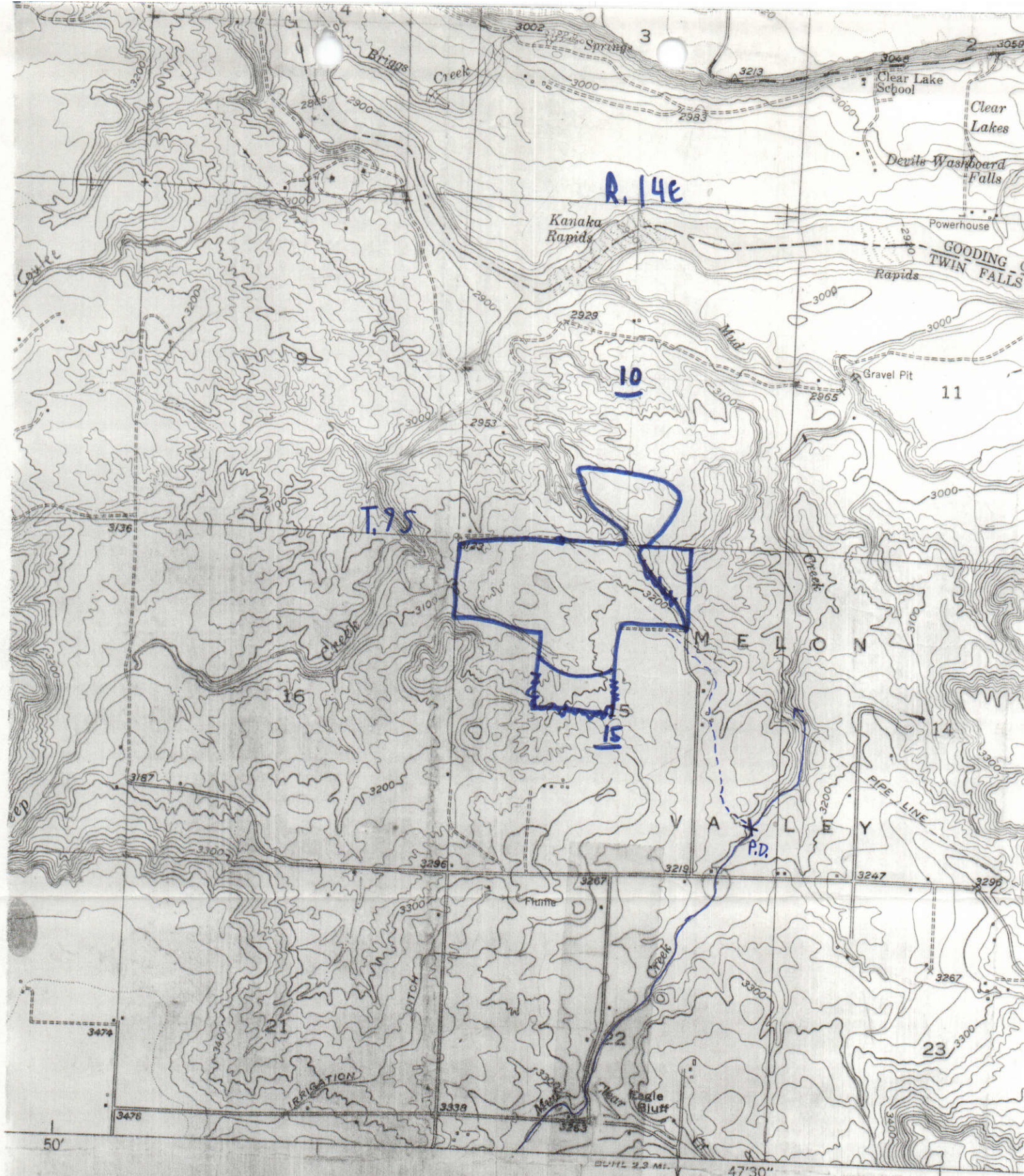
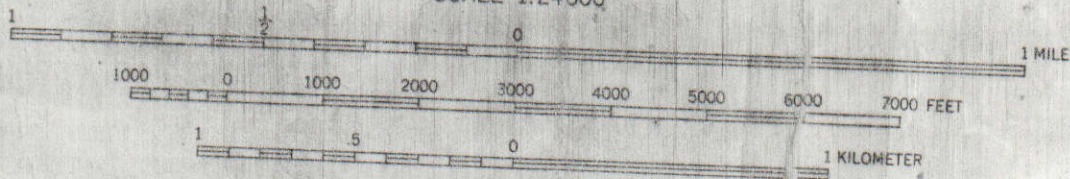




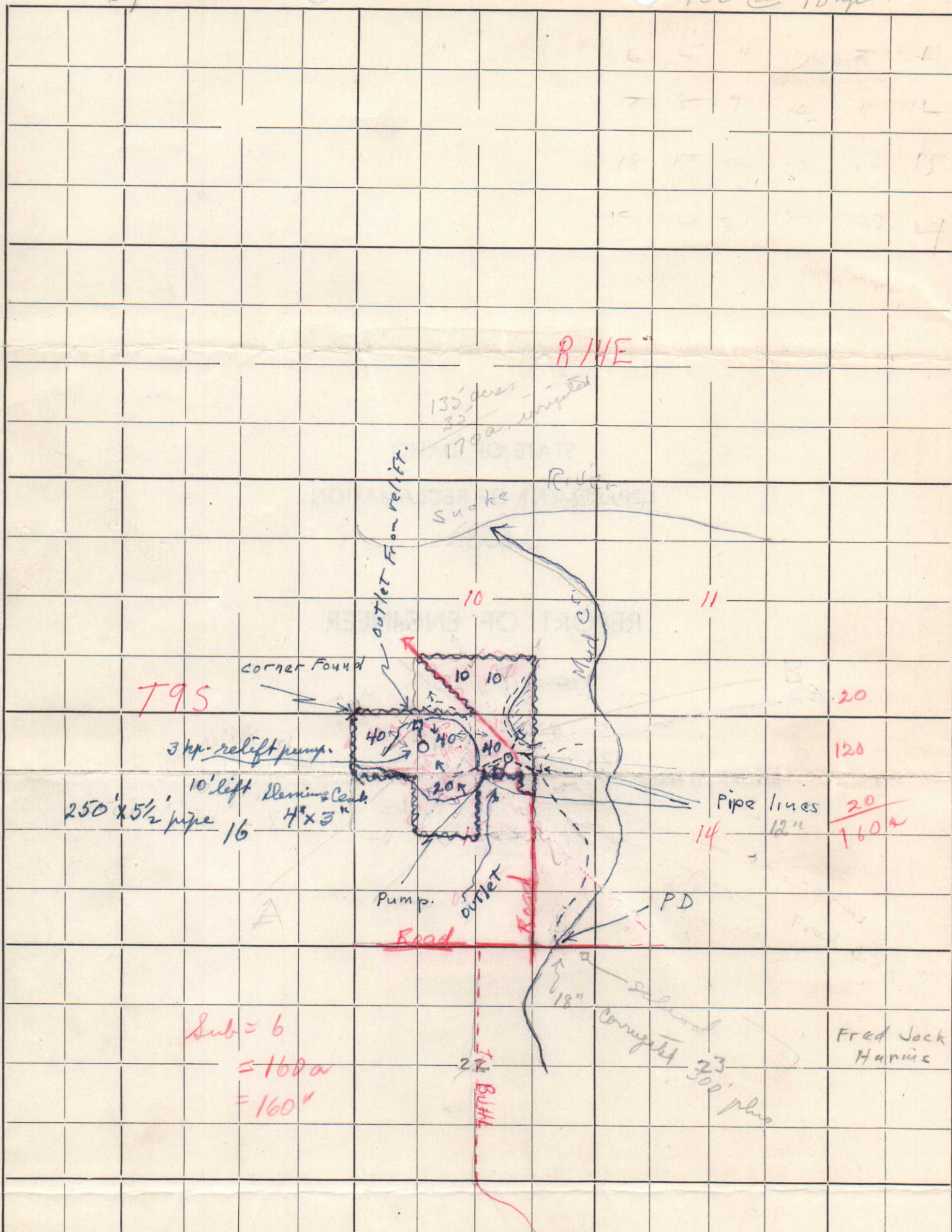
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT HALF-INTERVAL CONTOURS
CONTOUR INTERVAL ON RIVER SURFACE 5 FEET

20x110x70x558
39

135" @ 18hp



Subdivisions = 6
Area = 160 acres
Q = 160"
3.2 cfs.

P.D. is in NE 1/4 NE 1/4 S 22
needs amendment.

AFFIDAVIT of PUBLICATION

RECEIVED
JUL 16 1958

Department of Reclamation

Notice for Publication
**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M. on the 12th day of July, 1958, at Buhl, County of Twin Falls, State of Idaho, before Jess O. Eastman, Notary Public, proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of Mud Creek in accordance with the terms and conditions of Permit No. 22918 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person holding said permit is Johnnie Sharp Turner, 213 South 7th, Buhl, Idaho.

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

The amount applied to beneficial use is 3.2 cfs.

The place where said water is used SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, all in Twp. 9 S., Rge. 14 E.B.M.

The right to take water from such works is based upon Permit No. 22918.

The source of supply from which such water is diverted is Mud Creek.

The date of priority which said user is prepared to establish is July 16, 1952.

MARK R. KULP
State Reclamation Engineer.
(194)

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 5th day of June, 1958, and the last publication having been made on the 26th day of June, 1958; 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.

