

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35622
Permit No. G- 27686
District No.

Everett W. Smith
Grace, Idaho

1. Name of Applicant: EVERETT W. SMITH
Postoffice address: Grace County: Caribou State: Idaho
2. Quantity of water claimed: 4 (4) cubic feet per second
(a) Rate of withdrawal in cubic feet per second Four or Idaho
Miners' inches 200 or gallons per minute 1800
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean source
4. Location of point of diversion or well is in the SE 1/4 of the NW 1/4 of Section 5
Twp. 10 S , Rge. 40 E , B.M., County of Caribou
5. Water is to be used for: Irrigation and domestic
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B. M.,
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B. M.
7. Kind of works: Drilled well, cased where necessary
8. Estimated cost of works: \$ 17,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir: None
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None - Dry land
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 4.0 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Acreage in respective sub divisions vary because of two parallell strips of waste land crossing full tract of land. It will in no way interfere with sprinkler irrigation.

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

/s/ Everett Smith
Applicant.

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 1:30 P. M. December 22, 1958

Returned to applicant for correction: December 22, 1958

Corrected application received: December 26, 1958

Approval of State Reclamation Engineer

The number of this permit is G— 27686

Recorded in Book 97 Page 27686 Approved January 9, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

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

One-fifth of the work above specified to be completed on or before July 9, 1961

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before January 9, 1964

Witness my hand this 9th day of January, 1959 /s/ Geo. N. Carter
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD D. 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 9th
day of January, 19 59

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ ARNOLD WILLIAMS

By /s/ ROBERT .E. SMYLLIE
Governor

12.

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 So.	40 E	32																	35
10 S	40 E	5																	205
																			240

LICENSE ISSUED FOR 2.88 SEC. FT.
 LICENSE PAGE NO.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4842
WATER RIGHT NO(S) . ~~13-02198/13-07005~~
29-08240/29-08241

This is to certify that: DBA JORGENSEN BROTHERS
TERRY C JORGENSEN ET UX
KEITH C JORGENSEN ET UX
1928 OLD HWY 30
BANCROFT ID 83217

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>DIVERSION VOLUME</u>
Right No. 13-02198 :			
IRRIGATION	04/15 to 10/15	2.88 CFS	
Priority: 12/22/1958			
Right No. 13-07005 :			
IRRIGATION	04/15 to 10/15	3.74 CFS	
Priority: 05/15/1969			
TOTAL:		* 3.82 CFS	* 108.6 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 14, Township 09S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	40E	13	NENW 38	NWNW 39	SWNW 39	
			SEnw 38			154
		14	NENE 13	SWNE 30	SENE 40	
			NWNW 39	SWNW 39	SEnw 40	201
Total number of acres irrigated:						* 355 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13T.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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TRANSFER NO. 4842
WATER RIGHT NO(S). 13-02198/13-07005

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 8. Right 13-02198 is limited to the irrigation of 246.0 acres in the place of use described above in a single irrigation season.
- ** 9. Right 13-07005 is limited to the irrigation of 352.0 acres in the place of use described above in a single irrigation season.
- * 10. Rights 13-02198 and 13-07005 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 108.6 af, and the irrigation of 355.0 acres.
11. The well previously used under Rights 13-02198 and 13-07005 shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 24th day of

April, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

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APR 27 2000

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
TRANSFER NO. 4842 IN THE NAME)
OF JORGENSEN BROTHERS)
_____)

**ORDER GRANTING
PETITION FOR RECONSIDERATION**

FINDINGS OF FACT

1. On May 20, 1996, Jorgensen Brothers ("applicant") filed Application for Transfer No. 4842 with the Department of Water Resources ("Department") seeking to change the point of diversion and place of use of water right Nos. 13-02198 and 13-07005. The application was subsequently protested by Neibaur Farm Enterprises.

2. On February 4, 2000, the Department issued a Preliminary Order voiding the application.

3. On February 28, 2000, the applicant filed a Request for Reconsideration seeking time to resolve the protest or to have the Department set the matter set for hearing.

CONCLUSIONS OF LAW

1. The applicant has shown sufficient cause to allow the applicant time to resolve the matter or to request a hearing.

2. The Department should rescind its Preliminary Order issued on February 4, 2000, and should provide some time for the applicant to seek resolution of the matter.

ORDER

IT IS THEREFORE HEREBY ORDERED as follows:

1. The Preliminary Order of the Department dated February 4, 2000, is temporarily **RESCINDED**.

2. Within thirty (30) days of the date of this order, the applicant shall either provide evidence to the Department that the protest has been resolved or shall request in writing that the matter be scheduled for hearing before the Department.

3. Failure of the applicant to timely comply with item 2 above in this order shall automatically cause the Department's Preliminary Order issued on February 4, 2000 to become of full force and effect with the application being **VOIDED**.

Dated this 22nd day of March, 2000.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 22nd day of March, 2000, the above and foregoing ORDER GRANTING PETITION FOR RECONSIDERATION was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Terry Jorgensen
Jorgensen Brothers
1928 Old Hwy. 30
Bancroft, ID 83217

Neibaur Farm Enterprises
1550 Central Rd.
Bancroft, ID 83217

A. Bruce Larson
Meyers, Thomsen & Larson, PLLP
241 S. Main St.
P.O. Box 608
Soda Springs, ID 83276

Harold W. Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402-1718


Deborah Drew-Ellis, Administrative Assistant
Water Allocation Bureau

RECEIVED

FEB 25 2000

~~Department of Water Resources~~

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4842 IN)
THE NAME OF JORGENSEN BROTHERS)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. In June of 1996, Application for Transfer #4842 was filed by the Jorgensen Brothers and protested by Neibaur Farms.
2. On July 28, 1997, the applicants were asked to request a hearing date or withdraw the application.
3. On January 14, 1998, a Notice of Intent to cancel Transfer application #4842 was sent since no written response had been received.
4. On February 9, 1998, the Department received a letter from the applicants asking for a formal hearing.
5. On November 10, 1998, the applicants were advised that Glen Saxton, the potential hearing officer had open dates in January and February of 1999. The applicants were asked to respond with dates they would be available in those months.
6. Since no response came forth from the applicants by January 21, 1999, I called Terry Jorgensen about the hearing dates and he said he would get back to me.
7. As of February 3, 2000, no formal response has been received.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, provides in pertinent part as follows:

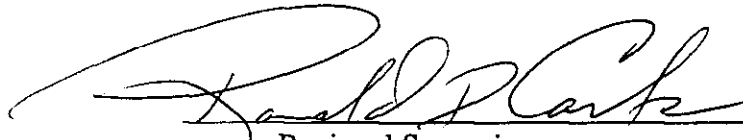
If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

2. The applicant has not responded to the department and has not provided the information requested.
3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 4842 in the name of Jorgensen Brothers is **VOIDED** pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 4th day of February, 2000.


