Black well 318 West of SW corner 16" well

" " 137 North of SW corner

No 1 Josoline K-well 255 West of SW corner 12" well

" " 120 North of SW corner

31349

WMA
RECEIVED

AUG 12 1968

August 12, 1968

Department of Reclamation

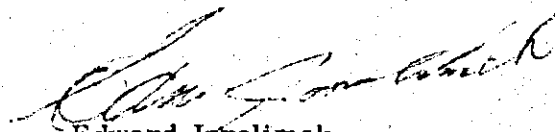
R. Keith Higginson
State Reclamation Engineer
Statehouse Annex # 2
Boise, Idaho

Dear Mr. Higginson:

As you are aware, Mr. Gary Blick and I have had dispute over the relative priorities under Permit 32860 and G-31349.

You requested that when it became evident that we could not reach an agreement that we so inform you. It is evident that Mr. Blick and I cannot settle upon an agreement in this matter and I request that you convene a conference or hearing as soon as possible.

Very truly yours,



Edward Jarolimek
929 McCollum
Buhl, Idaho

31349

32860

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-31349

RECEIVED
JUL 19 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: GARY BLICK*
Castleford* Farmer* Castleford, Idaho

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

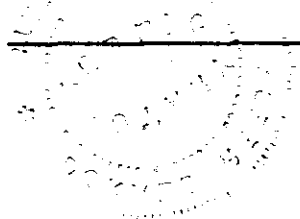
Ques. 3. State number, approval date of permit, and date of priority: G-31349* Nov. 29, 1967 August 20, 1963 August 26, 1965

Ques. 4. State source of water supply: Deep Well
Give location of point of diversion, showing subdivision, section, township and range
NW 1/4 SW 1/4, 33, ~~SE 1/4 SW 1/4, 33~~, T9S R13E Boise M.

Ques. 5. Describe your works of diversion: 16" Deep well 14" steel pipe line
Sprinkler ~~and~~ System; state amount of water they are capable of conveying from point of diversion to place of use: 235"; Give name of canal or ditch or other works by which water is conducted to such place of use: pipe line
; if a well, state depth of well 850'; depth and size of casing 14" 350'; depth to water 385' static; if pump is used, state discharge of pump: 12" 235" water; tell how it was measured or determined 19 sprinkler lines @ 50 lb press. 7/64 Nozzles; if sprinkler irrigation, give number and size of nozzles and operating pressure: 50 lb 7/64

Ques. 6. State for what purpose water is used: Irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

All 40s in T1E SE 1/4 Sec. 29 T9S R13E
All 40s in T1E NE 1/4 Sec. 32 T9S R13E



Signatures

31349

State nature of all improvements which have been made as a direct result of said use:

clearing, leveling & Irrigation of land - Farming 1967 crops

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

the well: Arnold Elsing # 1910 Shoup Ave Twin Falls, Idaho

Ques. 7. If for other than irrigation purposes, show full legal description of place

of use and state purpose for which water is used:

Flow to new sign

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: May 5, 1967 235" - Time used since first use:

Steady to now (July 12, 1967)

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign) Van K. Blich

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

Coaltown, County of Twin Falls,
State of Idaho, on this 12 day of July, A. D. 1967.

My commission expires: Jan 1970

31349

RECEIVED
JUL 19 1967
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-31349

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

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:

Roland R. Sengler 52 years - Burli Idaho. Route #1
Foreman of Warehouse

Ques. 2 Are you acquainted with George Blick, Jr., the holder of
Permit No. G-31349? How long have you known him and where does he reside?

50 years - Coatsford Idaho.

Ques. 3. Have you read or heard said Permit No. G-31349 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Deep well.

Give location of place of diversion, showing subdivision, section, township and range

NW 1/4 SW 1/4 33 T9S R13E Boise M.

Describe works for conveying water to place of use: 16" deep well

14" Steel Pipe line to Sprinkler System

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: (235 Minus inches) How much water have you seen being so
conveyed? about 250 inches

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

320 acres irrigated
SE 1/4 Sec 29 T9S R13E
NE 1/4 Sec 32 T9S R13E

31349

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (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.