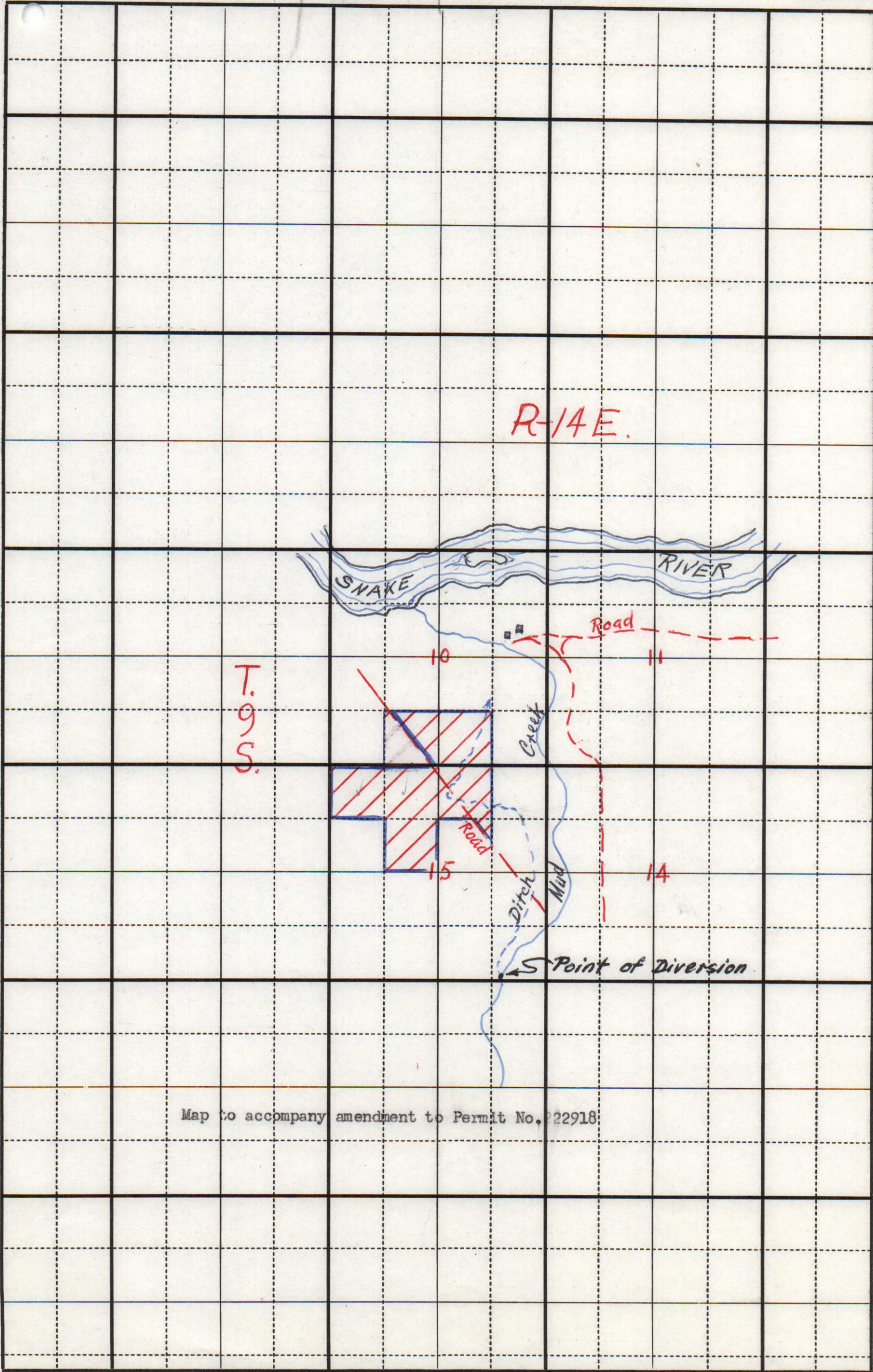
That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey
Subscribed and sworn to before me this

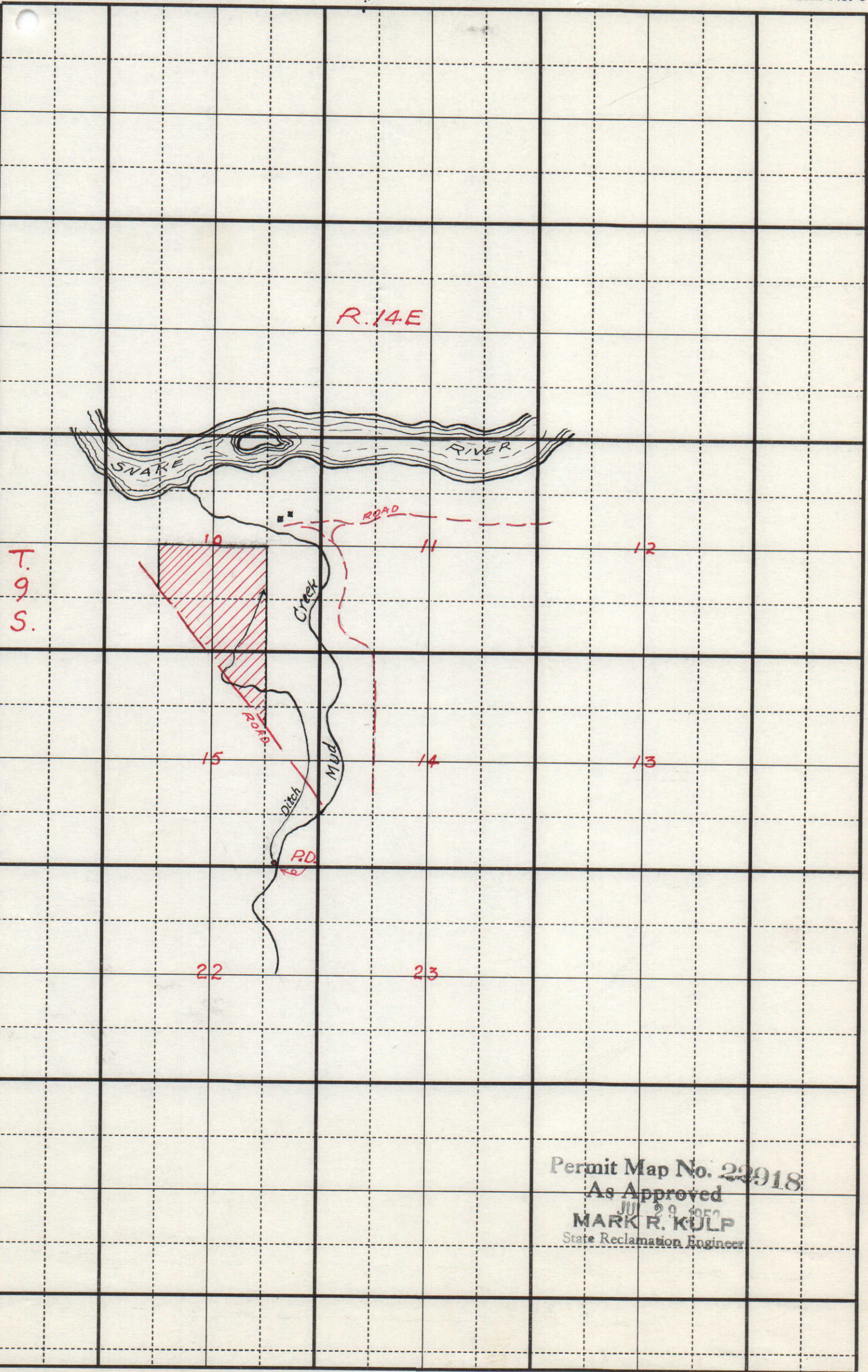
26th day of June, 1958

Rance
Residing at Buhl, Idaho
My commission expires 1-1-1960

22918



Map to accompany amendment to Permit No. 222918



Permit Map No. 22918
As Approved
JUL 29 1952
MARK R. KULP
State Reclamation Engineer

Transfer No. 3093

Water Right No. 47-2264

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Foster & Kienlen, a partnership Phone 837-4583
Post Office address c/o Jim Kienlen, Route #1 Box 32, Hagerman, ID 83332

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____ (Name of court)
 - b. License No. 47-2264 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 _____
purchase of land & water

3. Source of water Mud Creek tributary to Snake River
4. Date of priority 7-16-1952

5. Water is used for the following purposes:
amount 3.2 cfs for Irrigation purposes from Mar 15 to Nov 15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22
Township 9S Range 14E, 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 $\frac{1}{4}$	
<u>9S</u>	<u>14E</u>	<u>10</u>											<u>10</u>				<u>10</u>		<u>20</u>
		<u>15</u>		<u>40</u>			<u>40</u>	<u>40</u>	<u>20</u>										<u>140</u>

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purpose as described above _____

MICROFILMED

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

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

MICROFILMED

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	

Total number of acres to be irrigated _____

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

1. General Information

a. Amount of water to be diverted 3.2 c.f.s. &/or _____ acre feet

b. Description of diverting works Pump & pipeline to sprinkler system

c. Describe the reasons for the proposed changes Upper end of ditch is no longer usable due to later developments on the stream. Also, the old system has been abandoned in favor of a more-efficient sprinkler system. A pump on our land is needed for the sprinkler system.
2. Change in point of diversion

Point of diversion SE ¼ SE ¼, Section 15 Township 9S

Range 14E, B.M., Twin Falls County

Additional points _____
3. Change in place of use No Change

a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

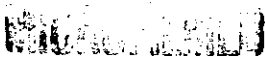
c. Describe the lands place of use to which the right will be transferred:

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

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. 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.



D. REMARKS

I hereby assert that no one will be injured by such change and that 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.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Jane K. Partner
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of December, 19 84.

Mary A. Newby
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 47-2264
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 18th day of April, 19 85.

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>JB</u>	Date <u>12-21-84</u>	Protest filed by <u>None</u>
Prelim. check by <u>JB</u>	Fee <u>\$50.00</u>	
Receipted by <u>JB</u>	Date <u>12-21-84</u> # <u>35244</u>	
Published in <u>Times News</u>		Copies of protest forwarded by _____
Pub. dates <u>1/17 + 1/24/85</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for <u>approval</u> denial
_____ rec'd. _____		by <u>ADM Jim Dwyer</u>

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 47-2284

Notice is hereby given that Foster & Kienlen, a partnership % Jim Kienlen of Hagerman, Idaho have applied to the Department of Water Resources for a change of a point of diversion of a right from Mud Creek tributary to Snake River. The right sought to be changed is evidenced by License 47-2284 and is recorded as follows:

Amount: 3.2 cfs

Priority: July 16, 1952

Point of Diversion:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T9S, R14E, B.M., Twin Falls County

The water is used for irrigation of 160 acres from March 15 to November 15 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T9S, R14E TO BE CHANGED AS FOLLOWS:

Amount: 3.2 cfs

Point of Diversion:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T9S, R14E, B.M., Twin Falls County

Place of Use: No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before February 4, 1985.

