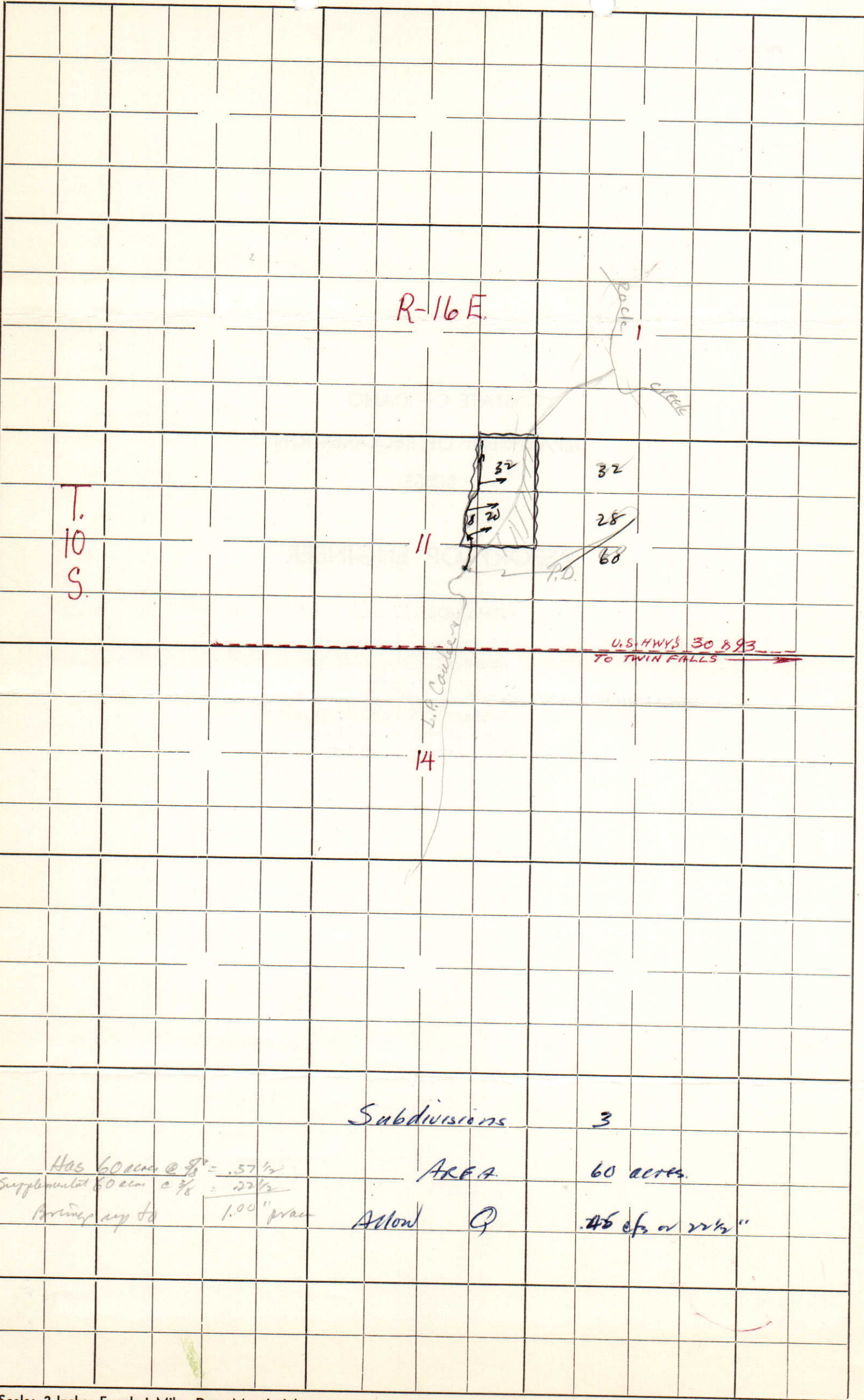
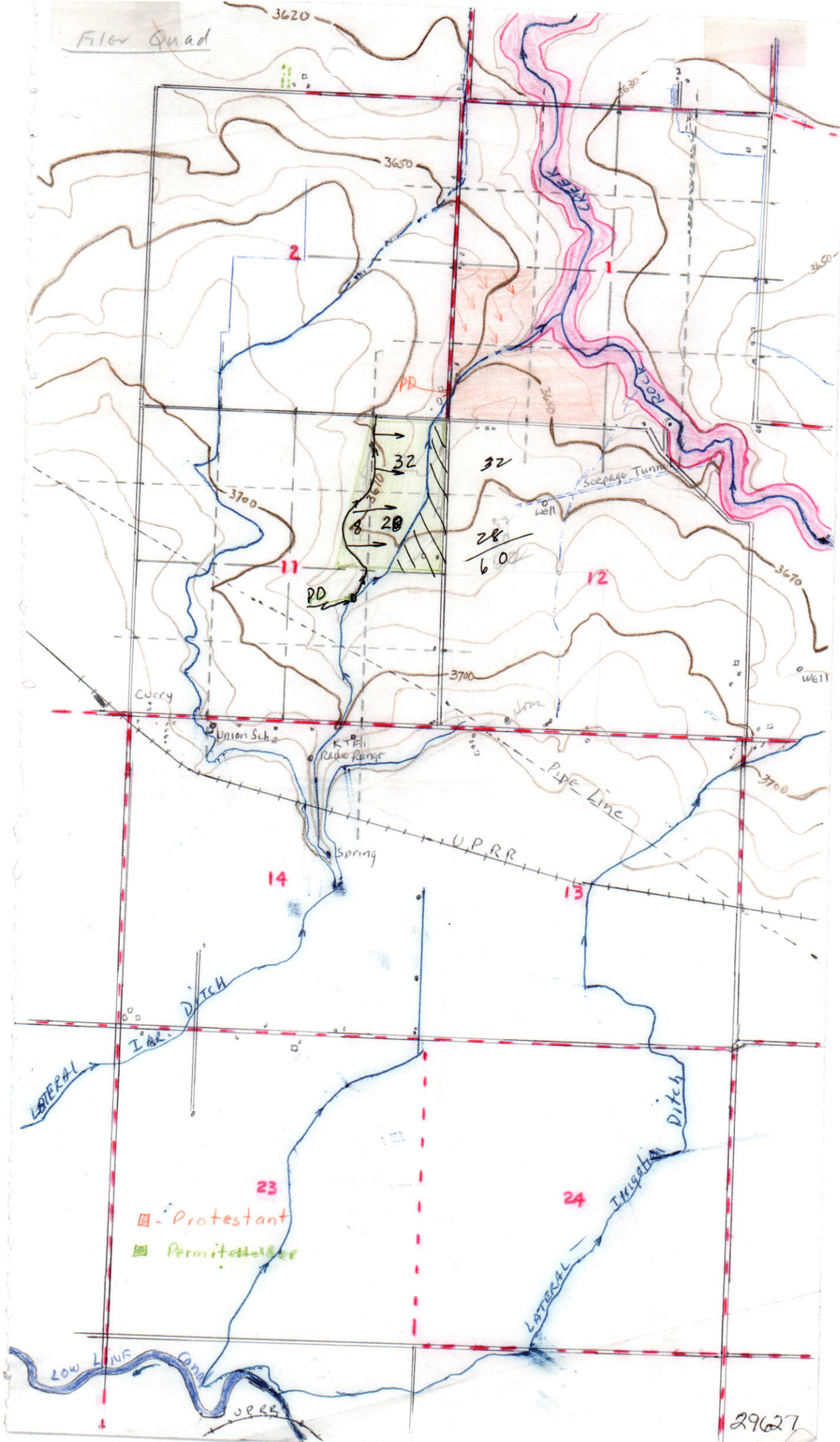




Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

29627

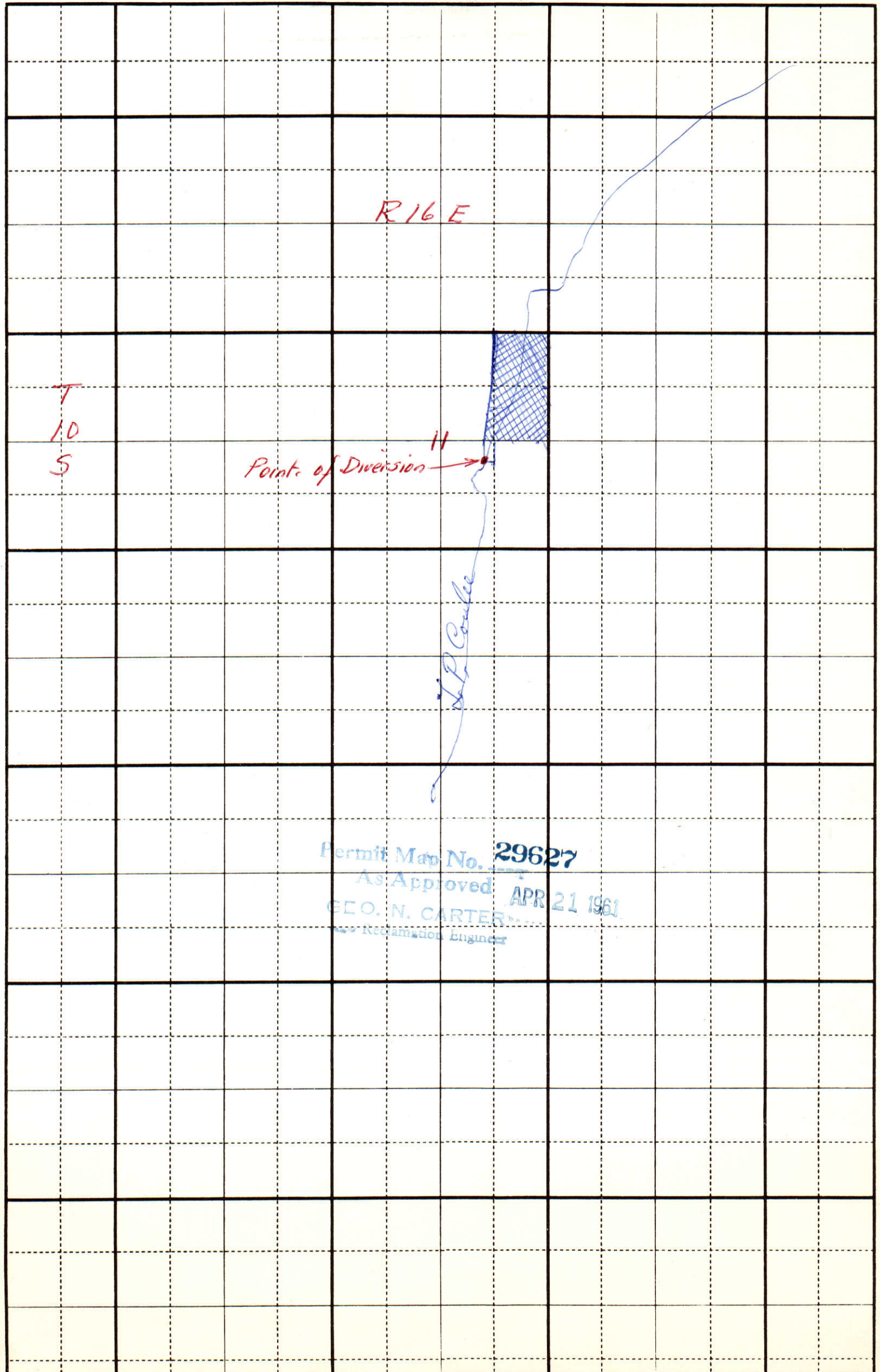
Filer Quad



Nathan E. and Bert M. Tolbert and Mrs. Marian
E. Childs and Mrs. Esther L. Ewing

NAME OF APPLICANT.....Ed. Tolbert, Agent.....

Form No. 0



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

29627

State of Idaho
License and Certificate of Water Right

Water License No. 29627 Amount .45 c.f.s.

Water District No. ED TOLBERT, Agent for: NATHAN E., & BERT M. TOLBERT, MRS
Priority March 29, 1961

THIS IS TO CERTIFY that MARIAN E. CHILDS & MRS. ESTHER L. EWING
of Twin Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 29, 19 61 ; that Permit No. 29627
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.45 second feet, was issued thereunder on June 24, 19 63 , showing that said works
were completed on the 16th day of March, 19 62 ; and that on the 16th
day of March, 19 62 , ED TOLBERT, Agent for: NATHAN E., BERT M.
TOLBERT, MRS. MARIAN E. CHILDS & MRS ESTHER L. EWING

of Twin Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of drainage
& waste, a tributary of L.P. Coulee, for the purpose of supplemental
irrigation, under Use Permit No. 29627 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7601, on the 24 day of June, 19 63 ;
The right hereby confirmed dates from March 29, 1961 ;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 11, Tp. 10 S R. 16 E, B. M. County Twin Falls
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .45 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S.	16 E.	11	NE 1/4 NE 1/4	40	32
			SE 1/4 NE 1/4	40	20
			SW 1/4 NE 1/4	6	8
			Total number of acres to be irrigated:		60

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24 day of June, 19 63 .

(SEAL) RALPH W. THOMAS
Deputy State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. G-27603 Amount 5.6 c.f.s.
Water District No. _____ Priority November 3, 1958

THIS IS TO CERTIFY that JOHN I. KER, Jr. - Assignee - L. B. HOLDEN FARM CO., Inc.
of Idaho Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 3, 1958; that Permit No. G-27603
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.6 second feet, was issued thereunder on June 26, 1963, showing that said works
were completed on the 9th day of October, 1961; and that on the 9th
day of October, 1961,

JOHN I. KER, Jr. - Assignee - L. B. HOLDEN
FARM CO., Inc.
of Idaho Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-27603 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7602, on the 26 day of June, 1963;
The right hereby confirmed dates from November 3, 1958;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 25, Twp. 3 N., R. 35 E., B. M. County of Bonneville
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 5.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
3 N.	35 E.	24	SE $\frac{1}{4}$	160	160	
			SW $\frac{1}{4}$	160	160	
			NE $\frac{1}{4}$	160	160	
			NW $\frac{1}{4}$	160	160	
			SW $\frac{1}{4}$	160	160	
			SE $\frac{1}{4}$	160	160	
		25	Total number of acres to be irrigated: 960			

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
26th day of June, 1963.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

47-2351

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 37604
PERMIT No. 29627
DISTRICT No.

1. Name of Applicant: Ed Tolbert, Agent for: Nathan E., and Bert M. Tolbert,
Mrs. Marian E. Childs, and Mrs. Esther L. Ewing
Postoffice address: Route #3, Twin Falls County: Twin Falls State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: 0.64 cubic feet per second.

3. Source of water supply: Drainage & waste water which is a tributary of L.P. Coulee

4. Location of point of diversion: 2340 feet North & 1470 ft. West
feet distant from the S.E.
corner of Section 11, T. 10 S, R. 16 E, B.M., and is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$
of section 11, T. 10 S, R. 16 E, B. M., County of Twin Falls

5. Water is to be used for Supplemental Irrigation

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$500.00

8. Kind of works: Cement check in Coulee

9. Height of dam 2 $\frac{1}{2}$ feet; length of dam at top feet; length of dam at bottom
feet; material used in dam: cement

10. Size of headgate: Width 12" ~~feet~~; height 12 in. ~~feet~~

11. Ditch: Width at bottom 1 $\frac{1}{2}$ feet; width at water line 2 feet; depth of water 1 feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

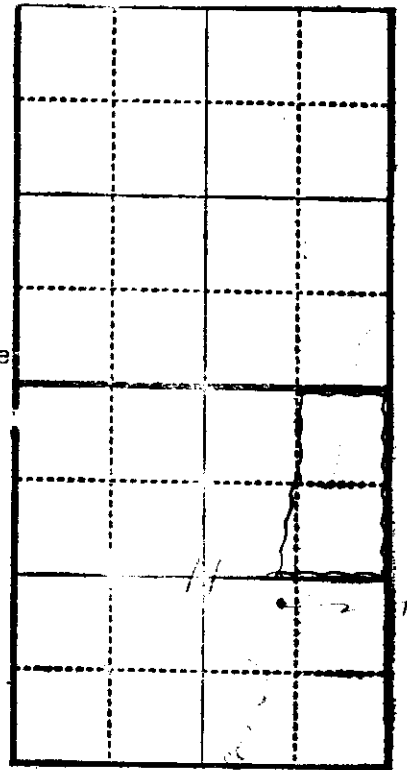
Average grade per mile 1.5 per hundred feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is no additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 5/8 in. per acre



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

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

Nathan E. and Bert M. Tolbert, and Mrs. Marian E.
Childs & Mrs. Esther L. Ewing *Applicant.*

By s/ Ed Tolbert

Agent.