Sagebrush land cleared; and fairly level
1/2" water to an acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? no

Ques. 10. When did you first see this water used? May 10, 1967

Other times you have seen such use: June 5, 1967 June 20, 1967
July 10, 1967

(Signed):

Roland R. Senter

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

Coeur d'Alene, County of Twin Falls, State of Idaho, on this 12 day of July, A. D. 1967

Donald R. Reed
Notary Public for the State of Idaho
Residing Coeur d'Alene

My commission expires Jan 1970

3/8/67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-31349

RECEIVED
JUL 19 1967

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
Department of Reclamation

and Completion of Works

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:

Ray E Meierhoff 42 1720 Poplar St.
Buhl, Idaho LABORER

Ques. 2 Are you acquainted with GARY BLICK, the holder of
Permit No. G-31349 How long have you known him and where does he reside?

17 YEARS CASTLE FORD, IDAHO.

Ques. 3. Have you read or heard said Permit No. G-31349 read, and are you familiar
with its provisions and conditions: Yes ✓ No.

Ques. 4. State source of water supply: Deep Well

Give location of place of diversion, showing subdivision, section, township and range

N.W. 1/4 of SW 1/4, Sec 33 T9S R13E Boise M.

Describe works for conveying water to place of use: 14" UNDERGROUND
Steel Pipe line

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 250" Minors How much water have you seen being so
conveyed? approximately 240"

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

320 acres

SE 1/4 Sec 29 T9S R13E

NE 1/4 Sec 32 T9S R13E

31349

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (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.

Desert land about 18 inches per acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? NO

Ques. 10. When did you first see this water used? May 10

Other times you have seen such use: June 4

(Signed):

Ray E. Meierhoff

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

Castleton, County of Twin Falls, State of Idaho, on this 12 day of July, A. D. 1967

Donald Burt

Notary Public for the State of Idaho

Residing Castleton Idaho

My commission expires Jan 1970

31346

AFFIDAVIT of PUBLICATION

STATE OF IDAHO
County of Twin Falls

32

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper four..... consecutive weeks, the first publication having been made on the 15th..... day of June....., 19.....67....., and the last publication having been made on the 6th..... day of July....., 19.....67.....; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this

..... day of, 1964

Notary Public.

Residing at

My Commission Expires

NOTICE

TO THE PUBLIC

That on the 12th day of July 1967 at Castle Rock, Idaho before me, County Clerk, public, at Castle Rock, Idaho, there will be submitted a map of the proposed works for the diversion of 6.4 cubic feet per second of underground water from a well and other application to beneficial use of said water in accordance with the terms and conditions of Permit No. G-31249, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and position of the person or corporation holding said permit is Gary E. Higginson, Idaho.

2. Said works of diversion will be fully completed on the date for submission, and the amount of water which said works are designed for conveying to the place of use is 6.4 cubic feet per second.

3. The proposed diversion of water has been found to be for purposes and to be applied to beneficial use of said water per second.

4. The proposed diversion of water is in accordance with Sec. 9-1, R. 13 E. B.M.

5. The place where said water is used is Sec. 22, NE 1/4, Sec. 32, T. 9 S., R. 13 E. B.M.

6. The date of priority, when said work is prepared to exist is August 22, 1967.

KATHY HIGGINSON
Reclamation Engineer

(2243)

July 19, 1967

Re: Permit No. G-31349

Mr. Gary K. Blick
Castleford, Idaho 83321

Dear Mr. Blick:

We acknowledge receipt of the depositions and affidavit of publication in the
Buhl Herald submitted as proof of com-
pletion of works and beneficial use on Permit G-31349.

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

Very truly yours,

Donald W. McElDowney
Water Rights Clerk

DWM:dj

31349

July 13, 1967

Re: Permit 31349

Gary K. Blick
Castleford,
Idaho 83321

Dear Mr. Blick:

The State Department of Reclamation has received objections to the notice of Proof of Completion of Works and Application of Water to Beneficial Use of the above referenced permit.

These protests have been submitted by Rose L. and Edward Jarolimek. A copy of the list of objections is enclosed.

A conference and hearing will be scheduled at a later date. You will receive a notice from this office in advance of any action taken.

Please feel free to contact us at any time concerning this matter.