AN KENNETH DUNN

Director

PUBLISH: Thursday, January 17, and 24, 1985.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

ss.

Nº 14692

I, Linda Copps McBure

being first duly sworn upon

oath, depose and say that I am Print Club 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

January 17, 1985, and ending with the issue dated January 24, 1985.

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

24 day of

January, 1985

Goldie L. Jancett

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

FEB 21 1985

Department of Water Resources
Snake River District Office

WIDENED

69
+
73 5034

State of Idaho License and Certificate of Water Right

Water License No. 22918

Amount 3.2 c.f.s.

Water District No.

Priority July 16, 1952

THIS IS TO CERTIFY that JOHNNIE SHARP TURNER
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 16, 1952; that Permit No. 22918
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.2 second feet, was issued thereunder on July 26, 1954, showing that said works
were completed on the 26th day of July, 1954; and that on the 12th
day of July, 1958,

JOHNNIE SHARP TURNER

of Buhl, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Mud Creek
, a tributary of Snake River, for the purpose of irrigation & stock
water, under Use Permit No. 22918 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
11 of Licenses at page 6971, on the 23 day of September, 1960;

The right hereby confirmed dates from July 16, 1952;

The Point of Diversion is located

in the NE 1/4, NE 1/4, Sec. 22, Tp. 9 S, R. 14 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 3.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	14 E.	10	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	10
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	20	10
		15	NW $\frac{1}{4}$ NE $\frac{1}{4}$	20	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
					20
			Total number of acres to be irrigated:		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of September, 1960.

s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

47 2264

APPLICATION FOR PERMIT

APPLICATION No. 30667
PERMIT No. 22918

1. Name of Applicant: JOHNNIE SHARP TURNER

Postoffice address: Box 469, Buhl

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) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 160 inches or 3.2

cubic feet per second.

3. Source of water supply: **Mud Creek**

which is a tributary of Snake River

4. Location of point of diversion:

feet distant from the

corner of Section _____, T. _____, R. _____, B. M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 15 , T. 9 S. , R. 14 E. , B.M., County of Twin Falls

5. Water is to be used for Irrigation and stock watering purposes

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

(a) Point of use of water: feet distant from corner of Section

T. _____, R. _____, B.M., in the _____ of Section _____, T. _____, R. _____, B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to _____ at a point _____ feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2,000.00

8. Kind of works: Ditch and pipe line

9. Height of dam None feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width _____ feet; height _____ feet.

11. Ditch: Width at bottom 3 feet; width at water line 6 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe 16 inches; length of conduit 500 ft. pipe line miles.

Average grade per mile feet.

12. The time required for the completion of such work is **Two (2)** years.

13. The time required for the complete application of the water to the proposed use is Four (4) additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? 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.

JOHNNIE SHARP TURNER *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 11:40 A. M. July 16, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22918

Recorded in Book 82 Page 22918 Approved July 29, 1952

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 **September 29, 1952** 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 **July 29, 1953**

The whole of said work to be completed on or before **July 29, 1954**

Beneficial use of water appropriated in accordance herewith, to be made on or before **July 29, 1958**

WITNESS My hand this 29th day of July, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,

and IRA H. MASTERS, 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 . 29th

day of July, 19 52.

STATE OF IDAHO

Countersigned:

(SEAL)

By

LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals		
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄			
9 S.	14 E.	10 15	20								40				20				40	40	140 20
Total Number of Acres to be Irrigated -																		160			
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 22918																					
Comes now Johnnie Sharp Turner, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 22918, and that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SE ¹ / ₄ SW ¹ / ₄ (20 acres) SW ¹ / ₄ SE ¹ / ₄ , Section 10; NW ¹ / ₄ NE ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ (2 ¹ / ₂ acres), NE ¹ / ₄ NW ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ Section 15, Township 9 South, Range 14 East, B. M., making of 222 ¹ / ₂ acres.																					
That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by change.																					
Signed at Boise, Idaho, this 26th day of July, 1954.																					
JOHNNIE SHARP TURNER																					
Date of receipt at Office of Department of Reclamation July 26, 1954.																					
APPROVAL OF STATE RECLAMATION ENGINEER																					
I, Mark R. Kulp, 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. 22918. This approval constitutes a permit issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is valid only insofar as the rights of others will not be adversely affected thereby.																					
MARK R. KULP State Reclamation Engineer																					

Permit No. 22918
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that JOHNNIE SHARP TURNER of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 22918, issued upon Application No. 30667 bearing date of priority of July 16, 1952, authorizing the diversion of 3.2 second feet of the waters of Mud Creek, a tributary of Snake River, County of Twin Falls, State of Idaho, for irrigation and stock watering purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of Mud Creek; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 9 South, Range 14 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ (2 $\frac{1}{2}$ acres), N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15; Twp. 9 South, Range 14 East, B. M.

Witness my hand this 26th day of July, A. D. 1954.

MARK R. KULP
 State Reclamation Engineer

Proof of Completion of Works made July 26, 1954.
 Certificate of Completion of Works issued July 26, 1954.

Application for Amendment

POINT OF DIVERSION ✓
 Permit No. 22918

Comes now JOHNNIE SHARP TURNER and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 22918.

That the point of diversion is described in said Permit as being located SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 9 S., R. 14 E., B. M.

That he now requests that the point of diversion be changed to a point located: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 9 S., Rge. 14 E., B. M.

That the reason for desiring to make such change is as follows: Diversion taken from point just south of the section line.

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

Signed at Boise, Idaho, this 23rd day of September, 1960.

JOHNNIE SHARP TURNER by

Mrs. Johnnie Sharp Turner

Date of Receipt at Department of Reclamation: 9-23-60

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. 22918. 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.

s/ GEO. N. CARTER
 State Reclamation Engineer

Recorded: September 23, 1960

*License issued for 3.2 sec. ft.
 Page 6971*



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 25, 1985

RE: Transfer of Water Right No. 47-2264

Foster & Kienlen
c/o Jim Kienlen
Rt. 1, Box 32
Hagerman, ID 83332

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3093).

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 47-2264

Notice is hereby given that Foster & Kienlen, a partnership % Jim Kienlen of Hagerman, Idaho have applied to the Department of Water Resources for a change of a point of diversion of a right from Mud Creek tributary to Snake River. The right sought to be changed is evidenced by License 47-2264 and is recorded as follows:

Amount: 3.2 cfs

Priority: July 16, 1952

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T9S, R14E, B.M., Twin Falls County

The water is used for irrigation of 160 acres from March 15 to November 15 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T9S, R14E

TO BE CHANGED AS FOLLOWS:

Amount: 3.2 cfs

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T9S, R14E, B.M., Twin Falls County

Place of Use: No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before February 4, 1985.

A. KENNETH DUNN
Director

Published in Time News on January 17 and January 24, 1985.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 47-2264

Notice is hereby given that Foster & Kienlen, a partnership % Jim Kienlen of Hagerman, Idaho have applied to the Department of Water Resources for a change of a point of diversion of a right from Mud Creek tributary to Snake River. The right sought to be changed is evidenced by License 47-2264 and is recorded as follows:

Amount: 3.2 cfs

Priority: July 16, 1952

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T9S, R14E, B.M., Twin Falls County

The water is used for irrigation of 160 acres from March 15 to November 15 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T9S, R14E

TO BE CHANGED AS FOLLOWS:

Amount: 3.2 cfs

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T9S, R14E, B.M., Twin Falls County

Place of Use: No change

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before February 4, 1985.

AN KENNETH DUNN
Director

PUBLISH: - Thursday,
January 17, and 24, 1985.

RECEIVED

*ok
mayer
1/10/85*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 7, 1985

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: Notice of Proposed Change of Water Right No. 47-2264

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.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

July 15, 1968

RE: Permit 47-2264

W. R. Nutting
Manager
Federal Land Bank Association
P.O. Box 288
Twin Falls, Idaho 83301

Dear Mr. Nutting:

This is in reply to your letter of July 12, 1968, regarding a water right for Charles A. Dana. We have a water license issued to cover all the lands except SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15. We feel this could have been a error. The license calls for the NW $\frac{1}{4}$ NE $\frac{1}{4}$ vice SW $\frac{1}{4}$ NE $\frac{1}{4}$. Section 15, is made in the name of Johnnie S. Turner. License number is listed above, priority date July 16, 1952, the amount of water is 3.2 c.f.s. If your letter is correct then water license 47-2260 covers the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and is in the name of Wilfred Jacques and W. Franklin Orr for 1.3 c.f.s. priority of December 17, 1950.

There doesn't seem to be any stipulations issued under the license.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

22918
47-2264

FEDERAL LAND BANK ASSOCIATION OF TWIN FALLS

P. O. BOX 288 249 THIRD AVENUE EAST TWIN FALLS, IDAHO 83301

TELEPHONE: 733-2577

W. R. NUTTING, MANAGER



RECEIVED

State Reclamation

July 12, 1968

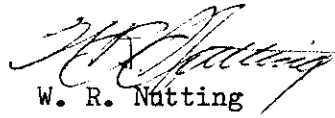
State Reclamation Department
State House
Boise, Idaho

Gentlemen:

Mr. Charles A. Dana claims a water right of 3.2 C.F.S. by license from "Mud Creek" also known by Twin Falls Canal Company as L N Coulee, for land in Twp. 9S, Rng. 14 EBM, Section 15, N $\frac{1}{2}$ NW, SENW, SWNE, and in Section 10 SWSE and part of SESW. I do not know the license number or name of licensee.