Regional Supervisor

#100 Fee

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4842

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 25 2000

PART 1

Department of Water Resources

Name of applicant

Jorgensen Brothers C/O
Terry + Keith JorgensenPhone (208) 425-

Post Office address

1928 old Hwy 30 BANCROFT ID 83217547-7214 M
3864

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes BETTER PRODUCTIVE GROUND ON THE NEW PLACE
OF USE

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------------|-------------------|-------------|-------------------|-----------------------------|
| <u>13-02198</u> | <u>12/22/1958</u> | <u>2.88</u> | <u>IRRIGATION</u> | <u>4-15</u> to <u>10-15</u> |
| <u>13-07005</u> | <u>5/15/1969</u> | <u>3.74</u> | <u>IRRIGATION</u> | <u>4-15</u> to <u>10-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred *3.82 cubic feet per second and/or 1065 acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	14	9S	40E	CARIBOU	

5. Lands irrigated or place of use:

Twp.	Rge.	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	
9S	40E	13					38	39	39	38									154
		14	13		30	40		39	39	40									201

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APR 21 2000Total acres 355

PART 1

6. General Information:

a. Description of diversion system WELL AND PUMP TO PIVOTS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

DRY FARM

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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APR 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 13-02198 Decreed to EVERETT W. SMITH
in case of STATE OF IDAHO vs. GERALD ACKERMAN ET AL
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____4. Date or priority 12/22/1958

5. Water is used for the following purpose:

amount 2.88 cfs for IRRIGATION purposes from 4-15 to 10-15
(cfs/ac-ft) amount 0.04 cfs for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right *2.88 cubic feet per second and/or 738 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	5	10S	40E	CARIBOU	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	40E	32											19	19			3	15	56
10S	40E	5	34		28		38	34	28	28									190

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Total acres 2469. Describe any other water rights used for the same purpose as described above 13-07005

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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APR 27 2000

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 13-07005 Decreed to EVERETT W. SMITH
in case of STATE OF IDAHO vs. GERALD ACKERMAN ET AL
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 5/15/1969

5. Water is used for the following purpose:

amount 3.74 cfs for IRRIGATION purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right *3.74 cubic feet per second and/or 1056 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	5	10S	40E	CARIBOU	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
9S	40E	32											16	21			3	20	60
10S	40E	5	~~33~~	34	28	19	40	40	36	37						21	4		292
			11	12			13	14											

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APR 27 2000

Total acres 352

9. Describe any other water rights used for the same purpose as described above 13-02198

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

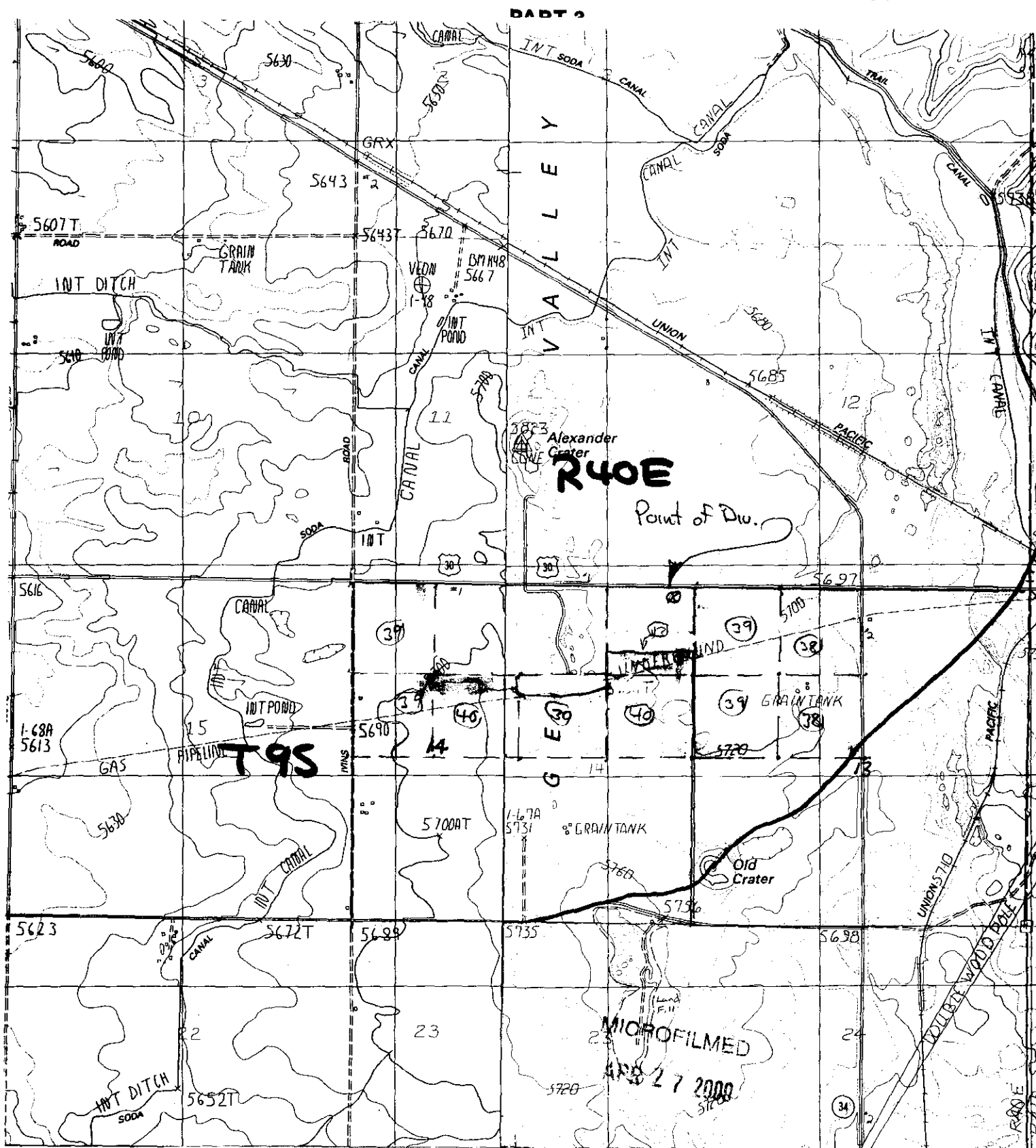
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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APR 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT



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

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

JORGENSEN BROTHERS

By Terry Jorgensen
Terry Jorgensen (Signature of Applicant)

Subscribed and sworn to before me this 17th day of May, 1996.

Paula F. Cat
(Notary Public)

My commission expires 3/5/98

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by WM Date 5/20/96 Protest filed by _____Prelim. check by _____ Fee #100Receipted by HWT #E022181 Date 5-20-96Published in Caribou County Sun Copies of protest forwarded by _____Pub. dates June 6 & 13, 1996 Hearing held by _____ Date _____Watermaster recommendation requested on June 24, 1996 Recommended for ☐ approval ☐ denialGroundwater Dist Bancroft Sund rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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APR 27 2000

Water Right Number - 13-07005

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH

EVERETT W

1 - 1670 TURNER RD

2 -

3 -

City- GRACE

Phone - 208-000-0000

State- ID Zip- 83241

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/15/1969 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
10S 40E 5 SE NW (29) CARIBOU

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 3.740 1056.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.740 1056.00 880.0

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	40E	32	SW SW		16.0	01	IRRIGATION	(29) CARIBOU
09S	40E	32	SE SW		21.0	01	IRRIGATION	(29) CARIBOU
09S	40E	32	SW SE		3.0	01	IRRIGATION	(29) CARIBOU
09S	40E	32	SE SE		20.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	NE NE	1	33.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	NW NE	2	34.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	SW NE		28.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	SE NE		19.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	NE NW	3	40.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	NW NW	4	40.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	SW NW		36.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	SE NW		37.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	NW SE		21.0	01	IRRIGATION	(29) CARIBOU
10S	40E	5	SW SE		4.0	01	IRRIGATION	(29) CARIBOU