Date of first receipt at Department of Reclamation: 8:15 A.M. March 29, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 29627

Recorded in Book 104 Page 29627 Approved April 21, 1961

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 June 21, 1961 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 21, 1961

The whole of said work to be completed on or before April 21, 1962

Beneficial use of water appropriated in accordance herewith, to be made on or before April 21, 1962

WITNESS My hand this 21st day of April, 1961

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 21st
day of April, 19 61.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor.

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 S	16 E	11	40		6	40													86
Permit No. 29627 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: ✓ This is to certify that ED TOLBERT, Agent for: NATHAN E., BERT M. TOLBER, MRS. MARIAN E. CHILDS & MRS. ESTHER L. EWING, of Twin Falls, County of Twin Falls, and State of Idaho, the holder of Permit No. 29627, issued upon Application No. 37604, bearing date of priority of March 29, 1961, authorizing the diversion of 0.64 second feet of waters of drainage and waste water, County of Twin Falls, State of Idaho, for supplemental irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .45 second feet of the waters of drainage and waste water, tributary of L. P. Coulee, that the point of diversion of said waters NW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 11, T. 10 S., R. 16 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 60 ac. SW$\frac{1}{4}$NE$\frac{1}{4}$, E$\frac{1}{2}$NE$\frac{1}{4}$, Sec. 11, T. 10 S., R. 16 E., B. M. Witness my hand this 24th day of June, A. D. 1963. s/ RALPH W. THOMAS Deputy State Reclamation Engineer Proof of Completion of Works Made: March 16, 1962 LICENSE ISSUED FOR 0.45 SEC. FT. Page 7601																			

June 24, 1963

Re: Permit No. 29627

Ed Tolbert, Agent
Route #3
Twin Falls, Idaho

Dear Sir:

Enclosed are Certificate of Completion of Works and
License and Certificate of Water Right issued on the above numbered
permit.

Also enclosed is departmental receipt No. 31603, in the
amount of \$11.00 covering the fee.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

29627

Route 3
Twin Falls, Idaho

June 20, 1963

Dept. of Reclamation,

107 State House, Boise.

Dear Sirs,

I am sending a check for \$11 in payment of Completion of Works fee \$5 and License and Certificate of Water Right Fee \$6 in the granting of Permit No. 29627 for the use of .45 sec. feet of surface water with the point of diversion in the N.W. $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T 10 S., R 16 E., B.M. from the drainage and waste water ~~for~~ supplemental irrigation for 60 acres in the same section.

Yours very truly *Ed Tolbert*

Agent for N.E. Tolbert, Bert Tolbert,
Mrs. Marian Childs and Mrs. Esther Ewing.

29627

DEPARTMENT OF RECLAMATION

**ORDER, Dismissing Protest
and Allowing Certificate of
Completion of Works and
License and Certificate of
Water Right**

29627

XXXXXXXXXX

June 18, 1963

RE: Permit No. 29627
Ed Tolbert, Agent

L. A. Warner
RFD No. 1
Filer, Idaho

Dear Mr. Warner:

Enclosed is Order Dismissing Protest made by you as agent in regard to the above noted permit.

Any persons feeling themselves aggrieved by the determination of the Department of Reclamation may, within 60 days of such determination, appeal to the District Court for the county in which the land is situated.

Very truly yours,

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. dismissal of protest

29627

XXXXXXXXXX

June 17, 1963

RE: Permit No. 29627

Ed Tolbert, Agent
Rt 3
Twin Falls, Idaho

Dear Mr. Tolbert:

Our field engineer's report on his inspection of the completion of works and application of water to beneficial use under the terms of Permit No. 29627 shows the headgate, pipe and ditch are capable of conveying 22.5 miner's inches, or .45 c.f.s. of water for irrigation of 60 acres.

Upon receipt of the statutory fees, totaling \$11.00, which consists of a Completion of Works fee of \$5.00, and License and Certificate of Water Right fee, \$6.00, based at the rate of \$2.00 for each 40-acre subdivision, we will issue the Certificate of Completion of Works and License and Certificate of Water Right confirming the right, with priority of March 29, 1961, to the use of .45 second feet of surface water with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 10 S., R. 16 E., B.M. from from drainage and waste water for supplemental irrigation for 60 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11, T. 10 S., R. 16 E., B.M.

Enclosed is the order dismissing protest against the allowance of your water right. This does not mean you have undisputed right to the water, only that you have the right with the priority as noted above.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr
Enc. order

29627

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

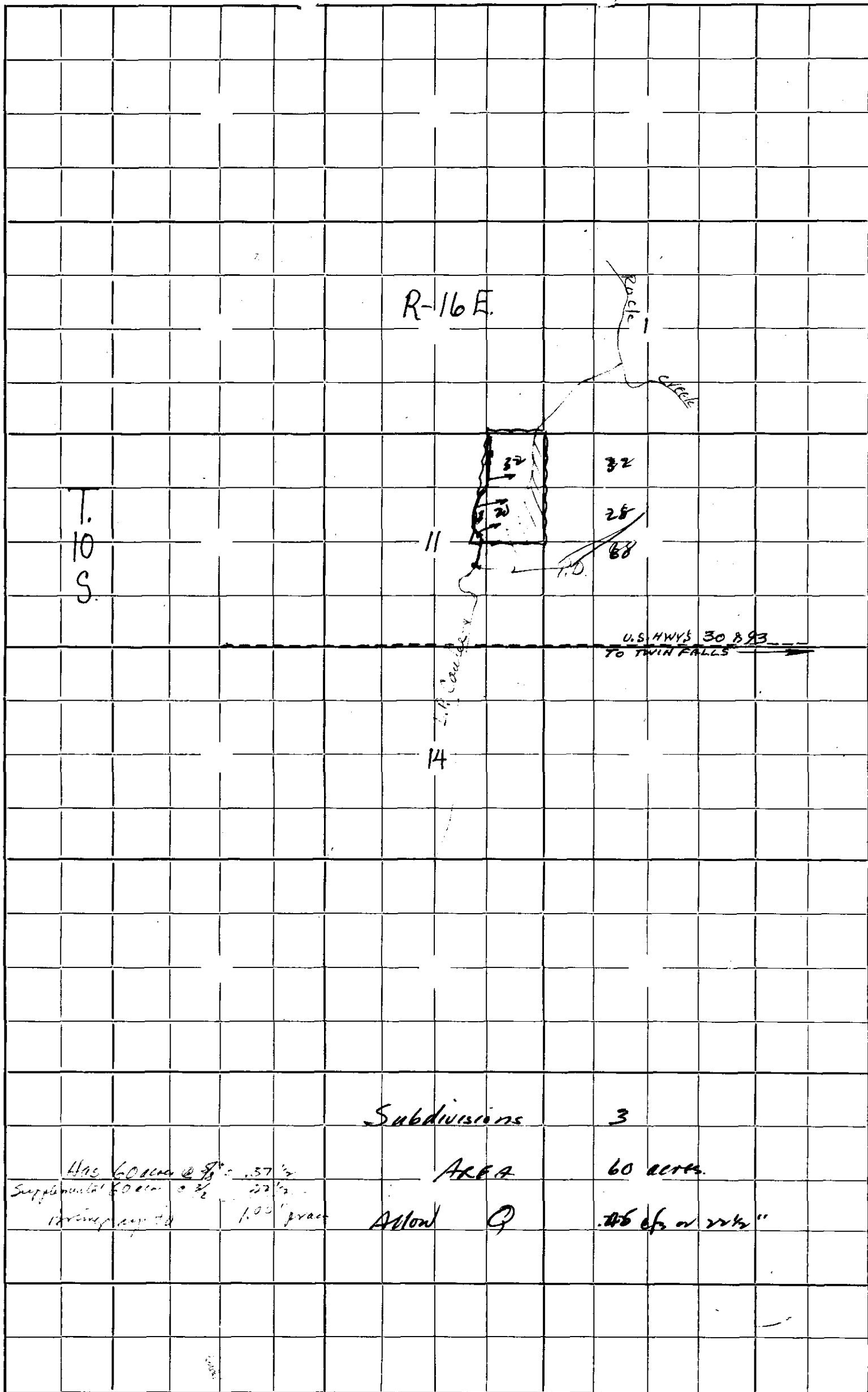
REPORT OF ENGINEER

PERMIT NO29627 _____

Ed Tolbert, Agent
Route #3
Twin Falls, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