We need the number of such license, its date of priority and verification of the amount. If there are any stipulations peculiar to this license, please inform us.

Very truly yours,


W. R. Nutting
Manager

WRN:fk

47-2264
22918

22918
21791



"OWNED BY FARMERS : FOR FARMERS"

47-2264
22918

June 17, 1964

RE: License No. 22918
Johnie Sharp Turner

Hepworth & Nungester
Attorneys
Farmers National Bank Building
Buhl, Idaho

Attention: John C. Hepworth

Dear Mr. Hepworth:

We received your letter requesting water rights for land in Secs. 9 and 10, and also Sec. 15, T. 9 S., R. 14 E., S.M.

Water License No. 22918 issued to Johnie Sharp Turner for 3.2 c.f.s., priority July 16, 1952 out of Mud Creek in the NE¹/₄NE¹/₄, Sec. 22 to irrigate Sec. 10, SW¹/₄SE¹/₄, 10 Ac., SE¹/₄SW¹/₄, 10 Ac.; Sec. 15, NW¹/₄NE¹/₄, 40 Ac., NW¹/₄SW¹/₄, 80 Ac., SE¹/₄SW¹/₄, 20 Ac., total 160 acres.

No other rights were found. It would make the search for water rights simpler and more positive if you give the source of water and the point of diversion.

Information about water from canal companies would have to be obtained from the company. Such rights are transferred without notice to this office.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

22 9/18

LAW OFFICES
HEPWORTH AND NUNGESTER
FARMERS NATIONAL BANK BUILDING
BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER

June 15, 1964

AREA CODE 208
PHONE 243-4368
RECEIVED
JUN 17 1964

Department of Reclamation

Department of Reclamation
Statehouse
Boise, Idaho

Gentlemen:

I am writing to inquire as to the respective water rights that may be of record on two separate parcels of land. The lands that I wish to inquire as to any water filings are as follows:

1. The Southeast Quarter of the Southeast Quarter, (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 9, and a portion of the Southwest Quarter (SW $\frac{1}{4}$) of Section 10, all in Township 9 South, Range 14, E.B.M., Twin Falls County, Idaho.
2. A portion of the Northwest Quarter (NW $\frac{1}{4}$), Section 15, Township 9 South, Range 14, E.B.M., Twin Falls County, Idaho.

The first parcel is presently owned by Seth E. Davis. The second parcel is owned by Paul Dana. Would you please make a search of the records and advise me of any rights appurtenant to either parcel or any part of either parcel. If there is any charge for this information, please advise and I shall remit immediately.

Very truly yours,

HEPWORTH & NUNGESTER

John C. Hepworth

John C. Hepworth

JCH: jw

22918

September 23, 1960

Re: License No. 22918

Johnnie Sharp Turner
213 S. 7th Street
Buhl, Idaho

Dear Mr. Turner:

Enclosed is License and Certificate of Water Right
No. 22918 and Receipt No. 30289 for the \$12.00 statutory fee.

This is evidence of a perpetual water right for
3.2 cubic feet per second of water from Mud Creek to irrigate
the lands described thereon. The water right is appurtenant to
the land described and passes with the ownership of the land.
The deed to the land should show Water License No. 22918 in any
future land transaction.

Very truly yours,

GEO. N. CARTER
State Land Commissioner

By:

RALPH W. THOMAS
Office Engineer

RT:ew

Enc. license
receipt

22918

Application for Amendment

POINT OF DIVERSION

Permit No. 22918

Comes now Johnⁿ Sharp Turner and
represent to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to Appropriate the Public
Waters of the State of Idaho, No. 22918.

That the point of diversion is described in said Permit as being located:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T9S R14E BM

That he now requests that the point of diversion be changed to a point
located: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T9S R14E BM

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

Diversion taken from point just south of the section line.

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

Signed at Boise, Idaho, this 23rd day of September 1960

Johnⁿ Sharp Turner by

Mrs. Johnⁿ Sharp Turner

Date of Receipt at Department Of Reclamations 9-23-60

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. 22918. 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 82 of
Permits, at Page 22918
September 23, 19 60

G. N. Carter
State Reclamation Engineer

22918

September 12, 1960

Taylor Agency,
Kimberly, Idaho.

Attention: Donald Taylor

Gentlemen:

John S. Turner has a permit right only from the waters of Mud Creek, according to the records in the Department of Reclamation, and it is not a decreed water right. The status of his permit is as follows:

Applicant: John S. Turner
Source of water supply: Mud Creek
Amount filed on: 3.2 cubic feet per second or 160 inches
Date of filing: July 16, 1952
Completion of Works Proof due: July 29, 1954
Certificate of Completion of Works issued for 3.2 cubic feet per second;
Beneficial Use Proof Due: July 29, 1958 - not made
Point of diversion from Mud Creek: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp. 9 S., R. 14 E.B.M.,
Place of Use: SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2 $\frac{1}{2}$ acres; N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 9 S., R. 14 E.B.M.

To complete his permit and get a state license, it will be necessary for the applicant to file proof of beneficial use with this Department.

Hoping this gives you the information requested.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

22918

Taylor Agency

Department of Reclamation

Kimberly, Idaho
Sept. 8, 1960

Dept. Of Reclamation
Boise, Idaho.

Dear Sir:

We have a listing and a prospective buyer for the following described property; $N\frac{1}{2} NW\frac{1}{4} - SE\frac{1}{4} NW\frac{1}{4}$ and part of $NW\frac{1}{4} NE\frac{1}{4}$ section 15 - T9s - R 11e located about $4\frac{1}{2}$ miles N. W. of Buhl, Idaho. This property is in the name of John S. Turner. Mr. Turner is selling it with the understanding that it has 160 inches of Mud Creek decreed water. We would like to get some verification on this water and some information about it. Does it belong to Mr. Turner and can it be sold and transferred with the land?

If you do not have this information can you tell us where we can get it.

Taylor Agency,
Donald Taylor
Donald Taylor, Broker.

10 - S & S # - 20R S & S #

13 - 20R S & S #, 20R S & S #, 20R S & S #, 20R S & S #

22918

IN RE: Permit No. 22918)
To Appropriate Public Waters) ORDER DISMISSING PROTEST
of the State of Idaho) AND ISSUING LICENSE

- - - - -

On the 12th day of July, 1958, at 10:00 A. M., Johnnie Sharp Turner made Proof of Application of Water to Beneficial Use before Jess O. Eastman, a Notary Public residing at Buhl, Idaho.

The proof depositions of the permit holder, Johnnie Sharp Turner, and of two witnesses, were in complete and proper form acceptable to the Department of Reclamation.

Notice of intention to offer the aforesaid proof was duly published in The Buhl Herald, and informed by said publication Mrs. Elsie (Harms) Pryor under date of June 23, 1958, addressed a letter to the State Reclamation Engineer describing at some length claims as between parties using the ditch which carries the water sought to be appropriated under Permit No. 22918 as to the ownership thereof.

While Mrs. Pryor's letter might be considered to be a protest against allowance of the license yet her arguments seem to run largely to ownership matters related to the ditch and pipe line, a matter over which this Department does not assume authority nor have concern.

Inasmuch as the letter makes no claims to, nor disputes the quantity of water involved in the filing, license will issue for 3.2 cubic feet per second.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Department of Reclamation of the State of Idaho, this 8th day of July, 1959, at Boise, Idaho.


GEO. N. CARTER
State Reclamation Engineer

22918

July 9, 1959

Re: Permit No. 22918

Mr. Johnnie Sharp Turner,
213 South 7th,
Buhl, Idaho.

Dear Mr. Turner:

Enclosed is Order Dismissing Protest and
Issuing License, which is self-explanatory.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Encl.
GNC/pak

cc: Mrs. Elsie Pryor
Buhl, Idaho.

Jess O. Eastman,
Buhl, Idaho.

22918

June 29, 1959

Re: Permit No. 22918

Mr. John S. Turner
Buhl, Idaho

Dear John:

Enclosed find the cost estimate that I promised
to return.

Thanks very much.

Yours very truly,

GEO. N. CARTER
State Reclamation Engineer

By:

E. N. HUMPHREY, Deputy
State Reclamation Engineer

ENH:ew

22918

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

Permit No. 22918This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Johmie Sharp Turner2. Source of water supply: Mud Creek - Tributary of Snake River3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15T. 9 South R. 14 East, B.M. County of Twin Falls4. Describe works as they exist, giving dimensions and capacities of same: 18" culvert pipe

under road from P/D. pipe for approx. 100 yds
then open ditch to pump. Water divides here and
part goes thru a pipe line siphon to N. East by gravity
and irrigates approx 25 a. by gravity. Balance of
water is lifted by pump thru pipe line to South West
then by gravity to fields.

5. Water is used for: Irrigation and stock watering6. 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):

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp. 9 South,
Range 14 East, B. M.

There is also a small relief pump
in the field to the west that lifts water back
into ditch to ~~South~~ North

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

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

Remarks: This is a very rough piece of land and is
farmed under very adverse conditions. It is
rented this year and irrigated from a different
ditch leading in over high ground to South.

F.H.A. loaned Turner the money to put this system
in. He says the Harms people had agreed to pay for
half of the pipe that would carry water to them.
This they did not do. F.H.A. closed in. It took all of

This examination was made on the 24 day of June, 1957

Turner's cattle and machinery (Signed) E. H. Humphrey
to pay the bills. It broke him. Examiner.