Total Acres: 352.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 13-02198

MICROFILMED
APR 27 2000

Water right number - 13-07005

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT
13-02198 SHALL NOT EXCEED 3.82 CFS.
THE MAXIMUM COMBINED IRRIGATED LAND UNDER THIS RIGHT AND RIGHT
13-02198 SHALL NOT EXCEED 355 ACRES.
THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER
ACRE.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Audit Fields - 02/12/90 SRBA 10/29/91 SHAW 11/27/91 CPSHAW 03/29/95 POST-STD

+ - - - - Comments - - - - - +

No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 2919
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 00/00/0000	Last Amended Date - 00/00/0000	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - X999999	Federal/State Indicator - S
Claims Tape Error Flg -	POU Ownership Flag - Y	Presumption Flag -
Fee Exempt Flag -	Name Connector -	Notice of Error Flag -

MICROFILMED
APR 27 2000

Water Right Number - 13-02198

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SMITH

EVERETT W

1 - 1670 TURNER RD

2 -

3 -

City- GRACE

State- ID Zip- 83421

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
12/22/1958 15 EASTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name
10S 40E 5 SE NW (29) CARIBOU+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 2.880 738.00
43 - DOMESTIC 01/01 12/31 0.040 1.20+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.880 738.00 615.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 40E 32 SW SW 19.0 01 IRRIGATION (29) CARIBOU
09S 40E 32 SE SW 19.0 01 IRRIGATION (29) CARIBOU
09S 40E 32 SW SE 3.0 01 IRRIGATION (29) CARIBOU
09S 40E 32 SE SE 15.0 01 IRRIGATION (29) CARIBOU
10S 40E 5 NW NE 34.0 01 IRRIGATION (29) CARIBOU
10S 40E 5 SW NE 28.0 01 IRRIGATION (29) CARIBOU
10S 40E 5 NE NW 38.0 01 IRRIGATION (29) CARIBOU
10S 40E 5 NW NW 34.0 01 IRRIGATION (29) CARIBOU
10S 40E 5 SW NW 28.0 01 IRRIGATION (29) CARIBOU
10S 40E 5 SE NW 28.0 01 IRRIGATION (29) CARIBOU

Total Acres: 246.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME

+ - - Other Rights for Same Use - 13-07005

Water right number - 13-02198

Prefix Translation: WATER RIGHT

```

+ - - - - Remarks - - - - - +
THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT
13-07005 SHALL NOT EXCEED 3.82 CFS.
THE MAXIMUM COMBINED IRRIGATED LAND UNDER THIS RIGHT AND RIGHT
13-07005 SHALL NOT EXCEED 355 ACRES.
THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +
                                          00/00/0000

+ - - Audit Fields - 02/12/90 SRBA 02/22/90 PEPPERSA 10/29/91 SHAW 11/27/91 CPSHAW 03/29/95 POST-STD

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000   Field Inspection Made - 00/00/0000   Civil Case Number - 2919
Objection Filed Date - 00/00/0000   Field Inspection Flag - - - - -   Old Case Number - - - - -
Response Filed Date - 00/00/0000   Verified Date - 00/00/0000   Old Judicial District - - - - -
Claim Received Date - 00/00/0000   Last Amended Date - 00/00/0000   Temporary Right - P
Proof Due Date - 00/00/0000   Proof Made Date - 00/00/0000   Water District - - - - -
Licensed Date - 00/00/0000   Receipt Number - X999999   Federal/State Indicator - S
Claims Tape Error Flg - - - - -   POU Ownership Flag - Y   Presumption Flag - - - - -
Fee Exempt Flag - - - - -   Name Connector - - - - -   Notice of Error Flag - - - - -

```

MICROFILMED
APR 27 2000

MAKE CHECK PAYABLE TO:
DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

CARIBOU COUNTY 1995 PROPERTY TAX NOTICE
CODE AREA 15

PARCEL NUMBER
RL 35410

Smith

MARKET VALUE	HOMESTEAD	NET VALUE
6,059	0	6,059

JORGENSEN, TERRY C ETAL
1928 OLD HWY 30
BANCROFT, ID 83217

TAXING DISTRICT	**RATE*	**AMOUNT**
COUNTY	.5397089%	32.71
SCHOOL DIST #14	.6215843%	37.66
TURNER CEM.	.0347819%	2.11
GRACE LIBRARY	.0502908%	.05

MICROFILMED

APR 27 2008

E1/2SW1/4, SW1/4SW1/4, 120 AC.
SEC 33 T 9S-R 40 E

TOTAL TAX/SPECIALS	1.2463659%	75.53
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		75.53

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

1ST TAX	37.77	2ND TAX	37.76	FULL TAX	75.53
HALF PEN		HALF PEN		PEN	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

AT THE NORTH OF THE COURTHOUSE IS AN ELEVATOR AND
PARKING FOR SENIOR CITIZENS & HANDICAPPED PERSONS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

1995
15

JORGENSEN, TERRY C ETAL RL 35410
1928 OLD HWY 30

CARIBOU COUNTY 1995 PROPERTY TAX NOTICE
CODE AREA 15

MAKE CHECK PAYABLE TO:
DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

PARCEL NUMBER
RL 35370

MARKET VALUE HOMESTEAD NET VALUE

26,676 0 26,676

JORGENSEN, TERRY C ETAL
1928 OLD HWY 30
BANCROFT, ID 83217

TAXING DISTRICT **RATE* **AMOUNT**
COUNTY .5397089% 143.96
SCHOOL DIST #14 .6215843% 165.81
TURNER CEM. .0347819% 9.28
GRACE LIBRARY .0502908% 13.22

S1/2 S1/2 160 AC. SEC 32
T 9S-R 40 E

MICROFILMED
APR 27 2000

TOTAL TAX/SPECIALS 1.2463659% 332.47
-CIRCUIT BREAKER
-PREPAYMENT ON
NET TAX/SPEC DUE 332.47

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

1ST	TAX	166.24	2ND	TAX	166.23	FULL	TAX	332.47
HALF	PEN		HALF	PEN			PEN	
	INT			INT			INT	
	COST			COST			COST	
	TOT			TOT			TOT	

AT THE NORTH OF THE COURTHOUSE IS AN ELEVATOR AND
PARKING FOR SENIOR CITIZENS & HANDICAPPED PERSONS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

1995
15

DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

Smith

PARCEL NUMBER
RL 36560

MARKET VALUE	HOMESTEAD	NET VALUE
38,675	0	38,675

JORGENSEN, TERRY C ETAL
1928 OLD HWY 30
BANCROFT, ID 83217

TAXING DISTRICT	**RATE*	**AMOUNT**
COUNTY	.5397089%	208.73
SCHOOL DIST #14	.6215843%	240.40
TURNER CEM.	.0347819%	13.45
GRACE LIBRARY	.0502908%	19.45

LOTS 2-3-4, S1/2NW1/4, SW1/4
NE1/4 245 AC.
SEC 4 T10S R40E

MICROFILMED
APR 27 2000

TOTAL TAX/SPECIALS	1.2463659%	482.03
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		482.03

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

1ST TAX	241.02	2ND TAX	241.01	FULL TAX	482.03
HALF PEN		HALF PEN		PEN	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

AT THE NORTH OF THE COURTHOUSE IS AN ELEVATOR AND
PARKING FOR SENIOR CITIZENS & HANDICAPPED PERSONS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