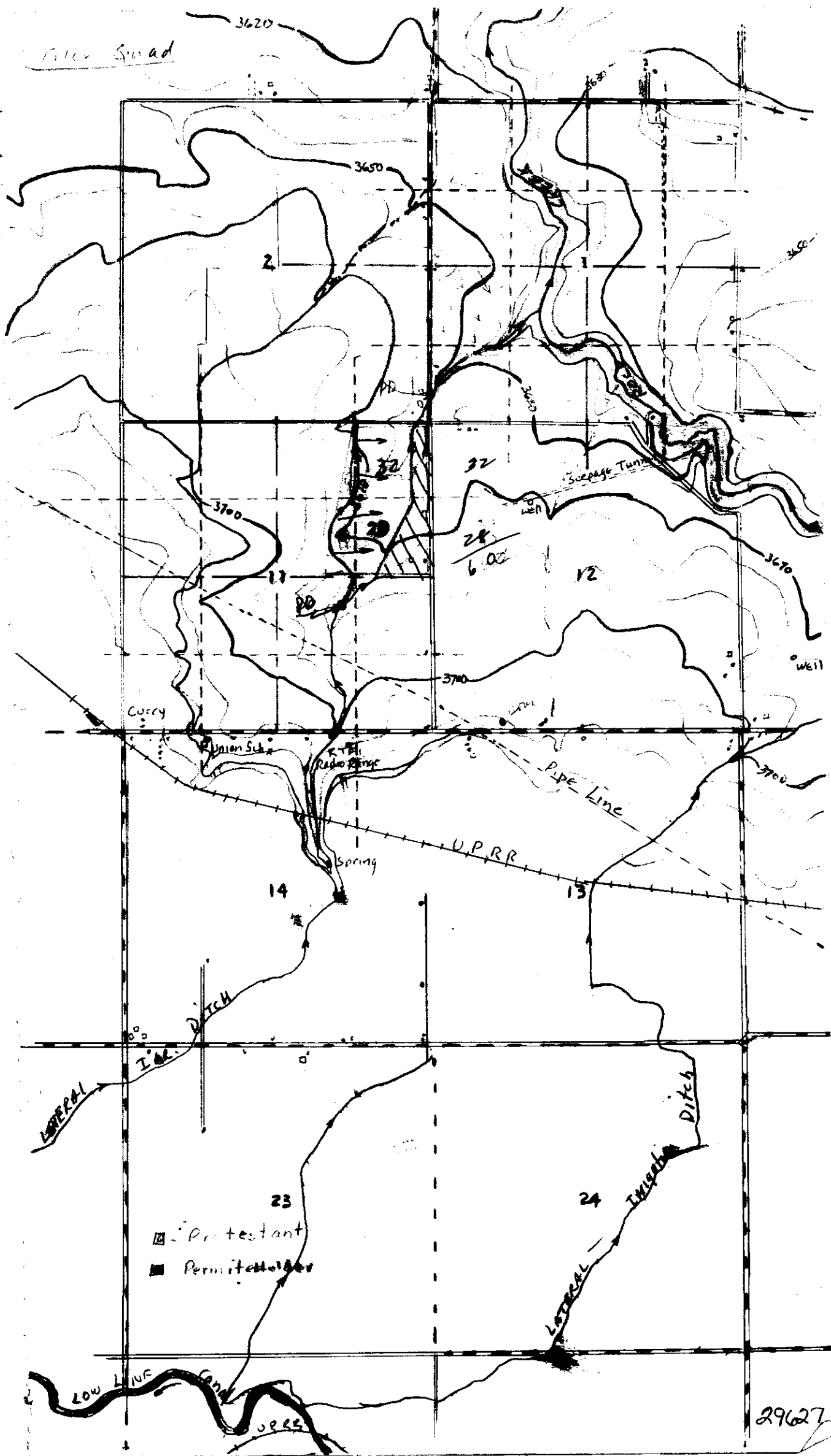
Nathan E. & Bert M. Tolbert
Mrs. Marion E. Childs,
Mrs. Esther L. Ewing



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

29627

File: Squad



29627

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 29627

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Ed Tolbert, Agent for: Nathan E. & Bert M. Tolbert, Mrs. Marian E. Childs, Mrs. Esther L. Ewing
 2. Source of water supply: drainage and waste water

3. Location of point of diversion: Is in the NW 1/4 SE 1/4 of Section 11
 T. 10 S. R. 16 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: Concrete Check - 15' x 3' 4" x 8" thick wall, 4' x 16" opening. controlled with 2x4 - 6 flash boards. Headgate. 12" Concrete pipe with ^{B=11"} Metal slide gate, 9' x 12" concrete pipe to open ditch - 1' bottom x 3' top x 1.5' deep. water line ~~1.0'~~ 1.0'

5. Water is used for: supplemental irrigation

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

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

NE 1/4 NE 1/4, S 1/2 NE 1/4, Sec. 11, T. 10 S., R. 16 E., 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? Snake River

Remarks: Mr. Ed Tolbert, agent, along. Water not used at time of examination but had been used recently. Ditch capacity capable of conveying 1.5 cfs.

9 3/4" depth water flowing through 4" wide check opening. estimated 400" - Reported by Tolbert to ^{be} carry more during heavy irrigation season. and will drop to approximately 200" during winter months.
Protest in File

Not measured into ditch - Dry.

This examination was made on the 31st day of May, 1963

(Signed)

Lloyd Johnson

Examiner.

That about amount flows through Protestants farm land and into Rock creek. see Map attached.

29627

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JAN 8 1962

Department of Reclamation

Ed Tolbert, Agent
Route #3
Twin Falls, Idaho
Permit No. 82627

Completion of Works &
Examination for Beneficial Use

County Twin Falls

Sec. 11 T. 10 S. R. 16 E.

Quantity: 0.64 c.f.s.

Source: Drainage & waste water

P.D.: NW, SE, Sec. 11, T. 10 S. - R. 16 E. B.M.

Use: Irrigation (Supplemental)

Filed: March 29, 1961

Due: April 21, 1962

Extension: _____

Completion of Works: _____

Other Rights: 7/8" per acre

8" thick wall
151
water 0.34
12" concrete tile headgate
9' x 12" concrete tile to open
ditch 1' x 3' x 15' water line
1'

29627

May 23, 1963

Re: Permit No. 29627

Ed Tolbert
Rt 3
Twin Falls, Idaho

Dear Mr. Tolbert:

This is a follow up of the notice from the Department of Reclamation office that an inspection would be made on your water filing as soon as possible.

I will plan to inspect your permit on or about the week of May 27, 1963.

Please arrange to be on the premises so that you can accompany me over the work.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Field Engineer

LHJ:mr

29627

March 19, 1962

RE: Permit No. 29627

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

Dear Mr. Stephan:

We have the protest and objection of Mr. L. A. Warner to the granting of license under permit of above reference. This department will not take any action until the field engineer has made his report.

At the present moment we are unable to state when such inspection will be made, but it will be done as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Carl E. Tappan
Assistant State Reclamation Engineer

CET:mr

29627

March 19, 1962

Re: Permit No. 29627 - Ed. Tolbert, Agent
for Nathan E. & Bert M. Tolbert
Mrs. Marian E. Childs; Mrs. Esther L. Ewing

Ed Tolbert
Route #3
Twin Falls, Idaho

Dear Mr. Tolbert:

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

29627

MAR 14 1967

Department of Reclamation

PROTEST AND OBJECTION TO PROOF OF
COMPLETION OF WORKS AND APPLICATION
OF WATER TO BENEFICIAL USE AND GRANTING
OF LICENSE FOR WATER UNDER PERMIT
NO. 29627 ISSUED BY THE DEPARTMENT
OF RECLAMATION OF THE STATE OF IDAHO.

TO THE HONORABLE GEORGE N. CARTER, STATE RECLAMATION ENGINEER
OF THE STATE OF IDAHO:

COMES NOW L. A. WARNER of R.F.D. 1, Filer, Idaho, and respectfully represents:

That he is now and since the year 1927 has been the owner of the following described real estate located in the County of Twin Falls, State of Idaho, to-wit:

West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$) and Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of Section One (1), Township Ten (10) South, Range Sixteen (16) East of the Boise Meridian,

water and water rights represented by which land has appurtenant to it/120 shares of the capital stock of Twin Falls Canal Company, and the additional water established by use as hereinafter set out.