22918

Johnnie Sharp Turner
Box 469, Buhl, Idaho

Permit No. 22938

Examination for Beneficial Use

County Twin Falls,

15-95-14E

Q = 3.2

S = Wind Creek

PD = SE⁴SE⁴ sec 15-95-14E

Use = Irrigation & Domestic

Dated: July 29, 1952

Due: July 29, 1954

Recheck & measure

Water

Concrete Box 9' x 4' x 4' - 12' x 12' x 12'
Pipe lead in

Pump House 1st - Deming-
Mueller 6' x 8'

Motor House 1st - Deming-
Mueller 6' x 8' - 20' x 20'

Motor, GE # 30,577,278
Serial C/T 1804X
Demand 20' x 20'
No. 10

20' x 20' x 20' x 20'
20' x 20' x 20' x 20'
20' x 20' x 20' x 20'
20' x 20' x 20' x 20'

20' x 20' x 20' x 20'

INSTRUCTIONS TO EXAMINERS

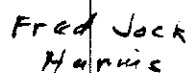
1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated 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.

Turner says Mrs. H. went to a lawyer and the lawyer came to him and was going to force a set of way there, but gave it up when he learned C/S July 26, 1954 Turner had not touched the old syphon

Turner's statement is that he refused to let them use water thru a syphon that he put in entirely at his own expense.

There is an old leaky wooden syphon (worn wrapped pipe) about 15' west of his that had formerly been used. He said they could use it if they would not pay half on the new one. He says no controversy over open ditch. This is a family affair. The Harms boy married Turner's niece. They have rented the place.

155 @ 18 ip



Area = 160 acres

$$Q = 160''$$

3. 2 c/s.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 22918

REPORT ON PROOF OF Beneficial Use

Johnnie Sharp Turner
213 South 7th
Buhl, Idaho

22918

RECEIVED

JUL 30 1958

Department of Reclamation

July 28, 1958

Brownlee Station

" Homestead, Oregon

Dept. of Reclamation

Dear Sir:

In reply to your letter of
July 21. concerning permit 22918

Would you please have your
field engineer, contact me prior
to his examination, so that I
can make arrangements to
take a day off my job here, &
be down there.

My renter there knows
nothing about it.

If he could do this
I would appreciate it

22918

ay

very much. Thank you.

Sincerely,

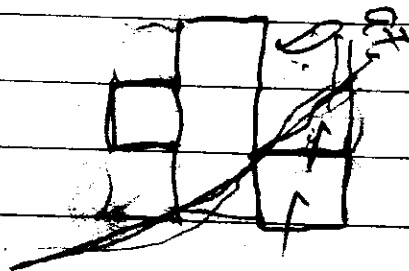
John S. Turner

Box 1312

Brownlee Station

Homestead, Oregon

22918



July 21, 1958

Re: Permit No. 22918

Johnnie Sharp Turner
General Delivery
Brownlee Station
Homestead, Oregon

Dear Mr. Turner:

We acknowledge receipt of the Deposition of holder and two witnesses, also affidavit of publication in the Puhl Herald, all submitted in Proof of Application of Water to Beneficial Use on Permit No. 22918.

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. Rutledge
Chief Clerk

EPRLW
cc: Jess O. Eastman
Puhl, Idaho

22918

JESS O. EASTMAN
BUHL, IDAHO

July 14, 1958

RECEIVED
JUL 16 1958
Department of Reclamation

RE: Permit No. 22918
Johnnie Sharp Turner

State Reclamation Department
State House,
Boise, Idaho

Gentlemen:

I am herewith enclosing the following instruments
in connection with the proof of beneficial use under the above
numbered permit.

Deposition of witness Fred Jacques

Deposition of Witness, Arnold L. Fairchild

Deposition of Holder, Johnnie Sharp Turner

Affidavit of publication

Letter of protest Elsie Harms Pryor
(see last paragraph your letter June 28, 1958)

Very truly yours,



22918

AFFIDAVIT of PUBLICATION

RECEIVED
JUL 16 1958

Department of Reclamation

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 5th day of June, 1958, and the last publication having been made on the 26th day of June, 1958; 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.

Robert E. Bailey

Subscribed and sworn to before me this

26th day of June, 1958

[Signature]

Residing at Buhl, Idaho
My commission expires 1-1-1960

22918

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 1 6 1958
Department of Reclamation

Permit No. 22918

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. ✓ Johnnie Sharp Turner temporary address General delivery Brownlee Station
Homestead, Oregon

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. Self, no corporation

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

Ans. No. 22918 dated July 16, 1952 7-29-52

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

Ans. ✓ Mud Creek - Point of diversion on the South line of the SE $\frac{1}{4}$ -SE $\frac{1}{4}$ -15-9-14

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. Steel pipe in Mud Creek approximately 500 feet long and open ditch from there to land irrigated - a part of the land is watered thru a pipeline siphon and the balance is irrigated by a pump in the ditch that raises the water approximately 30 feet where it runs in a gravity ditch. There is no name for 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. Water is used for irrigation and stock water purposes and waters all the irrigable land in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$; about 2 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ -NE $\frac{1}{4}$; NW $\frac{1}{4}$ -NW $\frac{1}{4}$; NE $\frac{1}{4}$ -NW $\frac{1}{4}$; NW $\frac{1}{4}$ -NE $\frac{1}{4}$, all in Section 15 and SW $\frac{1}{4}$ -SE $\frac{1}{4}$ and approximately 20 acres in the SE $\frac{1}{4}$ -SW $\frac{1}{4}$ of Section 10, Township 9 South, Range 14 East of the Boise Meridian.

22918

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

Ans. All for irrigation and stock water

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

Ans. One inch per acre

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. Self

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

Ans. I have farmed and irrigated this land from 1951 to date - part first then later the balance

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. Part of my land at one time had a Twin Falls Canal Company water right which was sold and transferred to other lands before I acquired the land under said right in 1952

(Sign)

Johnnie Sharp Turner

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 Buhl, County of Twin Falls

State of Idaho, on this 12th day of July, A. D. 1958.

My commission expires Feb. 4, 1961

John O. Eastman

22918

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 1 6 1958
Department of Reclamation

PERMIT NO. 22918

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Fred Jacques Age 67 R F D # 3 Farmer

Ques. 2. Are you acquainted with Johnnie Sharp Turner, the holder of Permit No. 22918? How long have you known him and where does he reside?

Ans. Yes I have known him for about 20 years - He has lived on the land for several years but his temporary address is General delivery Brownlee Station Homestead, Oregon

Ques. 3. Have you read or heard read said Permit No. 22918, and are you familiar with its provisions and conditions?

Ans. Yes I am familiar with the Permit

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. The water comes out of Mud Creek and from point of diversion extends about a mile to first place of use Point of diversion is on the South line of the SE $\frac{1}{4}$ -SE $\frac{1}{4}$ of 15-9-14

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. Approximately 3 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. Water is used for irrigation and stock water and irrigates SE $\frac{1}{4}$ -NW $\frac{1}{4}$; about 2 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ -NE $\frac{1}{4}$; NW $\frac{1}{4}$ -NW $\frac{1}{4}$; NE $\frac{1}{4}$ -NW $\frac{1}{4}$ -NE $\frac{1}{4}$; all in Section 15 and SW $\frac{1}{4}$ -SE $\frac{1}{4}$ and approximately 20 acres in SE $\frac{1}{4}$ -SW $\frac{1}{4}$ of Section 10 all in Township 9 South, Range 14 E. B. M.

I have no way of knowing just how much land is irrigated in each individual subdivision but would estimate 160 acres irrigated out of the 220

22918

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

Ans. no power

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. Soil is classified mostly as Portneuf loam and requires one inch per acre for proper irrigation

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

Ans. I have no interest in land but did own ^{adjoining} land, a part of which was under the ditch and had right to use some water out of this ditch, however I have sold land under contract and still have ~~#####~~ a considerable amount of money due me from the sale

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. I have seen all of the water used to irrigate the Turner land

(Signed)

Fred Jacques

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 Buhl, Idaho, County of Twin Falls, State of Idaho, on this 12th day of July, A. D. 1958.

My commission expires Feb. 4, 1961

[Signature]
Notary Public.

22918

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 1 6 1958
Department of Reclamation

PERMIT NO. 22918

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Arnold L. Fairchild R. F. D. 3 3 Buhl, Idaho Occupation farmer

Ques. 2. Are you acquainted with Johnnie Sharp Turner, the holder of Permit No. 22918? How long have you known him and where does he reside?

Ans. I have known him for 30 years and he has resided on R # 3 Buhl, Idaho but his temporary address is General delivery Brownlee Station, Homestead, Oregon

Ques. 3. Have you read or heard read said Permit No. 22918, and are you familiar with its provisions and conditions?

Ans. Yes I am familiar with the land and all

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. Water supply is Mud Creek and point of diversion is on South line of the SE $\frac{1}{4}$ -SE $\frac{1}{4}$ of 15-9-14 pipe out of Mud Creek - then open gravity ditch to land - and a pipe siphon across a draw for a part of the land irrigated - also a pump that raises a part of the water about 30 feet to irrigate the balance of the land

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. I figure the pipe and ditch will carry 200 inches of water or 4 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. Water is used for stock and irrigation purposes and irrigates all the irrigible land in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$; about 2 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ -NE $\frac{1}{4}$; NW $\frac{1}{4}$ -NW $\frac{1}{4}$; NE $\frac{1}{4}$ -NW $\frac{1}{4}$; NW $\frac{1}{4}$ -NE $\frac{1}{4}$, all in Section 15 and SW $\frac{1}{4}$ -SE $\frac{1}{4}$ and approximately 20 acres in SE $\frac{1}{4}$ -SW $\frac{1}{4}$ of Section 10, all in Township 9 South, Range 14 East of the Boise Meridian

22918

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

Ans. No power just irrigation and stock water

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. Land is Portneuf loam - some sandy, some shallow and will need one-inch per acre for irrigation

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. I have witnessed the irrigation of all the irrigable land and have seen crops raised and harvested from it for past four years

(Signed)

Arnold L. Leischell

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 Buhl, Idaho,

County of Twin Falls, State of Idaho, on this 12th day of July,

A. D. 19 58

John D. Eastman

Notary Public.

My commission expires February 4, 1961

22918

RECEIVED
JUL 16 1958

Department of Reclamation

Buhl Idaho
June 28/1958

Mr. Jess Eastman
Buhl Idaho
Dear Sir:

I saw a notice in the Buhl Herald that Johnnie Turner is going to prove up on his water filing in your office July 12th. And the notice said the water comes out of Mud Creek.