1995
15

JORGENSEN, TERRY C ETAL RL 36560
1928 OLD HWY 30
BANCROFT, ID 83217

2ND HALF TAX

MAKE CHECK PAYABLE TO:
DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

CARIBOU COUNTY 1995 PROPERTY TAX NOTICE
CODE AREA 15

PARCEL NUMBER
RL 36570

MARKET VALUE HOMESTEAD NET VALUE

226,573 0 226,573

JORGENSEN, TERRY C ETAL
1928 OLD HWY 30
BANCROFT, ID 83217

TAXING DISTRICT **RATE* **AMOUNT**
COUNTY .5397089% 1222.83
SCHOOL DIST #14 .6215843% 1408.34
TURNER CEM. .0347819% 78.81
GRACE LIBRARY .0502908% 113.95
TV TRANSLATOR 15.00
LANDFILL 65.00

N1/2, N1/2SE1/4, SW1/4SE1/4,
445.50 AC. SEC 5 T10S R40E

MICROFILMED
APR 27 2000

TOTAL TAX/SPECIALS 1.2463659% 2,903.93
-CIRCUIT BREAKER
-PREPAYMENT ON
NET TAX/SPEC DUE 2,903.93

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

1ST	TAX	1,451.97	2ND	TAX	1,451.96	FULL	TAX	2,903.93
HALF	PEN		HALF	PEN			PEN	
	INT			INT			INT	
	COST			COST			COST	
	TOT			TOT			TOT	

AT THE NORTH OF THE COURTHOUSE IS AN ELEVATOR AND
PARKING FOR SENIOR CITIZENS & HANDICAPPED PERSONS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

1995
15

JORGENSEN, TERRY C ETAL RL 36570

8-10
RECEIVED

MAR 18 2000

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAR 01 2000

Department of Water Resources
Eastern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right No(s): 13-2198

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Everett W. Smith
1670 Turner Road, Grace, Idaho 83241

4. New Owner/Claimant(s) Terry C. Jorgensen et ux & Keith C. Jorgensen et ux
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1928 Old Highway 30 503 Bench Lago Road
City, State and ZIP Code Bancroft, ID 83217 Grace, Idaho 83241
New Telephone Number (208) 425-3864 208-425-3138

5. Date you acquired the property _____

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Keith C. Jorgensen
Terry C. Jorgensen

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

MICROFILMED

APR 13 2000

146937

WARRANTY DEED

The Grantor, FARM CREDIT BANK OF SPOKANE, successor by merger to THE FEDERAL LAND BANK OF SPOKANE, a corporation, for and in consideration of the sum of TEN AND NO/100 DOLLARS, (\$10.00), and other valuable consideration in hand paid, conveys and warrants to JORGENSEN BROTHERS, an Idaho general partnership, whose complete mailing address is 1928 Old Hwy 30 Bancroft, Idaho 83217, the following described real estate situated in the County of Caribou, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

Grantor hereby expressly conveys unto the Grantee their successors and assigns, forever, all oil, gas, coal, ores, minerals and fossils of every name, kind or description, not previously reserved which may be in or upon said lands above described or any part thereof. PROVIDED, HOWEVER, Grantor does not warrant or covenant with said Grantee with respect to the existence or nonexistence of any pollutants, contaminants or hazardous waste prohibited by federal, state or local law or claims based thereon arising out of the actual or threatened discharge, release, disposal, seepage, migration or escape of such substances at, from or into the demised premises.

DATED This 13 day of December, 1993.

FARM CREDIT BANK OF SPOKANE

STATE OF IDAHO } ss.
County of Caribou

146937

By Kim H. Jorgensen
Title: Authorized Agent

I hereby certify that this instrument was filed at the request
of Caribou Title
at 3:30 o'clock P on 17 day of
Dec, 1993 in my office and duly
recorded in Microfilm Records
Edna Jzatt 9⁰⁰
Ex-Officio Recorder Deputy CT

MICROFILMED

APR 13 2000

CARIBOU COUNTY IDAHO

Township 9 South, Range 40 East of the Boise Meridian:

Section 32: $S\frac{1}{2}S\frac{1}{2}$.Section 33: $SW\frac{1}{2}SW\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}$.

Township 10 South, Range 40 East of the Boise Meridian:

Section 4: Lots 2,3,4, $S\frac{1}{2}NW\frac{1}{2}$, $SW\frac{1}{2}NE\frac{1}{2}$.

Section 5: $N\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}$, $SW\frac{1}{2}SE\frac{1}{2}$, EXCEPTING THEREFROM: Beginning at a point on the North Right of Way Line of the 66 ft. wide right of way of the Grace Turner Road[F.A.P. RS-1775(4)] at Highway Station 102+08.94, said point being 1292.2 feet West and 33 feet North of the Southeast Corner of Section 5, Township 10 South, Range 40 East of the Boise Meridian; thence running West along said right of way line 420.0 feet; thence North 207.43 feet; thence East 420 feet; thence South 207.43 feet to the Point of Beginning and containing 2.0 Acres, more or less, AND ALSO INCLUDING a permanent and irrevocable easement reserved for ingress and egress across the Westerly 85 feet of said tract; and to an access easement across the Easterly 25 feet of said tract.

MICROFILMED

APR 13 2000

EXHIBIT

A

146937

STATE OF IDAHO)

County of Twin Falls)

SS

On this 13 day of December, 1993, before me, the undersigned Notary Public in and for said county and state, personally appeared KIM HERZINGER, known or identified to me to be the authorized agent of the corporation that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

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



Kristine J. ...
NOTARY PUBLIC for Idaho

Residing at: Heyburn

Commission Expires: 12-07-94

MICROFILMED

APR 13 2000

Date: March 31, 1994

Time: 4:30 P.M.

Microfilm Records

Recorder: Edie Izatt

Deputy: Dennis Hawley

Fee: 900 CT

WARRANTY DEED

THIS INDENTURE, Made this 10th day of March, 1994, between of JORGENSEN BROTHERS, an Idaho general partnership of Bancroft, County of Caribou, State of Idaho, hereinafter called First Party, and TERRY CARL JORGENSEN and MELONIE JORGENSEN, husband and wife; KEITH C. JORGENSEN and BECKY JILLENE JORGENSEN, husband and wife, of 1928 Old Highway 30, Bancroft, County of Caribou, Idaho, 83217, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

See EXHIBIT "A" attached hereto and
incorporated herein by reference

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of Idaho.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said Second Party, and to their heirs and assigns forever. And the said First Party, and their heirs the said premises in the quiet and peaceable possession of the said Second Party, their heirs and assigns against the said First Party, and their heirs and assigns and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

MICROFILMED

APR 13 2000

IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

JORGENSEN BROTHERS, an Idaho
general partnership

Terry Carl Jorgensen
TERRY CARL JORGENSEN, General Partner

Melonie Jorgensen
MELONIE JORGENSEN, General Partner

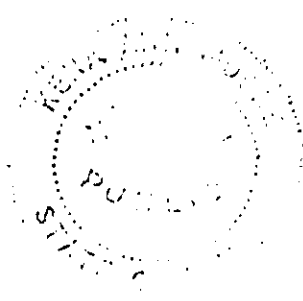
Keith C. Jorgensen
KEITH C. JORGENSEN, General Partner

Becky Jillene Jorgensen
BECKY JILLENE JORGENSEN, General Partner

STATE OF IDAHO)
 : ss.
County of Caribou)

On this 31st day of March, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared Terry Carl Jorgensen, Melonie Jorgensen, Keith C. Jorgensen and Becky Jillene Jorgensen, known to me to be the partners in the partnership of Jorgensen Brothers and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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



[Signature]
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: 12/31/95

MICROFILMED

APR 13 2000

Caribou County Idaho:

Township 9 South, Range 40 East of the Boise Meridian:

Section 32: S $\frac{1}{2}$ S $\frac{1}{2}$.

Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Township 10 South, Range 40 East of the Boise Meridian:

Section 4: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 5: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at a point on the North right of way line of the 66 feet wide right of way of the Grace Turner Road [F.A.P. RS-1775(4)] at Highway Station 102+08.94, said point being 1292.2 feet West and 33 feet North of the Southeast Corner of Section 5, Township 10 South, Range 40 east of the Boise Meridian; thence running West along said right of way line 420.0 feet; thence North 207.43 feet; thence East 420 feet; thence South 207.43 feet to the Point of Beginning and containing 2.0 acres, more or less, AND ALSO INCLUDING a permanent and irrevocable easement reserved for ingress and egress across the Westerly 85 feet of said tract; and to an access easement across the Easterly 25 feet of said tract.

MICROFILMED
APR 13 2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-12-1991

PAGE: A-40

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
13-02198	EVERETT W. SMITH 1670 TURNER RD. GRACE ID 83421	12/22/1958	IRRIGATION	04-15 10-15	2.88	CFS
			DOMESTIC	01-01 12-31	738.0	AFY
					.04	CFS
					1.2	AFY
				TOTAL QUANTITY:	2.88	CFS
					738.0	AFY
				CONSUMPTIVE USE:	615.0	AFY
NON-IRRIGATION-USES:						
DOMESTIC, 1 HOME						
POINT OF DIVERSION:						
T10S R40E S05						
PLACE OF USE: IRRIGATION						
	T09S R40E S32	SWSW 19.0	SESW 19.0	SWSE 3.0	SESE 15.0	
	T10S R40E S05	NWNE 34.0	SWNE 28.0	NENW 38.0	NWNW 34.0	
		SUNW 28.0	SENE 28.0			
246.0 ACRES TOTAL						
PLACE OF USE: DOMESTIC						
SAME AS OTHER USE						
REMARKS: THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT						
13-07005 SHALL NOT EXCEED 3.82 CFS.						
THE MAXIMUM COMBINED IRRIGATED LAND UNDER THIS RIGHT AND RIGHT						
13-07005 SHALL NOT EXCEED 355 ACRES.						
THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A						
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0						
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE						
29-00570	GEORGE MAX JENKINS LARUE JENKINS 1438 MOUNTAIN RD. BANCROFT ID 83217	08/01/1959	DOMESTIC	01-01 12-31	.04	CFS
					1.2	AFY
				TOTAL QUANTITY:	.04	CFS
					1.2	AFY
NON-IRRIGATION-USES:						
DOMESTIC, 1 HOME						
POINT OF DIVERSION:						
T09S R39E S15						
PLACE OF USE: DOMESTIC						
	T09S R39E S15	NENE				

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APR 13 2000

MAY 14 1996

RECEIVED

AUG 10 1992

143995

FILED

92 JUL 28 PM 1 56

CARIBOU COUNTY

STATE OF IDAHO } ss.
County of Caribou }

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 in my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry nel
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further partial decrees as

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.

2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUTT
District Judge

FINAL DECREE, Page 2 MICROFILMED

APR 13 2000

MAY 14 1996

IDAHO DEPARTMENT OF WATER RESOURCES
 RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

 DATE: NOV-12-1991
 PAGE: A-40

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
13-02198	EVERETT W. SMITH 1670 TURNER RD. GRACE ID 83421	12/22/1958	IRRIGATION	04-15 10-15	2.88 738.0	CFS AFY
			DOMESTIC	01-01 12-31	.04 1.2	CFS AFY
			TOTAL QUANTITY:		2.88 738.0	CFS AFY
			CONSUMPTIVE USE:		615.0	AFY
	NON-IRRIGATION-USES:					
	DOMESTIC, 1 HOME					
	POINT OF DIVERSION:					
	T10S R40E S05	SESW				
	PLACE OF USE: IRRIGATION					
	T09S R40E S32	SWSW 19.0	SESW 19.0	SWSE 3.0	SESE 15.0	
	T10S R40E S05	NWE 34.0	SWNE 28.0	NENW 38.0	NWNW 34.0	
		SWNW 28.0	SESW 28.0			
	246.0 ACRES TOTAL					
	PLACE OF USE: DOMESTIC					
	SAME AS OTHER USE					
	REMARKS: THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT					
	13-07005 SHALL NOT EXCEED 3.82 CFS.					
	THE MAXIMUM COMBINED IRRIGATED LAND UNDER THIS RIGHT AND RIGHT					
	13-07005 SHALL NOT EXCEED 355 ACRES.					
	THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A					
	DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0					
	AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE					
29-00570	GEORGE MAX JENKINS LARUE JENKINS 1438 MOUNTAIN RD. BANCROFT ID 83217	08/01/1959	DOMESTIC	01-01 12-31	.04 1.2	CFS AFY
			TOTAL QUANTITY:		.04 1.2	CFS AFY
	NON-IRRIGATION-USES:					
	DOMESTIC, 1 HOME					
	POINT OF DIVERSION:					
	T09S R39E S15	NENE				
	PLACE OF USE: DOMESTIC					
	T09S R39E S15	NENE				

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 APR 27 2000

RECEIVED

AUG 10 1992

143995

FILED

92 JUL 28 PM 1 56

CARIBOU COUNTY CLERK

STATE OF IDAHO } ss.
County of Caribou }

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 in my office and duty
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry n.s.
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further partial decrees as

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MAY 14 1996
APR 27 2000

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.

2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUTT, JR.
District Judge

MICROFILMED

MAY 14 1996

APR 27 2000

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CARIBOU

IN THE MATTER OF THE GENERAL DETERMINATION)
OF THE RIGHTS TO THE USE OF THE SURFACE)
AND GROUNDWATERS IN THE BANCROFT-LUND AREA)

Civil No. 2919

DIRECTOR'S REPORT

FILED
APR 14 1996

INTRODUCTION

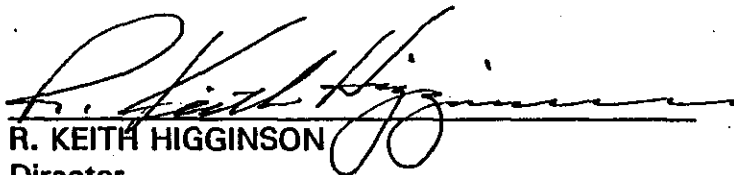
The above-entitled cause was initiated under the provisions of Idaho Code §42-1406, by submission of a petition containing signatures of more than five water users in the Bancroft-Lund Area, requesting that the Director of the Idaho Department of Water Resources obtain authority to commence a general adjudication of ground water rights in the Bancroft-Lund Area.