Very truly yours,

Donald W. McElowney
Water Right Clerk

DWM:ks

Enclosure: protest

31349

3 PM
20 July 67

LAW OFFICES OF
CUNNINGHAM, SCHWARTZ & DOERR

JAMES M. CUNNINGHAM
FRED A. SCHWARTZ
JOHN A. DOERR
RICHARD R. REED

TWIN FALLS, IDAHO 83301
1227 LYWOOD MALL
733-4961

RECEIVED
JUL 12 1967

Department of Reclamation

July 11, 1967

31349

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

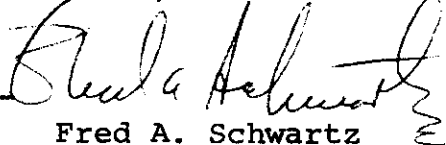
Gentlemen:

I wish to advise that I represent Edward Jarolimek and Rose L. Jarolimek with reference to Permit No. G-32860 in the name of Gary K. Blick.

I am enclosing herewith Objections to Permit No. G-31349 and the granting of a license under the terms of said permit. Will you please file the Objections and return a copy to me on which you have stamped your filing date.

Very truly yours,

CUNNINGHAM, SCHWARTZ & DOERR

By 
Fred A. Schwartz

FAS:m
Encl.

31349

June 26, 1967

RE: Permits G-32860 and G-31349

James M. Cunningham
Attorney at Law
1227 Lynwood Mall
Twin Falls, Idaho 83301

Dear Mr. Cunningham:

Gary K. Blick applied for a permit and his priority date was August 26, 1963. His original permit called for two points of diversions; one NW¹/₄, Section 33, and one SE¹/₄, Section 29, both in T 9 S., R 13 E., B.M. He then sent in an amendment to his permit changing the point of diversion to the NW¹/₄, Section 33, T 9 S., R 13 E., B.M. There being no reason for not granting the amendment it was approved. Therefore, since the priority date is established by the date the application is received the Blick permit still carries August 26, 1963 date. Then Rose L. Jarolimek filed an application on May 2, 1966, and thereby established that date as a priority date.

Not knowing about the arrangement between the two parties we have no way of changing the priority on either permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

31349

SPEED MESSAGE

TO Department of Reclamation

FROM

BUHL HERALD, INC.

107 State House

P. O. Box 312 Phone 543-4335

Boise, Idaho 83701

BUHL, IDAHO 83316

SUBJECT Legal Notice; Permit No. G-31349

DATE June 12, 1967

Gentlemen:

Enclosed you will find a copy of the legal notice which is to be published for four consecutive weeks prior to July 12, 1967, for Gary K. Blick of Castleford, Idaho.

RECEIVED

Department of Reclamation

Cordially yours,

THE BUHL HERALD, INC.

SIGNED

The Buhl Herald, Inc.
ab

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 7, 1967
(P. O.) Castleford, 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 The Buhl Herald of
Buhl, Idaho Published in
the county in which the works are situated.

Larry Bluh
Castleford, Idaho

(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.

Larry Bluh
Engineer

31349

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that ~~XX~~ ~~XXXX~~ on the 12th day of July
1967, at Castleford, County of Twin Falls, State of Idaho
before Don Reese, Notary Public, at (address) _____
Castleford, Idaho, proof will be submitted of the completion
of works for the diversion of 6.4 cubic feet per second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G-31349, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Gary K. Blick, Castleford, Idaho.

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 6.4 cubic feet per second.

3. The use to which said water has been applied is Irrigation

_____, purposes and the amount applied to beneficial use is
6.4 cubic feet per second.

4. The point of diversion of said water is NW¹SW⁴, Sec. 33, T. 9 S, R. 13 E, B.M.

5. The place where said water is used is SE¹, Sec. 29; NE¹, Sec. 32, T. 9 S,
R. 13 E, B.M.

6. The date of priority which said user is prepared to establish is August 26, 1963.

R. KEITH HIGGINSON

State Reclamation Engineer

31349

LEGAL
NOTICE OF PROOF
OF COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that on the 12th day of July, 1967, at Castleford, County of Twin Falls, State of Idaho before Don Reese, Notary Public, at Castleford, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-31349, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Gary K. Blick, Castleford, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is Irrigation, purposes and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is NW¹/4 SW¹/4, Sec. 33, T. 9 S., R. 13 E., B.M.

5. The place where said water is used is SE¹/4, Sec. 29, NE¹/4, Sec. 32, T. 9 S., R. 13 E., B.M.

6. The date of priority which said user is prepared to establish is August 26, 1963.

R. KEITH HIGGINSON
State Reclamation Engineer
(22t4)

31349

June 7, 1967

Re: Permit No. G-31349

The Buhl Herald
Buhl, Idaho 83361

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to July 12, 1967. The expense of the publication is to be paid by Gary K. Blick, Castleford, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking prior to the first publication.