After I read the notice I wrote a letter to the Reclamation Office in Boise and they wrote back and said I could file a protest to Turner using the ditch if I wanted to and they also said the protest would have to be filed with you as you are the officer named before who the protest is to be made.

When we bought the 63 acres from Wilfred Jacques we got in the deed a half interest in the ditch with the right to use it and we did use the ditch to water this land.

22918

I don't want to stop Turner from using the ditch as it is big enough to carry

water for all the under it. But I think there ought to be something in his papers to show that my sons have half interest in the ditch and have a right to use it.

This land of ours now belongs to my sons and their land was watered out of this ditch long before Johnnie Turner ever owned an inch of land under this ditch.

This letter is my protest for my sons against Turner claiming any more than a half interest in this ditch from Mud Creek.

Yours truly
Mrs Elsie Pryor.

229/8

*Return to Mr. Eastman
JMB*

July 7, 1958

Re: Permit No. 22918

Mr. Jess O. Eastman
Buhl, Idaho

Dear Jess:

In Roy Thompson's absence, I will attempt to answer your letter regarding Permit No. 22918.

It seems to me that Mrs. Pryor is protected in the one half ownership of the ditch from Mud Creek, in as much as she states - "The deeds are all recorded that show he never was deeded any part of the ditch" - referring, I presume, to Turner's claim.

I think that Mrs. Pryor's letter was properly answered by the letter from this office dated June 24th, which stated that this department does not enter into the facts of ownership of a ditch which may carry water appropriated under a permit.

My suggestion to you in taking the proof is to merely take Mrs. Pryor's protest and send it in along with the proof papers, then the matter will finally be disposed of in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:lw

22918

JESS O. EASTMAN
BUHL, IDAHO

July 3, 1958

JNL
RECEIVED
JUL 7, 1958
Department of Reclamation

Re: Permit No. 22918

George N. Carter,
State Reclamation Engineer
Boise, Idaho

Attention - Roy W. Thompson

Gentlemen:

Under date June 24th. you mailed me a copy of a letter you had written to Mrs. Elsie Pryor.

On June 28th. Mrs. Pryor wrote me a letter in regard to thos filing in which she referred to the letter she wrote your office and also the letter she had received in reply.

In her^s letter to me she said that she and her former husband bought 63 acres and with it got a deed to one-half interest in the ditch from Mud Creek that Turner uses to irrigate his land.

She further states that she does not want to stop Turner from using the ditch as she claims it is big enough for both but she does want something entered in his papers showing that one-half of the ditch and right of use belongs to her sons who are now the owners of the 63 acres that she and her former husband owned and sold to their sons.

In the last paragraph of her letter she states, and I quote -- " This letter is my protest for my sons against Turner claiming any more than a half interest in this ditch from Mud Creek ".

In my experience in handling proofs of water filings I have never had anything like this before and I solicit your advice that I may know what to do when the matter comes up for final proof on July 12th.

Would it be possible to enter into the Turner papers that he has a half interest in this ditch?

I will be pleased to hear from you.

Very truly yours,

22918


File

June 24, 1958

Re: Permit No. 22918
Johnnie Sharp Turner

Mrs. Elsie Pryor
Buhl, Idaho

Dear Mrs. Pryor:

We wish to acknowledge receipt of your letter of June 23, 1958, in connection with the final proof of Johnnie Sharp Turner, on Permit No. 22918.

Your complaint seems to be more in regard to the ownership of the ditch through which Mr. Turner intends to use. We wish to state that this department has no jurisdiction over private ditches and we do not take any sides in regard to controversy's or right of way problems.

We would suggest, however, if you wish to file a protest against Mr. Turner using your son's ditch, which diverts water out of Mud Creek, that you file a protest with Mr. Eastman, in regard to same.

Very truly yours,

E. N. HUMPHREY
Deputy State Reclamation Engineer
Py

Roy W. Thompson
Office Manager

BWT:lw

cc: Mr. Jess O. Eastman
Buhl, Idaho

22918

State Reclamation Engineer
State House
Boise Idaho

RECEIVED
JUN 23 1958
Department of Reclamation

Dear Sir:

I saw in the Buhl Herald that Johnnie Sharp Turner is going to prove up on a water filing on July 12th. and that his water comes out of Mud Creek.

My former husband and two of my sons have used this same ditch to water owned by them. My former husband bought a 40 acre piece and got a deed to it and the deed covered one-half interest in this same ditch. We later sold this 40 to our oldest son who is the present owner and of course we deeded him our one-half interest in this ditch. This ditch was originally built to water land that is now owned by my two sons and another 40 acres that joins it that is now owned by Johnnie Turner.

Turner has told some of the neighbors that he owns all this ditch from Mud Creek which is not true. The deeds are all recorded that show he never was deeded any part of this ditch. The ditch is big enough to carry more water that is ever necessary to irrigate my sons land and my sons have no objection to Turner also using it but he certainly does not own it all or can he claim that it is all his.

22918

When my former husband and I owned the land

that now belongs to our sons we used the ditch and irrigated our land from it. I thought you should know all about this before the proof is made. My oldest son John L. Harms made a filing this year on water from Mud Creek out of this same ditch that he owns a half interest in.

I see in the paper that the proof is to be made before Jess O. Eastman Notary Public. He is an old timer here and he knows who built the ditch and what land it was built to water. You can ask him about it if you want to.

The ditch was built by a group of neighbors who helped Vic. Bowman build it and it was kind of a community ditch and several used water out of it. This was before Johnnie Turner ever owned an inch of land that was watered from this ditch.

My sons are both working down in California this summer so do not know anything about this Turner filing or proof which is the reason that I am writing you.

Yours truly 22918
Mrs Elsie (Harms) Pryor
Buhl Idaho.

May 29, 1958

RE: Permit No. 22918
Johnnie Sharp Turner

Mr. Jess O. Eastman
Buhl, Idaho

Dear Mr. Eastman:

This acknowledges the Notice of proof application of water to beneficial use under Permit No. 22918 in the name of Johnnie Sharp Turner. Final proof is to be made before you as Notary on the 12th day of July at 10:00 A.M.

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

It is important that the enclosed depositions be executed by the permit holder and his two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you as Notary as stated in the publication notice. 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, that your 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,

MARK R. KULP
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:vm
Enclosures 3
CC Johnnie Sharp Turner

22918

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 22918
Johannie Sharp Turner

Date: May 29, 1958

Buhl Herald
Buhl, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **July 12, 1958** the date set for proof; the expense of the publication is to be paid by the applicant; ~~is Agent-~~
Jess O. Eastman of **Buhl, 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 of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

22918

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

Notice is hereby given that at 10:00 A. M. on the 12th day of July, 1958,
at Buhl, County of Twin Falls, State of Idaho, before
Jess O. Eastman, Notary Public, proof will be submitted of the
application to beneficial use of 3.2 cubic feet per second of the waters of Mud Creek
in accordance with the terms and conditions of Permit No. 22918
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person ~~of the person~~ holding said permit ~~is~~ is
Johnnie Sharp Turner, 213 South 7th, Buhl, Idaho

The use to which said water has been applied is irrigation & livestock

The amount applied to beneficial use is 3.2 cfs

The place where said water is used ~~of the person~~ SE 1/4 SW 1/4, SW 1/4 SE 1/4 Sec. 10; SW 1/4 NE 1/4, NW 1/4 NE 1/4, NW 1/4 SE 1/4 Sec. 15, all in

Twp. 9 S., Rge. 14 E. B. M.

~~The right to take water from such works is based upon Permit No. 22918~~

The right to take water from such works is based upon Permit No. 22918

The source of supply from which such water is diverted is Mud Creek

The date of priority which said user is prepared to establish is July 16, 1952

MARK R. KULP

State Reclamation Engineer.

22918

JESS O. EASTMAN
BUHL, IDAHO

May 23, 1958

RECEIVED
MAY 26 1958
Department of Reclamation

Permit No. 22918

Johnnie Sharp Turner

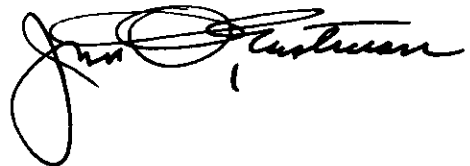
State Department of Reclamation
State House, Boise
Boise, Idaho

Gentlemen:

I am herewith enclosing one Form No. 11 and two of Form No. 10 in connection with the Final Prrof under the Permit No. 22918 of Johnnie Sharp Turner.

Mr. Eurner is out of town but mailed these forms to me. I have taken the liberty of signing Form No. 11 as his agent. If it is necessary for him to sign please return it and I will send it to his present Oregon address.

Yours very truly,



22918

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
MAY 24 1958
Department of Reclamation

(Date) May 23, 1958

(P. O.) Buhl, 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

Buhl Herald

of

Buhl, Idaho

published in

the county in which the works are situated.

Twin Falls Co.

(Johnnie Sharp Turner)

By

[Signature]

his 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.

22918

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

RECEIVED
MAY 26 1958
Department of Reclamation

Date 7-17-58

Notice is hereby given that at 10 A. M. on the 12th day of July, 1958,
at Buhl, County of Twin Falls, State of Idaho, before
Jess O. Eastman a Notary Public, proof will be submitted of the
application to beneficial use of 3.2 cubic feet per second of the waters of Mud Creek
in accordance with the terms and conditions of Permit No. 22918
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
213 South 7th Avenue Buhl, Idaho Johnnie Sharp Turner

The use to which said water has been applied is Irrigation and livestock purposes

The amount applied to beneficial use is 3.2 cubic feet or 222½ inches

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

20 acres in SE¼ SW¼ and 40 acres in SW¼ SE¼ of section 10, 2½ acres in SW¼ NE¼
and 40 acres in NW¼ NE¼ and eighty acres in N½ NW¼ and 40 acres in SE¼ NW¼ of
Section 15, all in Township Nine (9) South, Range Fourteen (14) E. B. M.