Pursuant to Idaho Code §42-1407, C. Stephen Allred, Director of the Department of Water Resources, petitioned the court on February 11, 1980, for an order commencing a general determination of the existing rights to the use of surface and ground water with point of diversion and place of use within the Bancroft-Lund Area. Orders authorizing the department to commence an investigation and determination of the various rights to the use of said waters and joining about 375 landowners and possible water users in

MICROFILMED
APR 27 2000

18. Except for entries in the Listing of Water Rights with a basis of "application" or "permit", the surface and ground waters of the Bancroft-Lund Area water system have been found to have been appropriated as described in the Listing of Water Rights. The Listing of Water Rights generally describes the water rights as of June 16, 1980. However, the status of some rights has changed pursuant to administrative proceedings completed after June 16, 1980 but before January 1, 1990, and the Listing of Water Rights describes those rights as they existed upon completion of the administrative proceeding. A summary of those rights is found at pages Page xxiii to Page xxv.

Signed this 8TH day of November, 1991.


R. KEITH HIGGINSON
Director
Idaho Department of Water Resources


A. LYNNE KROGH-HAMPE
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000
Telephone: (208) 327-7906

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APR 27 2000

MAY 14 1998

THIS RIGHT HAS BEEN SUPERCEDED BY A DECREE

CASE NAME Director's Report - Bancroft-Lund Area.

DECREE DATE 7/28/1992.

SEE DECREE FILE NO. 13-R

ALL ACTIONS TAKEN BEYOND THIS POINT HAVE BEEN BASED ON THE
DECREED VERSION OF THIS RIGHT & MAY MODIFY THE DECREED RIGHT. MICROFILMED

APR 27 2000

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 EVERETT W. SMITH Phone 425-3527
Post office address GRACE, IDAHO 83241

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to _____ (Name)
in case of _____ VS _____
dated _____ in _____ county of _____
(Name of court)
 - b. License No. 13-2198 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 _____
Applicant is the original holder
3. Source of water Groundwater tributary to _____
4. Date of priority 12-22-58
5. Water is used for the following purposes:
amount 2.88 cfs for Irrigation purposes from Apr. 1 to Oct. 31
amount 0.04 cfs for Domestic purposes from Jan. 1 to Dec. 31
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 2.88 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5
Township 10S Range 40E, B.M., in Caribou County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	40E	32											19	19			18		56
10S	40E	5		34	28		38	34	28	28									190

Total number of acres to be irrigated 246

9. Describe any other water rights used for the same purposes as described above License 13-7005

APPROVED

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

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

3. Place of use:

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

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

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

2. Change in place of use

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13-2198																			
9S	40E	32										19	19			3	15		56
10S	40E	5		34	28		38	34	28	28									190
13-7005																			
9S	40E	32										16	21			3	20		60
10S	40E	5	33	34	28	19	40	40	36	37					21	4			292

Total number of acres to be irrigated _____

13-2198 is primary right for 246 acres
13-7005 is supplemental right for 352 acres

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 13-7005 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 _____
Applicant is original holder
3. Source of water Groundwater tributary to _____
4. Date of priority 5-15-69
5. Water is used for the following purposes:
amount 3.74 cfs for Irrigation purposes from May 1 to Oct. 15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)
6. Total amount of water under right: a. 3.74 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5
Township 10S Range 40E, B.M., in Caribou County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	40E	32											16	21			21	8	66
10S	40E	5	33	34	28	18	40	40	36	37						20			286

Total number of acres to be irrigated 352

9. Describe any other water rights used for the same purposes as described above License 13-2198

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4. Remarks _____

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

Everett J. Smith
(Signature of applicant)

Subscribed and sworn to before me this 21st day of January, 1980.

Ronald D. Carlson
(Notary public)

My commission expires 2/14/82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 13-2198/7005 and said application is hereby approved, subject to the following limitations and conditions:

1) No more than 3.82 cfs shall be diverted nor shall more than 1065 acre feet per annum be provided when rights 13-2198 and 13-7005 are combined. (2) No more than 355 acres shall be irrigated under rights 13-2198 and 13-7005 when combined.

Witness my hand this 6TH day of May, 19 81.

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

FOR DEPARTMENT USE ONLY

Received by _____ Date _____

Protest filed by _____

Prelim. check by _____ Fee _____

Received by BRS Date 1-21-81 # 16188

Published in Caribou Co. Sun

Copies of protest forwarded by _____

Pub. dates 2/12 & 2/19/81

Hearing held by _____ Date _____

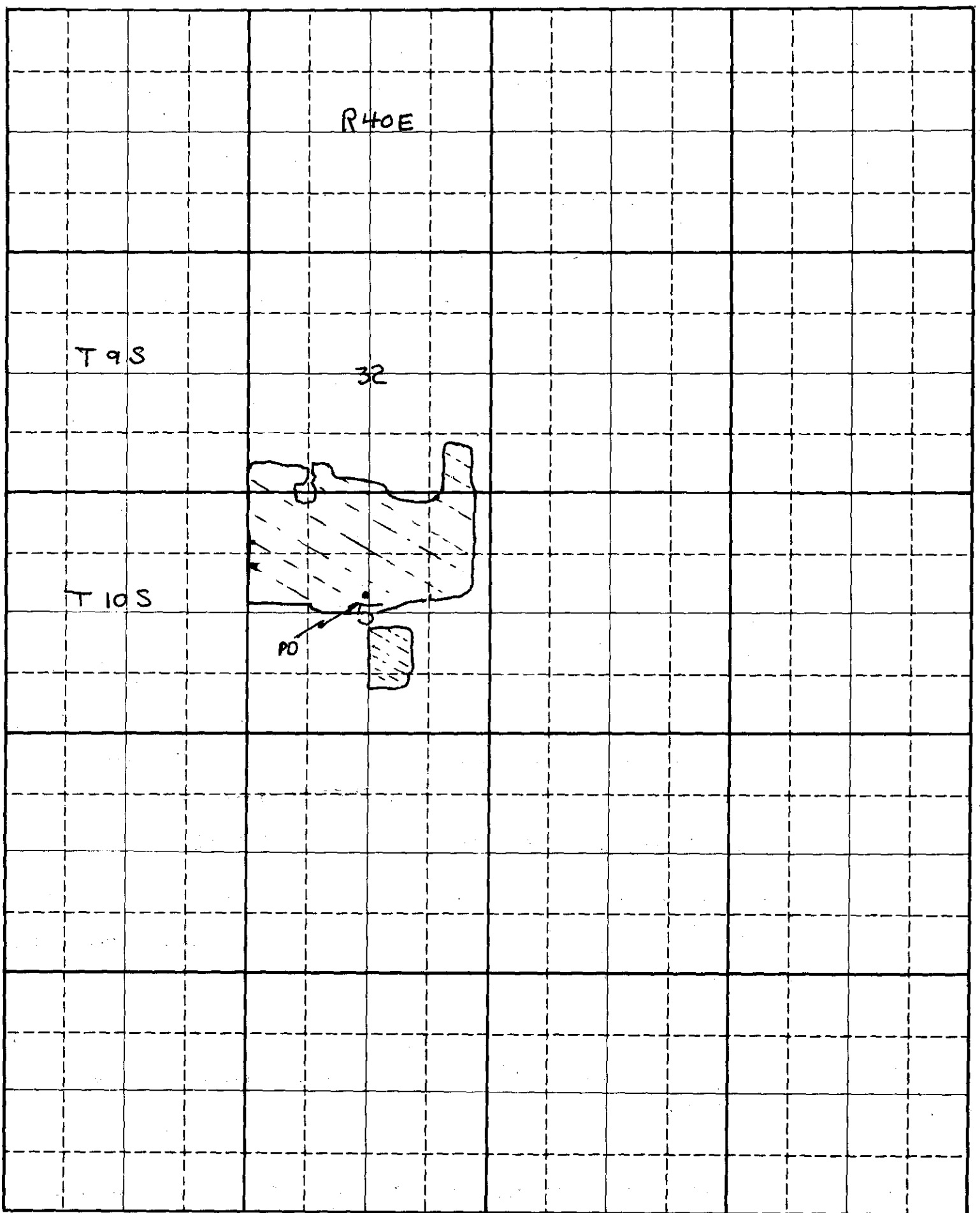
Watermaster recommendation requested on _____

Recommended for approval denial

rec'd. _____

by Tim DET

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



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

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INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE 5/5/81

TO 13-2198 & 13-7005 (T 2517)

SUBJECT Land Ownership

Per a telecon w/ Caribou County assessors office, Everett W. Smith owns the SW $\frac{1}{4}$ SE $\frac{1}{4}$ S. 32 T 9 S R 40 E, from which water was transferred.