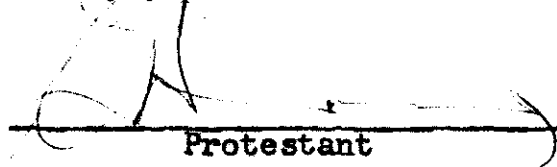
That Rock Creek Canyon lies to the east of said premises and a part of the rimrock of said Canyon is located in the northeast corner of $SW\frac{1}{4} SW\frac{1}{4}$ and in the northwest corner of $SE\frac{1}{4} SW\frac{1}{4}$ of said Section 1 above described, and all of said land is irrigated in a southeasterly direction and a northwesterly direction toward a Coulee commonly known as LP Coulee or toward Rock Creek except the northerly portion of the $W\frac{1}{2} SW\frac{1}{4}$ which is irrigated in a southerly direction. That about 50 acres of said 120-acre tract is rocky and thin soil and because all of said tract slopes toward Rock Creek Canyon, and is not as level as land located further away from the canyon it has been necessary to irrigate the land in question in relatively short corrugations, which takes more water for profitable use of said land.

That when protestant purchased said land it was necessary for him to remove a considerable amount of rock from a part of said land and in order to irrigate all of said land considerable levelling has been done.

That the said L. P. Coulee enters the land owned by protestant near the southwest corner of the West Half of the Southwest Quarter and runs through said land in a northeasterly direction to Rock Creek. That said Coulee carries waste water which varies in flow from time to time from between 15 inches to 35 inches. That beginning in the year 1930 protestant has used the water from said Coulee each irrigation season up to and including the irrigation season of 1961 for irrigation on the above described 120 acres of ground. That said waste water is removed from the coulee at a point about 600 feet north from the Southwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1 ~~by~~ and is carried in private ditches, along with Canal Company water, for irrigation. That by reason of use of said waste water throughout the periods above set forth protestant has been able to develop on the rocky and thin-soil portions of said 120 acres above described pasture sufficient to pasture thirty head of cattle. That all of the available water in said Coulee is necessary for profitable cultivation and use by protestant of the above described 120 acres of land. That Protestant noticed there was less water in the said Coulee in the irrigation season of 1961 but attributed the smaller amount of water therein to the shortage of irrigation water during the crop season of 1961.

Protestant respectfully represents that by his continuous beneficial use of the water from said Coulee during the irrigation seasons of the year 1930 to and including the year 1961 he has established a right to the use of said water which is prior to

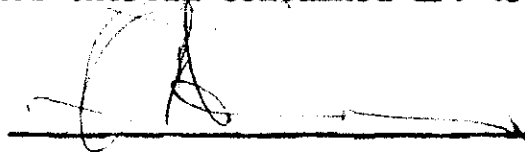
the Application for use under Permit No. 29627, and Protestant respectfully requests that such Application under said Permit numbered 29627 should be denied by you as State Reclamation Engineer of the State of Idaho, and that no License for its use under said Permit should be issued by you.


Protestant

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

L. A. WARNER, being first duly sworn, deposes and says:

That he is the Protestant named in the foregoing Protest; that he has read the foregoing Protest, knows the contents thereof, and that the statements therein contained are true as he verily believes.



Subscribed and Sworn to before me this 15th day of March, 1962.


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

AFFIDAVIT OF WITNESSES

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

We, HARRY HOLMQUIST and WILLIAM CHASE of R.F.D. 1, Filer,
Idaho, ages 59 years and 72 years, respectively, and by
occupation farmers, do solemnly swear that we are well acquaint-
ed with the character of the land described in the foregoing
Protest of L. A. Warner and with the use of water for irriga-
tion of said land from so-called L.P. Coulee by Protestant;
that said Protest has been read to us; that each of the under-
signed is a neighbor of Protestant residing near said land;
that we became acquainted with said land and the use of said
water thereon by personal observation; and that we have been
acquainted with it and the use of such water for 33 years
and 33 years respectively; that the statements made by
Protestant in the foregoing Protest as to the said land and use
of water from said coulee for irrigation is true of our own per-
sonal knowledge; and we further state that we are not interested,
in any way or manner, directly or indirectly, present or pros-
pective, in said land or the use of said water thereon.

Harry Holmquist
William Chase

I HEREBY CERTIFY that the foregoing Affidavit was read to or by
Affiants in my presence before Affiants affixed signatures thereto;
that Affiants are to me personally known; that I verily believe
Affiants to be credible witnesses and the identical persons here-
inbefore described, and that said Affidavit was duly subscribed
and sworn to before me, at my office in Twin Falls, Twin Falls
County, State of Idaho, this 15th day of March, 1962.

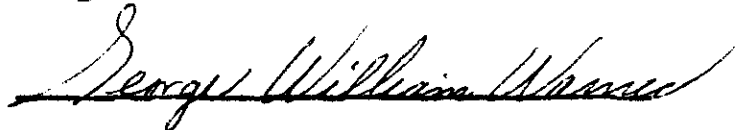
Edward D. Hawley
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

AFFIDAVIT OF WITNESS

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

I, GEORGE WILLIAM WARNER of R. F. D. 1, Filer, Idaho, age
21 years, and by occupation farmer, do solemnly swear that

I am well acquainted with the character of the land described in the foregoing Protest of L. A. Warner and with the use of water for irrigation of said land from so-called L.P. Coulee by Protestant; that said Protest has been read to me; that the undersigned is a son of Protestant and resided on said land for many years after it was purchased by Protestant; that I became acquainted with said land and the use of said water thereon by personally assisting in the operation of said farm and that I have been acquainted with it and the use of such water since 1930 when said water was first used for irrigation of said property; that the statements made by Protestant in the foregoing Protest as TO SAID Land and use of water from said coulee for irrigation is true of my own personal knowledge.



I HEREBY CERTIFY that the foregoing Affidavit was read to or by Affiant in my presence before Addiant affixed his signature thereto; that Affiant is to me personally known; that I verily believe Affiant to be a credible witness and the identical person hereinbefore described, and that said Affidavit was duly subscribed and sworn to before me, at my office in Twin Falls, Twin Falls County, State of Idaho, this 15th day of March, 1962.


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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 29627

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.

Ans. Ed Tolbert, Route 3, Twin Falls, Idaho Farmer

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

Ans. Agent for Nathan E. & Bert M. Tolbert, Mrs. Marian E. Childs
and Mrs. Esther L. Ewing

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

Ans. 29627 March 29, 1961

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

Ans. Drainage water from LP Coulee, point of diversion 2340 feet North
and 1470 feet West of Southeast Corner of Section 11, T.10S. Range 16 EBM
in the Northwest Quarter of the Southeast Quarter.

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

Ans. Ordinary cement check with check boards for controlling amount of
water. Capacity of ditch for 1.5 cubic feet of water - is private ditch.

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

Ans. For supplemental irrigation water on 86 acres, lying in the Northeast
Quarter of the Northeast Quarter and the South one-half of the Northeast
Quarter of Section 11, T.10S., Range 16 EBM., all cultivated land.
Improvements are concrete check at head works, and 3/4 mile of ditch
capable of carrying 1.5 cubic feet of water.

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

Ans.

29627

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. ✓

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. ✓

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

Ans. ✓

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

Ans. Over one second foot has been used for supplemental irrigation.

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

Ans. Five-eighths inch of water per acre is appertenant to the land from the Twin Falls Canal Company and has been used since the beginning of the project.

(Sign)

Ed Folbert

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls

State of Idaho, on this 16 day of March, A. D. 1962

Marquette S. Cozart

My commission expires Nov. 1 - 1963

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

MAR 10 1957
DEPARTMENT OF RECLAMATION

PERMIT NO. 29627

Proof of Application of Water to Beneficial Use Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Alfred Peters, 57, Twin Falls, Idaho General Manager, T.F. Canal Co.

Henry Woodland, 56, Twin Falls, Idaho, Watermaster " " " "

Ques. 2. Are you acquainted with Ed Tolbert, the holder of Permit No. 29627? How long have you known him and where does he reside?