P.S. in SE, SE, S. 15, T. 9 S. - R. 14 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

No name

The right to take water from such works is based upon Permit No. 22918

The source of supply from which such water is diverted is Mud Creek

The date of priority which said user is prepared to establish is July 16, 1952 and as amended

July 16, 1954

State Reclamation Engineer.

22918

15 4/2/58

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RE: Permit No. 22918

Date May 1, 1958

Johnnie Sharp Turner
Box 469
Buhl, Idaho

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 22918 is due not later than July 29, 1958. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

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 within the county.

We enclosed Form 10, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, filled out in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water filed on, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--all by legal land description.

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 10.

At the time we send the notice to the newspaper, we will also send to 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, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Enc.

22918

May 4, 1956

RE: Permit No. 22918

Mr. Johnnie S. Turner
Route # 3 - Box 145A
Buhl, Idaho

Dear Mr. Turner:

We wish to acknowledge your letter of May 1, 1956, in which you request to know what will be necessary to complete your Water filing, Permit No. 22918 .

You have made your Completion of Works proof, however, it will be necessary for you to make a Beneficial Use proof on said Permit which is due July 29, 1958, however, this proof can be made at any time prior to that date but would not suggest that it be done unless you have all of your land under irrigation from the source of supply as given in this Permit.

You will be notified prior to July 29, 1958, and sent instructions relative to the making of Beneficial Use Proof, however, if you wish to make said proof prior to that time please let us know and instructions and forms will be mailed you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu

22918

Buhl, Idaho
May 1, 1956

Dear Sirs;

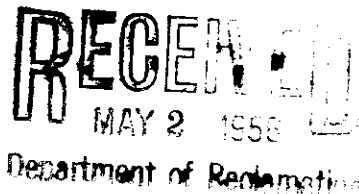
Concerning my application for water
filing & so forth concerning it. I am
wondering if I have the final proof and
everything. I understand that I have
but just want to be sure.

permit no. 22918

Receipt no. 26796

app. no. 30667

Date of priority July 6, 1952



We have a certificate of completion of works
on 3.2 feet of water from Mud Creek the
permit no. is 22918. Issued upon No 30667
water filing. It was witnessed July 26, 1954
by Mark R. Kulp, the state reclamation
engineer. Do we have to have anything
else for final proof, or is that what we
have? Please reply by return mail.

Sincerely 22918
Johannie L. Turner
Rt. 3-Box 145A Buhl.

✓
August 4, 1954

RE: Permit No. 22918

Mr. Johnnie Sharp Turner
Route 3, Box 145 A
Buhl, Idaho

Dear Mr. Turner:

We return your application for amendment to the land list in Permit No. 22918 which has been approved by the State Reclamation Engineer and recorded in this department.

We also enclose Certificate of Completion of Works issued on this Permit for the diversion of 3.2 second feet of water from Mud Creek with point of diversion in the $SE\frac{1}{4}SE\frac{1}{4}$ Section 15, Township 9 South, Range 14 East B.M. for irrigation and stock watering in the $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ Section 10; $NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ ($2\frac{1}{2}$ acres), $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 15; Township 9 South, Range 14 East B.M.

We also enclose departmental receipt No. 26796 for the \$5.00 fee paid in connection with completion of works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

22918

Permit No. 22918

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

Johnnie Sharp Turner, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 22918, and that his postoffice address is Buhl, Idaho.

Second: That the name of the stream from which said water is to be diverted is Mud Creek, a tributary of Snake River.

Third: That the point of diversion of said water is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Twp. 9 South, Range 14 East, B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 29, 1954.

Fifth: That the use for which said water is intended is Irrigation and stock purposes.

Sixth: That on the date above mentioned, the works constructed under said permit were (~~completed~~) fully completed and consisted of the following:

I. Kind of works: Ditch and pump and two pipe lines,
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

(d) Conduit Ditch width at bottom 3 feet, width at water line 4-4 $\frac{1}{2}$ feet, depth of water 2 feet; diameter of pipe 16" head pipe and 14" siphon and 14" lead pipe

feet, depth of water 2 feet; diameter of pipe / inches, average grade per mile is feet. Length of conduit is 1 $\frac{1}{2}$ miles.

Seventh: That said works are capable of conducting to the place of intended use 200" second feet of water.

Eighth: That water appropriated under said permit is available for 22 $\frac{1}{2}$ acres of land described as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15; Twp. 9 S., Rge. 14 E., B.M.

Ninth: Remarks: That

6" Dening pump, equipped with 20 HP electric motor.

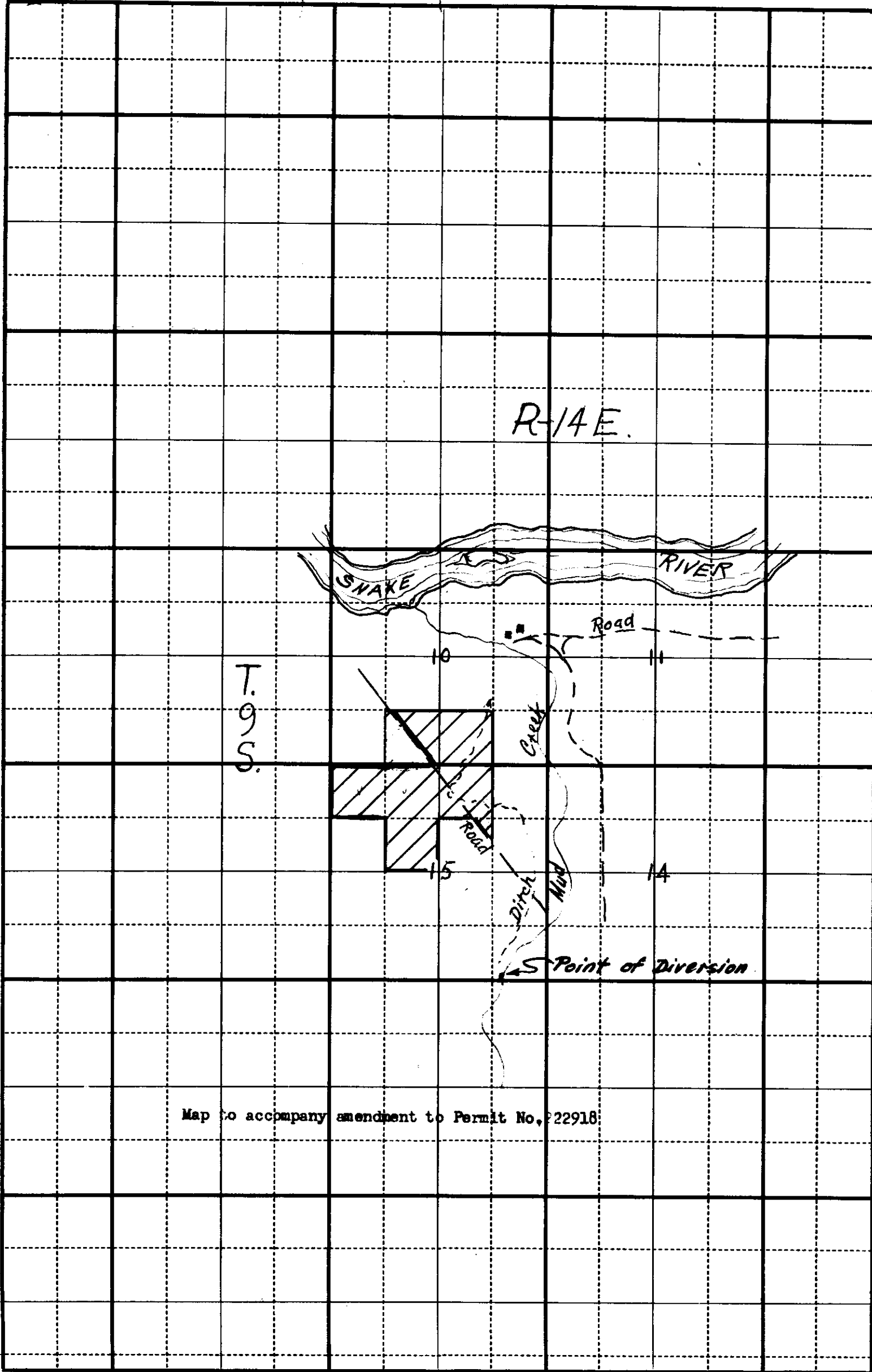
Johnnie Sharp Turner
(Sign Here)