Very truly yours,

Donald W. McElDowney
Water Rights Clerk

DWM:dj

31349

June 7, 1967

Re: Permit No. G-31349

Gary K. Blick
Castleford, Idaho 83321

Dear Mr. Blick:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-31349. The proofs are to be made at 9:00 AM on the 12th day of July, 19 67 before Don Reese, Castleford, Idaho,

Notary Public.

As of this date, we have mailed the Notice to the Buhl Herald,
Buhl, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

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

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

Very truly yours,

DWM:dj
Encl.

Donald W. McElldowney
Water Rights Clerk

cc: Notary

31349

✓ 1.00 Rec. No. 4-11117

Permit No. G-31349

That he is (~~are~~) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 721349.

NW¹/₄ NW¹/₄, 33, AND SE¹/₄ SE¹/₄ Sec 29, T 9S - R 13E.

That the reason for desiring to make such change is as follows:

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

Date of Receipt at Department Of Reclamation: November 22, 1966

R. KEITH HIGGINSON

Recorded in Book 110 of
Permits, at Page G-31349
November 29, 19 66

R. Keith Higgins
State Reclamation Engineer

31349

November 29, 1966

RE: Permit G-31349

Gary K. Blick
Castleford, Idaho

Dear Mr. Blick:

Enclosed herewith is amendment to point of diversion which has been recorded in this office under the above referenced permit.

Departmental receipt No. G-11117 in the amount of \$1.00 was given to you at the time you were in our office. This amount covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Amendment
Receipt given

31349

LAW OFFICES OF
CUNNINGHAM, SCHWARTZ & DOERR

JAMES M. CUNNINGHAM
FRED A. SCHWARTZ
JOHN A. DOERR
RICHARD R. REED

TWIN FALLS, IDAHO 83301
1227 LYNWOOD MALL
733-4061

June 23, 1966

RECEIVED
JUN 26 1967
Department of Reclamation

Mr. R. Keith Higginson
Idaho State Reclamation Engineer
Idaho State Department of Reclamation
State House
Boise, Idaho

RE: Water Permits - G32860 and G31349

Dear Mr. Higginson:

Rose L. Jarolimek has sought my advice concerning the date of priority of these two permits. Rose Jarolimek is the owner of Permit No. G32860 and Gary K. Blick is the owner of Permit No. G31349.

A bit of history may be in order. Apparently Jarolimek filed a Desert Land Entry which included the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33 T. 9 S, R. 13 E, B.M., Twin Falls County. As indicated by Permit No. G32860, dated May 3, 1966, Jarolimek intended to drill a well on this property. Since that time the well has been drilled and water obtained. On May 11, 1966, Jarolimek, by written memorandum agreement, granted George L. and Marie C. Blick permission to drill a well on the above described property providing the BLM had no objections. Apparently the BLM did not have any objections, and Jarolimek assumed that the Blinks would make application for permit to appropriate waters from the well which the Blinks intended to drill on this property.

The Blinks drilled a well on this property, struck water, and Gary K. Blick is presently giving notice of proof of completion of works and application of water to beneficial use from this well under Permit No. G31349. It would appear that unbeknownst to Jarolimek, Blick has changed the original well site shown in the application for Permit

31349

Mr. R. Keith Higginson

Page 2

June 23, 1967

No. G31349 to the ground owned by Jarolimek and near Jarolimek's well. The result is that Blick is attempting to get a water permit with a priority of August 26, 1963, which is approximately 3 years ahead of the priority date which would be granted Jarolimek upon his proof of completion of works.

I am advised by Jarolimeks that they were willing for Mr. Blick to drill his well, obtain water, and use Jarolimeks land in doing so, but they certainly had no intention of allowing Blick to obtain a priority right ahead of their priority right on an adjoining well. I would appreciate it if you would advise me what your records show with respect to the manner in which Gary K. Blick obtained a water permit with a priority date of August 26, 1963, on land in which he had no interest whatever prior to May 11, 1966, and his only interest in the land after May 11, 1966, was his right to drill a well on said land.