Ans. 20 years, Route 3, Twin Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 29627, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Drainage water from Twin Falls Canal Co., System in the Northwest Quarter of the Southeast Quarter of Section 11, 10S-16 EBM

Check in Coulee to divert water into private ditch.

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

Ans. 1.5 Second feet

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

Ans. Supplemental irrigation for 86 acres of cultivated land in Northeast Quarter Northeast Quarter, and South half of the Northeast Quarter of Sec. 11-10S- 16 EBM

Check in private ditch

29627

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. Average farm land 1" per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Inspecting coulees at regular intervals.

(Signed)

I hereby certify that the foregoing testimony was read to the above subscribers before its signing, that I believe ^{them} him to be the persons ~~sk~~ represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this 16 day of March, A. D. 1962.

Marguerite G. Conant
Notary Public.

My commission expires Nov 1 1963

29627

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

MAR 19 1937
Department of Reclamation

PERMIT NO. 29627

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Alfred Peters, 57, Twin Falls, Idaho General Manager, T.F. Canal Co.

Henry Woodland, 56, Twin Falls, Idaho, Watermaster " " " "

Ques. 2. Are you acquainted with Ed Tolbert, the holder of Permit No. 29627? How long have you known him and where does he reside?

Ans. 20 years, Route 3, Twin Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 29627, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Drainage water from Twin Falls Canal Co., System in the Northwest Quarter of the Southeast Quarter of Section 11, 108-16 EBM

Check in Coulee to divert water into private ditch.

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

Ans. 1.5 Second feet

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

Ans. Supplemental irrigation for 86 acres of cultivated land in Northeast Quarter Northeast Quarter, and South half of the Northeast Quarter of Sec. 11-108- 16 EBM.

Check in private ditch

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. ~~Average farm land 1" per acre~~ _____

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. ~~No.~~ _____

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. ~~Inspecting coulees at regular intervals.~~ _____

(Signed)

I hereby certify that the foregoing testimony was read to the above subscribers before its signing, that I believe ^{them} ~~him~~ to be the person ~~he~~ represents himself to be, and that said testimony was subscribed and sworn to before me in ~~Twin Falls~~, County of ~~Twin Falls~~, State of Idaho, on this ~~16~~ day of ~~March~~, A. D. 19~~62~~.

Marguerite G. Conant
Notary Public.

My commission expires ~~Nov 1 1963~~ _____.

NOTICE OF PROOF OF
COMPLETION OF WORKS

and
APPLICATION OF WATER TO
BENEFICIAL USE

NOTICE is hereby given that at 8:00 A.M., on the 16th day of March, 1962, at Twin Falls, County of Twin Falls, State of Idaho, before Marguerite G. Conant, Notary Public, at Twin Falls, Idaho, proof will be submitted of the completion of works for the diversion of 0.64 cubic feet per second of the waters of Drainage and waste which is tributary to LP Coulee, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29627, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The names and postoffice address of the person or corporation holding said permit is: Ed Tolbert, Agent for Nathan E., Bert M. Tolbert, Mrs. Marian E. Childs and Mrs. Esther L. Ewing, Route 3, Twin Falls, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water said works are capable of conveying to the place of use is 1.5 cubic feet per second.

3. The use to which said water has been applied is supplemental irrigation purposes, and the amount applied to beneficial use is 0.64 cubic feet per second.

4. The point of diversion of said water is 2,340 feet North and 1,470 feet West of Southeast Corner of Section 11, T. 10S, Range 16E in the Northwest Quarter of the Southeast Quarter.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 10S, Range 16 E.B.M. Total 86 acres.

6. The date of priority which said user is prepared to establish is March 29, 1961.

GEORGE N. CARTER
State Reclamation Engineer
Publish: Feb. 22, Mar. 1, 8, 15, 1962.

Affidavit of Publication

No 9205

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

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

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

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

consecutive Thursday, commencing with the issue dated

March 22, 1962, and ending with the issue dated

March 15, 1962

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

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

Myable F. Clark
Subscribed and sworn to before me this 15 day of

March, 1962

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

29627

TWIN FALLS CANAL COMPANY

Box 868

Twin Falls, Idaho

March 16, 1962

RECEIVED

MAR 19 1962

Department of Reclamation

Department of Reclamation
Geo. N. Carter
State Reclamation Engineer,
Boise, Idaho

Permit No. 29627

Dear Sir:

Enclosed find Affidavit of Publication, Proof of Application of Water to Beneficial Use and Completion of Works, Deposition of Holder and Deposition of Witnesses.

Also we are enclosing a protest which was handed us this morning from L.A. Warner.

Yours very truly,

TWIN FALLS CANAL COMPANY

By Marguerite Conant
Sec. - Clerk

29627

APR 14 1942

Department of Reclamation

PROTEST AND OBJECTION TO PROOF OF
COMPLETION OF WORKS AND APPLICATION
OF WATER TO BENEFICIAL USE AND GRANTING
OF LICENSE FOR WATER UNDER PERMIT
NO. 29627 ISSUED BY THE DEPARTMENT
OF RECLAMATION OF THE STATE OF IDAHO.

TO THE HONORABLE GEORGE N. CARTER, STATE RECLAMATION ENGINEER
OF THE STATE OF IDAHO:

COMES NOW L. A. WARNER of R.F.D. 1, Filer, Idaho, and respectfully represents:

That he is now and since the year 1927 has been the owner of the following described real estate located in the County of Twin Falls, State of Idaho, to-wit:

West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$) and Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of Section One (1), Township Ten (10) South, Range Sixteen (16) East of the Boise Meridian,

water and water rights represented by which land has appurtenant to it/120 shares of the capital stock of Twin Falls Canal Company, and the additional water established by use as hereinafter set out.

That Rock Creek Canyon lies to the east of said premises and a part of the rimrock of said Canyon is located in the northeast corner of $SW\frac{1}{4} SW\frac{1}{4}$ and in the northwest corner of $SE\frac{1}{4} SW\frac{1}{4}$ of said Section 1 above described, and all of said land is irrigated in a southeasterly direction and a northwesterly direction toward a Coulee commonly known as LP Coulee or toward Rock Creek except the northerly portion of the $W\frac{1}{2} SW\frac{1}{4}$ which is irrigated in a southerly direction. That about 50 acres of said 120-acre tract is rocky and thin soil and because all of said tract slopes toward Rock Creek Canyon, and is not as level as land located further away from the canyon it has been necessary to irrigate the land in question in relatively short corrugations, which takes more water for profitable use of said land.

That when protestant purchased said land it was necessary for him to remove a considerable amount of rock from a part of said land and in order to irrigate all of said land considerable levelling has been done.

That the said L. P. Coulee enters the land owned by protestant near the southwest corner of the West Half of the Southwest Quarter and runs through said land in a northeasterly direction to Rock Creek. That said Coulee carries waste water which varies in flow from time to time from between 15 inches to 35 inches. That beginning in the year 1930 protestant has used the water from said Coulee each irrigation season up to and including the irrigation season of 1961 for irrigation on the above described 120 acres of ground. That said waste water is removed from the coulee at a point about 600 feet north from the Southwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1 ~~being~~ and is carried in private ditches, along with Canal Company water, for irrigation. That by reason of use of said waste water throughout the periods above set forth protestant has been able to develop on the rocky and thin-soil portions of said 120 acres above described pasture sufficient to pasture thirty head of cattle. That all of the available water in said Coulee is necessary for profitable cultivation and use by protestant of the above described 120 acres of land. That Protestant noticed there was less water in the said Coulee in the irrigation season of 1961 but attributed the smaller amount of water therein to the shortage of irrigation water during the crop season of 1961.

Protestant respectfully represents that by his continuous beneficial use of the water from said Coulee during the irrigation seasons of the year 1930 to and including the year 1961 he has established a right to the use of said water which is prior to

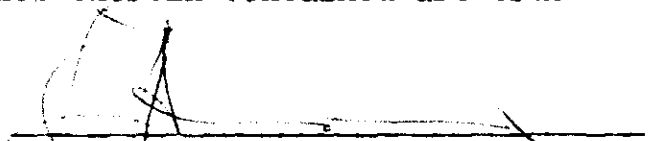
the Application for use under Permit No. 29627, and Protestant respectfully requests that such Application under said Permit numbered 29627 should be denied by you as State Reclamation Engineer of the State of Idaho, and that no License for its use under said Permit should be issued by you.