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DRT

SIGNATURE

RECEIVED

Affidavit of
Publication

MAR 12 1981

Department of Water Resources
County of Caribou }
Eastern District Office } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

12th day of
February, 19 81

The date of the last publication

being the 19th day of
February, 19 81

Subscribed and sworn to be-
fore me this 20th day

of February, 19 81

[Signature]
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March

19 84

MICROFILMED

PUBLIC NOTICE

**First Time
Published**

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHTS**

NOS. 13-2198 and 13-7005

Notice is hereby given that Everett W. Smith, Grace, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by License Nos. 13-2198, and 13-7005 and are recorded as follows:

13-2198 AMOUNT: 2.88 cfs
PRIORITY: December 22, 1958
POINT OF DIVERSION:
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, Caribou Co.

The water is used to irrigate 246 acres from April 1 to October 31 within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E; and for domestic purposes from January 1 to December 31.

13-7005 AMOUNT: 3.74 cfs
PRIORITY: May 15, 1969
POINT OF DIVERSION:
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, Caribou Co.

The water is used to irrigate 352 acres from May 1 to October 15 within the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E.

When used in combination these rights will irrigate 355 acres.

**TO BE CHANGED AS
FOLLOWS**

Right No. 13-2198 will be used to irrigate 246 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E. Right No. 13-7005 will be used to irrigate 352 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E. When used in combination these rights will irrigate 355 acres.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83401 on or before March 2, 1981.

C. STEPHEN ALLRED
Director

Published in the Caribou
County Sun on Feb. 12 and 19,
1981.

**Affidavit of
Publication**

Department of Water Resources
County of Caribou } ss.
Eastern District Office
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

12th day of

February, 1981

The date of the last publication

being the 19th day of

February, 1981

Subscribed and sworn to be-

fore me this 20th day

of February, 1981

W. A. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1984.

WATER LICENSE

Water License No. G-27686 Priority December 22, 1958 Amount 2.88 c.f.s.

THIS IS TO CERTIFY, that EVERETT W. SMITH
 of Grace, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated December 22, 1958; that Permit G-27686 was issued pursuant
 to said application; that the proposed works were completed on or about May 25, 1959,
 with a storage/or carrying capacity of 2.88 c.f.s., said works consisting of well, motor,
pump and portable aluminum mainline; and that on February 8, 1963,
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 738
 acre feet per season, with a maximum rate of diversion of 2.88 cubic feet per second of the waters
 of ground water, tributary of _____,
 for the purpose of irrigation from April 1 to October 31;
 and for domestic from January 1 to December 31; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 10 S, R. 40 E, B.M., and
 other additional points _____, in the County of
Caribou; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 738 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	40 E	32											19	19			18		56
10 S	40 E	5		34	28		38	34	28	28									190

Total number of acres irrigated 246

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

27th day of March, 19 69

[Signature]
 State Reclamation Engineer

13 21

27686
 13-2198



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DBA JORGENSEN BROTHERS
TERRY C JORGENSEN ET UX
KEITH C JORGENSEN ET UX
1928 OLD HWY 30
BANCROFT ID 83217

RE: TRANSFER OF WATER RIGHTS 29-08240/29-08241 (Transfer 4842)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 4842). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

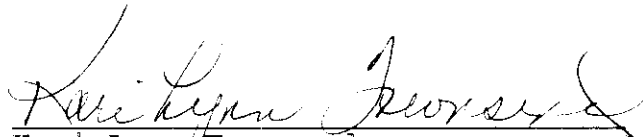
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of April, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 29-08240/29-08241
(Transfer 4842)

DBA JORGENSEN BROTHERS
TERRY C JORGENSEN ET UX
KEITH C JORGENSEN ET UX
1928 OLD HWY 30
BANCROFT ID 83217


Kari Lynn Townsend
Secretary

MICROFILMED

1999-07-08



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2000

CRAIG SCHULER
WATERMASTER
255 W 4 S
SODA SPRINGS ID 83276

RE: TRANSFER OF WATER RIGHTS 29-08240/29-08241
(Transfer 4842)

Dear Craig:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 4842) in the name of Jorgensen Brothers.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Samula S. Skaggs

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

ENCLOSURE

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature) _____

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of, or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

MEMORANDUM

TO: Files 13-02198 & 13-07005

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 4842

DATE: April 24, 2000

Transfer 4842 proposes to change both the point of diversion and place of use under Rights 13-02198 and 13-07005. The original location and the proposed location are within the Bancroft-Lund GWMA; however, the proposed change will move the rights to Basin 29.

The transfer was protested and concerns raised about moving this groundwater right within the GWMA. The protestant was concerned about the impact the transfer would have on both his own well and a neighbor's who was already concerned about production of his own well. The transfer will move the point of diversion for these rights to a closer proximity to their wells than the original well in Basin 13.

Review by Department Staff (see Tim Luke's memo of 03-17-2000) on the previous use of the original well, and rather the rights were primary or supplemental reflected concerns about the lower than average annual volumes. Tim found that these groundwater rights are apparently primary use rights, but that the annual volumes identified for the previous four years are very low when compared to neighboring wells. The total volumes identified for 1996-1999 were 70.2 af, 47.4 af, 81.0 af and 98.7 af, respectively.

The transfer approval was limited to a maximum annual volume of 108.6 af (98.7 af plus 10% to compensate for calculation margin of error) to avoid expansion of use through this transfer approval. Other approval conditions include annual measuring & reporting, Director maintaining jurisdiction for up to 5 years to determine potential injury in the vicinity of the new diversion, watermaster control, irrigation overlap, drilling permit requirements, permissible place of use limits, combined right limits, well abandonment for original well and standard transfer conditions.