I thank you for your prompt attention and cooperation in this matter, and remain,

Yours very truly,

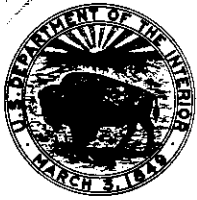
CUNNINGHAM, SCHWARTZ & DOERR

By-


James M. Cunningham

JMC/mew

31349



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

IN REPLY REFER TO:

L:VSS
Idaho 014553

AUG 7 1964

NOTICE OF ALLOWANCE

Gary K. Blick
Castleford
Idaho

AUG 10 1964

Dear Mr. Blick:

Your Desert Land Entry, Serial No. Idaho 014553,
Receipt No. 63114, for SE $\frac{1}{4}$ Sec. 29;
NE $\frac{1}{4}$, Section 32,
Township 9 S., Range 13 E., Boise Meridian, Idaho,
containing 320 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914 which may require the
reservation of all oil and gas deposits to the United States.

Subject to the following reservation for rights-of-way:
A 50' wide strip measured parallel to the south boundary of the S $\frac{1}{4}$
NE $\frac{1}{4}$ Sec. 32.

A 50' wide strip along the existing Clemons Ferry - Castleford road
which crosses the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32. Final proof will be acceptable only
upon development of an adequate supply of water from the proposed source.

Sincerely yours,

Curtis R. Taylor

~~Orval C. Hadley~~

ACUOG Land Office Manager

c.c. State Recl. Engr. ✓

September 9, 1963

Re: Permit No. G-31349

Mr. Gary K. Blick,
Castleford, Idaho.

Dear Mr. Blick:

We enclose Permit No. G-31349 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

By this same mail, we have sent to the Bureau of Land Management two copies of this permit, one of which has been certified, to be used in connection with the Desert Land Entry filed in that office. A copy of that letter is enclosed.

~~We enclose~~ Departmental Receipt No. G-8205 which was issued covering payment in the amount of \$ 8.50, which includes \$ 6.50 for the filing fee and \$ 2.00 for the copies sent to the Bureau of Land Management, was given to you while in our office.

Well logs are an important part of your recorded water right and State Statutes require that well drillers supply logs on all wells, whether irrigation, domestic, drain or stock wells, to be filed in the Department of Reclamation. In view of the rapidly increasing demand for ground water, the lowering of the ground water level, and the creation of critical ground water areas, it is important that you, as owner, make sure a log on your well is filed in this office.

Very truly yours,

~~GEORGE P. RILEY~~

State Reclamation Engineer

By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

31349

September 9, 1963

Re: Permit No. **G-31349**
Gary K. Blick

Bureau of Land Management,
P. O. Box 2237,
Boise, Idaho.

Gentlemen:

We enclose two copies of Permit No. **G-31349**, one
of which has been certified, to be used in connection with
Desert Land Entry filed in your office by permit holder
Gary L. Blick of **Castleford, Idaho**.