Protestant

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

L. A. WARNER, being first duly sworn, deposes and says:

That he is the Protestant named in the foregoing Protest; that he has read the foregoing Protest, knows the contents thereof, and that the statements therein contained are true as he verily believes.



Subscribed and Sworn to before me this 15th day of March, 1962.


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

AFFIDAVIT OF WITNESSES

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

We, HARRY HOLMQUIST and WILLIAM CHASE of R.F.D. 1, Filer,
Idaho, ages 59 years and 78 years, respectively, and by
occupation farmers, do solemnly swear that we are well acquaint-
ed with the character of the land described in the foregoing
Protest of L. A. Warner and with the use of water for irriga-
tion of said land from so-called L.P. Coulee by Protestant;
that said Protest has been read to us; that each of the under-
signed is a neighbor of Protestant residing near said land;
that we became acquainted with said land and the use of said
water thereon by personal observation; and that we have been
acquainted with it and the use of such water for 33 years
and 33 years respectively; that the statements made by
Protestant in the foregoing Protest as to the said land and use
of water from said coulee for irrigation is true of our own per-
sonal knowledge; and we further state that we are not interested,
in any way or manner, directly or indirectly, present or pros-
pective, in said land or the use of said water thereon.

Harry Holmquist
William Chase

I HEREBY CERTIFY that the foregoing Affidavit was read to or by
Affiants in my presence before Affiants affixed signatures thereto;
that Affiants are to me personally known; that I verily believe
Affiants to be credible witnesses and the identical persons here-
inbefore described, and that said Affidavit was duly subscribed
and sworn to before me, at my office in Twin Falls, Twin Falls
County, State of Idaho, this 15th day of March, 1962.

David D. Lawley
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

AFFIDAVIT OF WITNESS

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

I, GEORGE WILLIAM WARNER of R. F. D. 1, Filer, Idaho, age
41 years, and by occupation farmer, do solemnly swear that

I am well acquainted with the character of the land described in the foregoing Protest of L. A. Warner and with the use of water for irrigation of said land from so-called L.P. Coulee by Protestant; that said Protest has been read to me; that the undersigned is a son of Protestant and resided on said land for many years after it was purchased by Protestant; that I became acquainted with said land and the use of said water thereon by personally assisting in the operation of said farm and that I have been acquainted with it and the use of such water since 1930 when said water was first used for irrigation of said property; that the statements made by Protestant in the foregoing Protest as TO SAID Land and use of water from said coulee for irrigation is true of my own personal knowledge.

George William Warner

I HEREBY CERTIFY that the foregoing Affidavit was read to or by Affiant in my presence before Addiant affixed his signature thereto; that Affiant is to me personally known; that I verily believe Affiant to be a credible witness and the identical person hereinbefore described, and that said Affidavit was duly subscribed and sworn to before me, at my office in Twin Falls, Twin Falls County, State of Idaho, this 15th day of March, 1962.

Quail L. Gentry
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

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

RECEIVED

March 16, 1962 MAR 16 1962

Department of Reclamation

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

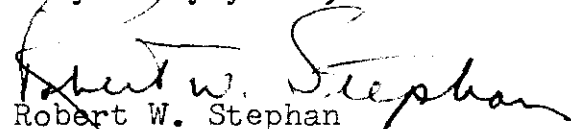
Dear Mr. Carter:

Re: Permit No. 29627 - Ed
Tolbert, Agent for Marian
E. Childs and Mrs. Esther
L. Ewing, Route 3, Twin
Falls, Idaho
and
Protest of L. A. Warner
to Proof of Completion of
Works, Beneficial Use and
issuing license

Proof of Completion of Works and Application of water to Beneficial Use on the above numbered Permit has been set for eight o'clock A.M. March 16, 1962 before Marguerite G. Conant, Notary Public, Twin Falls, Idaho, and Mr. L. A. Warner, R. F. D. 1, Filer, Idaho intends to hand to the Notary Public his written Protest to such proof and issuing of License on above numbered Permit, which Protest will no doubt be forwarded to you with the Proof to be submitted before her. However, Mr. L. A. Warner and the witnesses whose Affidavits are attached to the Protest, have executed such instruments in duplicate, and I am enclosing an executed copy of the Protest of Mr. Warner and Affidavits of William Chase, Harry Holmquist and George William Warner in support of the Protest, for your attention, and consideration by you of the Protest would be appreciated by Mr. Warner.

After you have given consideration to the Proof and Protest please advise me of your decision on the matter of use of the water from said Coulee, and it will be appreciated if you will acknowledge receipt of the enclosed Protest and attached Affidavits.

Very truly yours,


Robert W. Stephan

RWS:D
Enclosures listed

29627

February 16, 1962

Re: Permit No. 29627
Ed Tolbert, Agent for Nathan E. & Bert M. Tolbert,
Mrs. Marian E. Childs, and Mrs. Esther L. Spring

Mr. Ed Tolbert,
Rt. 3,
Twin Falls, Idaho.

Dear Mr. Tolbert:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 29627. The proofs are to be made at 8:00 o'clock A.M., on the 16th day of March, 1962, before Marguerite G. Conant, Twin Falls, Idaho, Notary Public.

As of this date we have mailed the Notice to the Times News Twin Falls, 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,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.

EPR:pmk

cc: Notary

P.S. You will note that we have changed the date for making proof from February 14th to March 16th, as the Notice for Publication was not received in this office until February 16th, and would not allow time for any publications.

29627

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

Date: February 16, 1962

Re: Permit No. 29627
Ed Tolbert, Agent for
Nathan E. & Bert M. Tolbert,
Mrs. Marian E. Childs and
Mrs. Esther L. Ewing

Times-News,
Twin Falls, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **March 16, 1962** the date set for proof; the expense of the publication is to be paid by the applicants' agent **Ed Tolbert** of **Route #3, Twin Falls, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

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

Encl.

29627

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

NOTICE is hereby given that at 8:00 A.M., on the 14th day of February 1962, at Twin Falls, County of Twin Falls, State of Idaho, before Marguerite G. Conant, Notary Public, at (address) Twin Falls, Idaho, proof will be submitted of the completion of works for the diversion of 0.64 cubic feet per second of the waters of LP Coulee, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29627, 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: Ed Tolbert, Agent for Nathan E., Bert M. Tolbert, Mrs. Marian E. Childs and Mrs. Esther L. Ewing, Route 3, Twin Falls, Idaho

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 1.5 cubic feet per second.

3. The use to which said water has been applied is supplemental irrigation purposes, and the amount applied to beneficial use is 0.64 cubic feet per second.

4. The point of diversion of said water is 2,340 feet North and 1470 feet West of Southeast Corner of Section 11, T. 10 S. Range 16 E. in the Northwest Quarter of the Southeast Quarter.

5. The place where said water is used is NE 4NE 4, S 2NE 4, Northeast Quarter and Southwest Quarter and Southeast Quarter of Section 11, T. 10 S. Range 16 E.

Total 86 acres.

6. The date of priority which said user is prepared to establish is application for permit March 29, 1961, used water for 10 years prior to application.

State Reclamation Engineer

29627

RECEIVED
FEB 16 1962
Department of Information

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 14, 1962
(P. O.) Twin Falls, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Times-News of Twin Falls, Idaho published in
T.F. 800
the county in which the works are situated.

Ed Folbert - Agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Permit No. 29627

Date: February 1, 1962

Ed Talbert
Rt 3
Twin Falls, Idaho

Dear Mr. Talbert:

Under the terms of your Permit No. 29627 you are required to make proofs of completion of works and application of water to beneficial use on or before April 21, 1962.

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

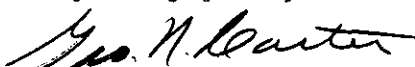
We enclose Form 36-A in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point of points of diversion and the location of use or lands which are irrigated - - by legal description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 36-A.

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

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by the field inspection to have been irrigated at the time of proof.

Very truly yours,


GEO. N. CARTER

State Reclamation Engineer

Enc. Form 11
36-A 2

29627

April 26, 1961

Re: Permit No. 29627
Nathan E. and Bert M. Tolbert
Mrs. Marian E. Childs and
Mrs. Esther L. Ewing

Mr. Ed Tolbert,
Route #3,
Twin Falls, Idaho.