Subscribed and sworn to before me this 26 day of July, 1954

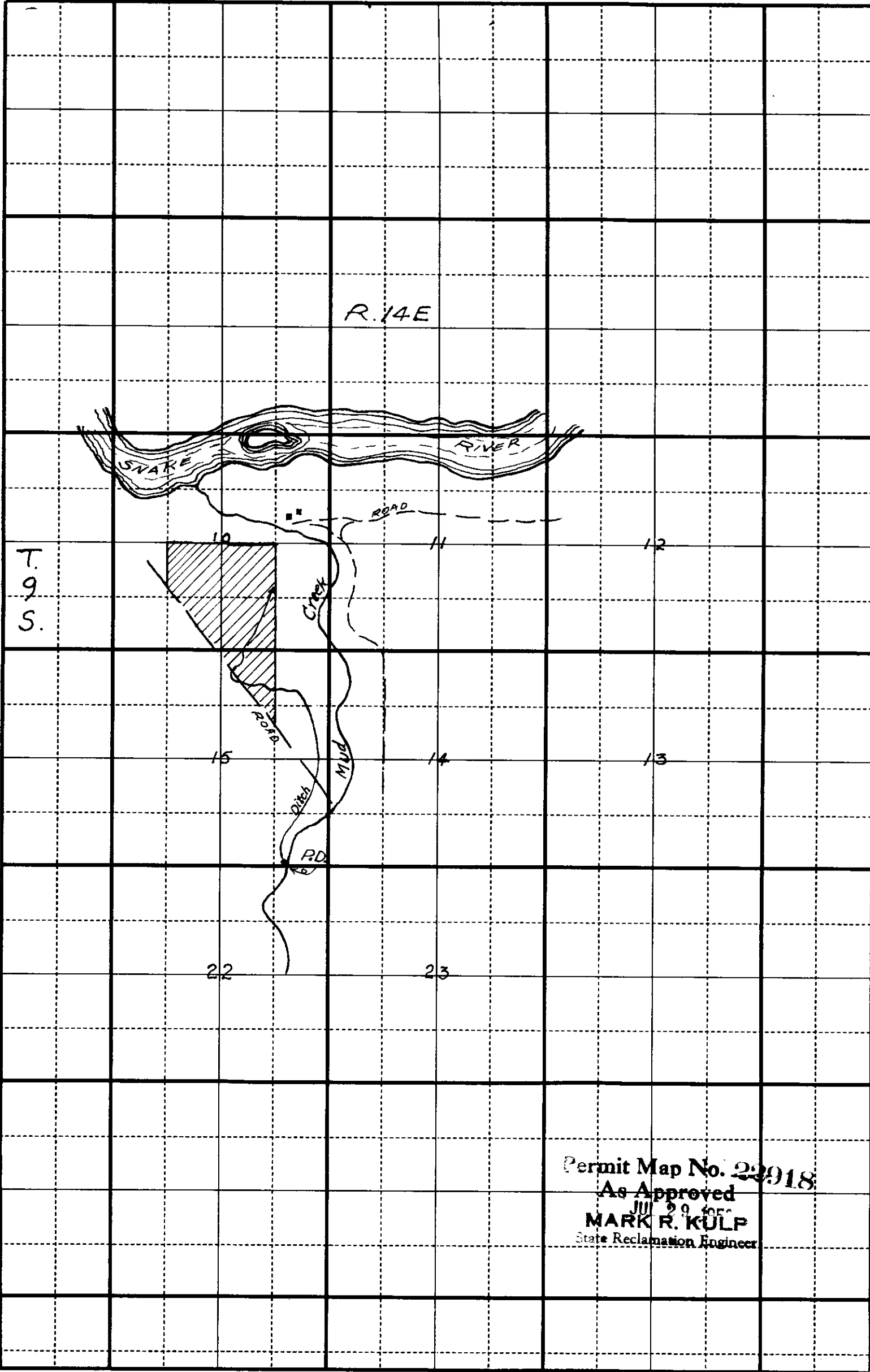
My commission expires 3-25-1957

Notary Public.

22918



Map to accompany amendment to Permit No. 22918



Permit Map No. 22918
As Approved
JUL 20 1956
MARK R. KULP
State Reclamation Engineer

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Johnnie Sharp Turner
Box 469
Buhl, Idaho

Boise, Idaho **May 1, 1954**

Dear Sir:-

Under the terms of your permit No. 22918 you are required to complete your diversion works on or before July 29, 1954. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

22918

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

WATER FACILITIES COST ESTIMATE

For Johnnie S. Turner

(Name of applicant)

Case No. _____

Address: Community Buhl

County Twin Falls

State Idaho

Legal Description of Farm (Individual Cases Only):

SW $\frac{1}{4}$ SE $\frac{1}{4}$ and portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and a portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 all in Township 9 South, Range 14 East, B.M.

Description of Facilities To Be Installed:

Two pump units, pipe lines, land leveling, and domestic water pressure system including piping.

ITEM No.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	
					LOAN FUNDS	OWNERS' CONTRIBUTIONS
				\$	\$	\$
1	Pump and motor complete 1200 gpm @ 45' head	1			1000	
2	3 HP 1 P motor with fittings	1			330	
3	14" pipe	450	L.F.	1.50	675	
4	6" pipe	250	L.F.	1.00	250	
5	Ditch and pipe structures	18			45	100
6	Ditching and land leveling	70	hrs	10.00	700	
7	Extend siphon	L.S.			300	
8	16" pipe at diversion	150	L.F.	2.00		300 C / L
9	Domestic pressure system & pipe				250	75 L
10	Fees, etc				50	
11	Labor	100	hrs	1.50		150 L
TOTAL ESTIMATED COST					\$ 3600	\$625

Estimated by Ralph W. Thomas

Title Engineer

Date 9-14-53

WATER FACILITY PLAN

Johnnie S. Turner

Buhl

Twin Falls County, Idaho

Sept. 14, 1953

Type: Domestic and irrigation

Location: The farm is located approximately 4 miles northwest of Buhl, being SW $\frac{1}{4}$ SE $\frac{1}{4}$ and portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 and NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and a portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, all in Township 9 South, Range 14 East, Boise Meridian, containing 220 acres, more or less.

Existing Facility: Domestic water well is adequate. The applicant has been depending upon waste water, especially waste water from the American Falls Reservoir District. This is the last year for a reasonably sure supply from the District. The applicant has a ditch out of Mud Creek which covers part of the land without pumping, tho a siphon is necessary.

Generally the ditches on the farm are adequate to cover approximately 90 acres.

Proposed Facility: Install pump and motor, with pipe line, in ditch to deliver water to high point of the principal farm land, pump and motor, with pipe line, in pond to cover approximately 20 acres of land now irrigated by a ditch on a high dyke, land leveling, including removal of dyke, extend both ends of existing siphon to cover additional land, and a domestic water pressure system with pipe to barn and house.

A 6 inch pump with 20 HP 3 P electric motor will be installed in the ditch to deliver approximately 130 inches of water against a 45 foot head. A concrete sump will be constructed for the pump. A 14 inch pipe, 450 feet long, will reach the high point of the farm. A concrete box will be constructed on the outlet of the pipe. A new ditch approximately 500 feet long will be necessary to connect with the existing system.

The applicant has a small pump which will deliver approximately 40 inches of water at 10 foot head. A good used motor will be purchased to operate the pump to irrigate 20 acres of land adjacent to a natural pond which collects waste water from irrigation of higher ground. The pump will permit removal of a high dyke and decrease need of using a long ditch with considerable seepage loss. A 6 inch pipe line will be used to the high point of the field. The dyke removal will provide fill for a hole in an irrigated field.

The ditch from the diversion point to the farm requires cleaning and changes in grade. Land leveling includes removal of the ditch dyke, work in irrigated field to eliminate some short runs and leveling approximately 15 acres of new land. None of the work is heavy.

The existing siphon crossing a draw from the ditch can be extended each end to include additional land.

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The applicant has sufficient 16 inch steel pipe on hand to be placed in the main ditch immediately below the diversion point. The existing ditch is between the creek and a bank which continually washes to fill the ditch. There is a seepage just above water line which would be very difficult to control. The creek side is riprapped but may require some additional rock.

The domestic well is adequate. A pressure system will be installed with pipe lines to the barn and house. The pump unit should not be placed in a pit.

The proposed work will provide facilities for economical irrigation of over 100 acres.

**Technical
Requirements:**

The applicant has Permit No. 22918 for 3.2 cfs out of Mud Creek, filed 7-16-52, work to be completed 7-29-54 and beneficial use proven by 7-29-58. Description of the land to be irrigated should be revised when proof of completion of works is made.

The applicant has written rights-of-way for the ditch to his property. No other easements are required.

The project is feasible and will fill the existing needs. The water supply is ample. There are prior rights for approximately 7 cfs of irrigation water on Mud Creek. At the time of the visit to the farm there was estimated to be over 20 cfs passing the point of diversion with most of the present users diverting from points upstream. The State Reclamation office reported that they consider a water right on Mud Creek as being very good. The stream is fed by waste water and springs caused by irrigation on higher ground. There is a limited amount of land which can be irrigated from Mud Creek. There is very little chance for any considerable expansion of irrigation on the applicants land. The supply ditch could be enlarged to deliver water for any other land which may be irrigable.

The applicant was not available to assist in a topographic survey of the irrigable land. It is proposed to make the survey this fall on portions of the farm where there might be some questions about best location of ditches. Land leveling does not involve flat grades and is only necessary to cut small ridges and fill sways to eliminate head ditches down the ridges with short runs for the corrugations. General locations of ditches appears to be satisfactory.

The applicant will do all labor possible on the work, furnish the 16 inch pipe for the supply ditch and do all final floating after land leveling.

The work should be completed by the beginning of the next irrigation season. Actual construction could be completed in four weeks.

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Life of	Pump units	value	\$1380	life 15 years
Facility:	Pipe lines	value	1525	life 25 years
	Ditch structures	value	45	life 45 years
	Ditch and land level		700	life 100 years
		Value	\$3800	

Depreciation: $\frac{1380}{15} \div \frac{1525}{25} \div \frac{45}{45} \div \frac{700}{100} = \$158$ or 4.4%

O & M Cost:	Idaho Power Company rates	
	Acres to be irrigated	110
	H. P. input to motors	25
	Hours operation per season	2050
	KWH input	38,400
	Power cost per year	\$315
	Equipment maintenance	40
	System maintenance	20
Total O & M Cost		\$375
	O & M cost per acre	\$3.41

Ralph M. Thomas
Engineer

22918

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
FOISE

Permit No. 22918

Date August 1, 1952

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

Mr. Johnnie Sharp Turner
Box 469
Buhl, Idaho

MARK R. KULP
State Reclamation Engineer

22918

Notice for Publication
**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M. on the 12th day of July, 1958, at _____, County of Twin Falls, State of Idaho, before Jess O. Eastman, Notary Public, proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of Mud Creek in accordance with the terms and conditions of Permit No. 22918 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person holding said permit is Johnnie Sharp Turner, 213 South 7th, Buhl, Idaho.

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

The amount applied to beneficial use is 3.2 cfs.

The place where said water is used SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, all in Twp. 9 S., Rge. 14 E.R.M.

The right to take water from such works is based upon Permit No. 22918.

The source of supply from which such water is diverted is Mud Creek.

The date of priority which said user is prepared to establish is July 16, 1952.

MARK R. KULP
State Reclamation Engineer.
(1944)