Very truly yours,

~~XXXXXXXXXXXX~~
GEO. N. CARTER
State Reclamation Engineer
By

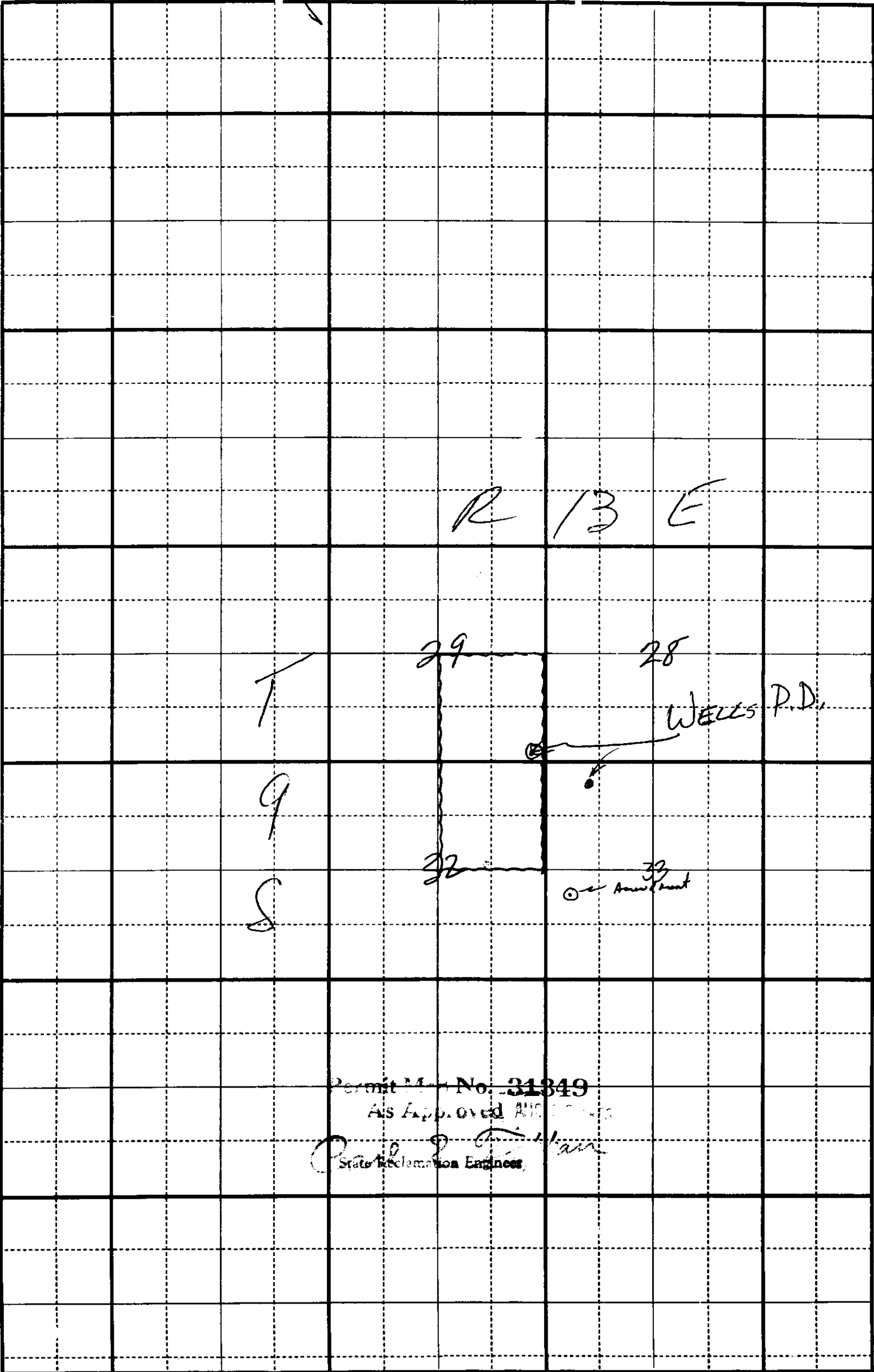
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

31349

NAME OF APPLICANT GAR K Blick

Form No. 0



Permit No. 31349

As Approved AUG 1965

State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

31349

31349

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39453
Permit No. G- 31349
District No.

20, 1996
3:PM

1. Name of Applicant: Gary K. Blick
Postoffice address: Castleford County: Twin Falls State: Idaho
2. Quantity of water claimed: 6.4 c.f.s.
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33
SE $\frac{1}{4}$ of Section 29
Twp. 9 S , Rge. 13 E , B.M., County of Twin Falls
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Pump, electric motor, ditches
8. Estimated cost of works: \$ 32,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 6.4 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

31349

Remarks: Desert Entry

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.

s/ Gary K. Blick

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. August 26, 1963

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 31349

Recorded in Book 110 Page 31349 Approved August 30, 1963

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

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 2, 1966

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 30, 1968

Witness my hand this 30th day of August, 1963

s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 30th
day of August, 1963

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	13 E	29 32	40	40	40	40									40	40	40	40	160 160
																			320

31349

3-1139

✓
AMENDMENT TO POINT OF DIVERSION

Comes now Gary K. Blick and represent to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-31349.

That the point of diversion is described in said Permit as being located: NW~~1/4~~SW~~1/4~~, 33, and SE~~1/4~~SW~~1/4~~, Sec. 29, T. 9S, R. 13 EBM.

That he now requests that the point of diversion be changed to a point located: NW~~1/4~~SW~~1/4~~, Sec 33, T 9S, R. 13 EBM.

That the reason for desiring to make such change is as follows: Original location did not produce enough water.

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

Signed at Castleford, Idaho, this 22nd day of November 1966.

/s/ Gary Blick

Date of Receipt at Department of Reclamation: November 22, 1966.

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, 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. G-31349. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 110 of Permits,
at Page G-31349, November 29, 1966

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

31349