Dear Mr. Tolbert:

We enclose Permit No. 29627 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30509 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

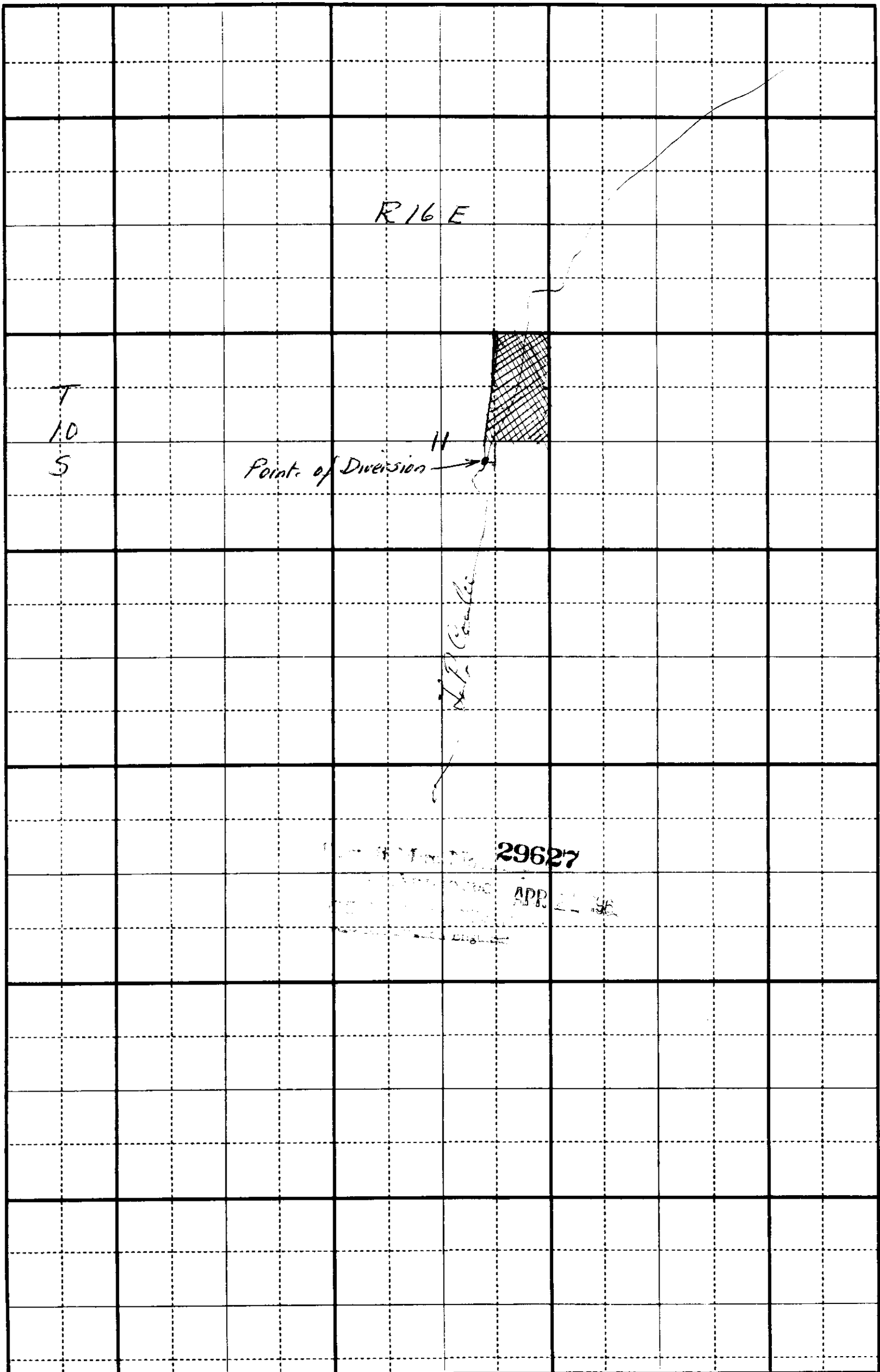
Encl.
EPR:pmk

29627

Nathan E. and Bert M. Tolbert and Mrs. Marian
E. Childs and Mrs. Esther L. Ewing
Ed. Tolbert, Agent

NAME OF APPLICANT

Form No. 0



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

29627

March 15, 1961.

Mr. Geo. H. Carter,
State Reclamation Engineer,
Room 107,
State House,
Boise, Idaho.

Re: Application for Permit
Ed Tolbert, Agent.

Dear Mr. Carter:

Reference is made to your letter of March 1, 1961, to Ed Tolbert, Twin Falls, Idaho, returning an Application for Permit to Appropriate Public Waters of the State of Idaho.

Referring to the third paragraph of this letter, the Twin Falls Canal Company has no objection to the issuance of the license limited to the diversion applied for in the Application.

Very truly yours,

TWIN FALLS CANAL COMPANY

By: 
Manager.

TWIN FALLS CANAL COMPANY

Box 868

Twin Falls, Idaho

April 14, 1961

State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Attention, Ralph W. Thomas

Gentlemen:

Referring to your letter of April 4, relative to the Tolbert application. We are enclosing copy of what we think complies with your request.

Yours very truly,

TWIN FALLS CANAL COMPANY

By *Ralph W. Thomas*
Manager

AP:c

Encl.

29627

April 4, 1961

Re: Application No. 37604
Nathan E., Bert M. Tolbert
Mrs. Marian E. Childs & Mrs. Esther L. Ewing

Mr. Ed Tolbert, Agent
Route #3
Twin Falls, Idaho

Dear Mr. Tolbert:

The application for permit is satisfactory however the water supply is drainage and waste water within the area of the Twin Falls Canal Company.

We must have a written permission from the Canal Company for the proposed diversion. Kindly obtain the necessary permission and send to this office at your earliest convenience.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

TWIN FALLS CANAL COMPANY

Box 868

Twin Falls, Idaho

March 15, 1961.

RECEIVED
MAR 29 1961

Department of Reclamation

Mr. Geo. N. Carter,
State Reclamation Engineer,
Room 107,
State House,
Boise, Idaho.

Re: Application for Permit
Ed Tolbert, Agent.

Dear Mr. Carter:

Reference is made to your letter of March 1, 1961, to Ed Tolbert, Twin Falls, Idaho, returning an Application for Permit to Appropriate Public Waters of the State of Idaho.

Referring to the third paragraph of this letter, the Twin Falls Canal Company has no objection to the issuance of the license limited to the diversion applied for in the Application.

Very truly yours,

TWIN FALLS CANAL COMPANY

By: *Alfred J. Tolbert*
Manager.

29627

March 1, 1961

Re: Application for Permit

Mr. Ed Tolbert
Route #3
Twin Falls, Idaho

Dear Mr. Tolbert:

Returned herewith is the application you submitted with attached check for \$5.25 filing fee.

The quantity of water claimed has been reduced to 0.64 cubic feet per second or a total of 1 inch per acre when added to the 5/8 inch per acre you now have.

You must submit written permission to make the diversion, signed by the Twin Falls Canal Company or the permit will be noted that water license will not be issued until it is determined that the water you claim is public water.

You may return the application with the proper filing fee of \$5.00 and it will be approved for 0.64 cubic feet per second.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application and check

29627

LEGAL ADVERTISEMENTS

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 8:00 A.M., on the 16th day of March, 1962, at Twin Falls, County of Twin Falls, State of Idaho, before Marguerite G. Conant, Notary Public, at Twin Falls, Idaho, proof will be submitted of the completion of works for the diversion of 0.64 cubic feet per second of the waters of Drainage and waste which is tributary to LP Coulee, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29627, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The names and postoffice address of the person or corporation holding said permit is: Ed Tolbert, Agent for Nathan E., Bert M. Tolbert, Mrs. Marian E. Childs and Mrs. Esther L. Ewing, Route 3, Twin Falls, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water said works are capable of conveying to the place of use is 1.5 cubic feet per second.

3. The use to which said water has been applied is supplemental irrigation purposes, and the amount applied to beneficial use is 0.64 cubic feet per second.

4. The point of diversion of said water is 2,340 feet North and 1,470 feet West of Southeast Corner of Section 11, T. 10S, Range 16E in the Northwest Quarter of the Southeast Quarter.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 10S, Range 16 E.B.M. Total 86 acres.

6. The date of priority which said user is prepared to establish is March 29, 1961.

GEORGE N. CARTER

State Reclamation Engineer
Publish: Feb. 22, Mar. 1, 8, 16, 1962, 24