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(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM					
		NE		NW		SW		SE		NE		NW		SW		SE							
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac						

T09S R40E S 32		Existing P/O																					
T1100255	BEAR RIVER :																						
1100262	BEAR RIVER :																						
T1100449	BEAR RIVER :																						
T1100531C	BEAR RIVER :																						
1300955	BEAR RIVER :																						
1300956	BEAR RIVER :																						
1300991C	BEAR RIVER :																						
1300992C	BEAR RIVER :																						
1302198	GROUNDWATE :													19	19			3	15	56			
*1302198	GROUNDWATE :													19	19			3	15	56			
1302314	BEAR RIVER :	27		6		2		32		4		11						21	8	10	121		
1304076	BEAR RIVER :																						
1307005	GROUNDWATE :															16	21			3	20	60	
*1307005	GROUNDWATE :															16	21			3	20	60	
1307161	GROUNDWATE :									38		38		38								192	
*1307161	GROUNDWATE :									38		38		38								192	
--86 MAP--	C29Q-BB 94 :	1										11		7				7		25	26		80

T10S R40E S 5

T1100255	BEAR RIVER :																	
T1100262	BEAR RIVER :																	
T1100449	BEAR RIVER :																	
T1100531C	BEAR RIVER :																	
1300955	BEAR RIVER :																	
1300956	BEAR RIVER :																	
1300991C	BEAR RIVER :																	
1300992C	BEAR RIVER :																	
1302197	GROUNDWATE :									40		40		40		40		
*1302197	GROUNDWATE :									40		40		40		40		
1302198	GROUNDWATE :	34		28				38		34		28		28				
*1302198	GROUNDWATE :	34		28				38		34		28		28				
1302314	BEAR RIVER :																	
1304076	BEAR RIVER :																	
1307005	GROUNDWATE :	01-33	02-34	28		19		03-40	04-40	36		37						
*1307005	GROUNDWATE :	01-33	02-34	28		19		03-40	04-40	36		37						
1307010	GROUNDWATE :																35	
*1307010	GROUNDWATE :																35	
NO MAPPING INFO AVAILABLE																		

No Overlaps



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 21, 2000

Chad B. Neibaur
Neibaur Farm Enterprises
1550 Central Rd
Bancroft, ID 83217

RE: Protest against Transfer 4842
Rights 13-02198 & 13-07005

Dear Mr. Neibaur:

The department acknowledges the withdrawal of your protest against Application for Transfer 4842 in the name of Jorgensen Brothers that proposes a change to water rights 13-02198 and 13-07005. The application will now proceed through normal review and processing.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S. Skaggs".

Pamela S. Skaggs
Sr. Water Resource Agent

MICROFILMED

APR 27 2000

APR 24 2000

Department of Water Resources

Meyers, Thomsen & Larson, PLLP
Attorneys at Law

M. Jay Meyers Steven A. Thomsen A. Bruce Larson

Pocatello Office

300 North Seventh Avenue
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile (208) 233-4174

A. Bruce Larson

April 21, 2000

Soda Springs Office

241 South Main Street
P.O. Box 608
Soda Springs, ID 83276
Telephone: (208) 547-2186
Facsimile (208) 547-2297

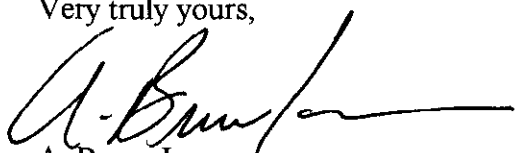
L. Glen Saxton
Chief, Water Allocation Bureau
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Application for Transfer No. 4842

Dear Mr. Saxton:

This letter is to advise you that due to Neibaur Farm Enterprises withdrawal of their protest of the above referenced transfer, a copy of the letter sent to Harold Jones by Neibaur Farm Enterprises is attached. The letter effectually resolves the protest. However, in the event the letter does not resolve the protest please schedule the matter for hearing per the Order Granting Petition for Reconsideration.

Very truly yours,



A. Bruce Larson
Attorney for Jorgensen Brothers

:pc

c: Harold Jones

*no. Need to micro-
film.
Was previously faxed
in and microfilmed.
Keep Orig for reference.*

March 31, 2000

Idaho Dept. of Water Resources

RECEIVED

APR 11 2000

Department of Water Resources
Eastern Region

RE: Jorgensen Trans no. 4842

Dear Sirs:

I was recently contacted by the Jorgensens concerning their pending water transfer (4842). We (Neibaur Farm Enterprises) protested the transfer when it was originally advertised because of the following concerns:

1. Our wells are located in a short water area (see attached map) and we felt that relocating their well to their requested site would put further pressure on our area.
2. We have a neighbor who is already threatening to call for his water (see map Warren Lloyd). We were concerned that relocating the Jorgensen well would put further stress on the Lloyd well and further exacerbate the situation. A call for water by the Lloyds if sanctioned by the IDWR could affect us directly because of our proximity.
3. We were concerned about a cross-basin transfer (Basin 13 to Basin 29) and what that may imply for the future of our basin 29 wells.

The above are still our concerns. However, we understand the desire of the Jorgensens to place some of their prime real estate into potato production and we also recognize their difficulty in the current location of obtaining their full water right. We also do not wish them difficulties of any sort. Therefore, we shall ~~herewith withdraw our protest of~~ transfer No. 4842 but would request by so doing that should any of the above concerns be manifest in future years that calls against our junior wells never be considered.

Sincerely,


Chad B. Neibaur

Neibaur Farm Enterprises

TRANSF

4842

4/21/00

A. Bruce Larson
Meyers, Thomsen & Larson, PLLP
241 S. Main Street ★ P.O. Box 608
Soda Springs, ID 83276
Telephone: (208) 547-2186 ★ Facsimile (208) 547-2297

■ FAX COVER SHEET ■

Date: April 21, 2000

To: Glen Saxton
Chief, Water Allocation Bureau

Fax No.: 327-7866 Telephone No:

From: A. Bruce Larson
Attorney at Law

Fax No.: (208) 547-2186 Telephone No. (208) 547-2186

Message: In Re: Application for Transfer No. 4842

No. of Pages (Including Cover Sheet): 3

Hard Copy to Follow Via U.S. Mail: Yes

If you do not receive all pages of transmission please call Paula at (208) 547-2186 as soon as possible. The information contained in this transaction is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited by law. If you have received this communication in error, please notify us immediately by telephone and destroy the original message.

MICROFILMED
APR 27 2000

Meyers, Thomsen & Larson, PLLP
Attorneys at Law

M. Jay Meyers Steven A. Thomsen A. Bruce Larson

Pocatello Office

300 North Seventh Avenue
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile (208) 233-4174

A. Bruce Larson

April 21, 2000

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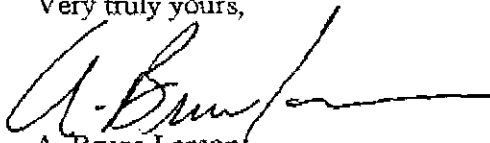
L. Glen Saxton
Chief, Water Allocation Bureau
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Application for Transfer No. 4842

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Very truly yours,


A. Bruce Larson
Attorney for Jorgensen Brothers

pc
cc: Harold Jones

MICROFILMED
APR 27 2000

March 31, 2000

Idaho Dept. of Water Resources

RECEIVED
APR 11 2000

Department of Water Resources
Eastern Region

RE: Jorgensen Trans no. 4842

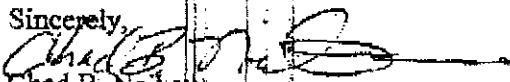
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The above are still our concerns. However, we understand the desire of the Jorgensens to place some of their prime real estate into potato production and we also recognize their difficulty in the current location of obtaining their full water right. We also do not wish them difficulties of any sort. Therefore, we shall herewith ~~withdraw our protest~~ transfer No. 4842 but would request by so doing that should any of the above concerns be manifest in future years that calls against our junior wells never be considered.

Sincerely,


Chad B. Neibaur

Neibaur Farm Enterprises

TRANSF
4842

MICROFILMED

APR 27 2000

March 31, 2000

Idaho Dept. of Water Resources

RECEIVED

APR 11 2000

Department of Water Resources
Eastern Region

RE: Jorgensen Trans no. 4842

13-02198
13-07005

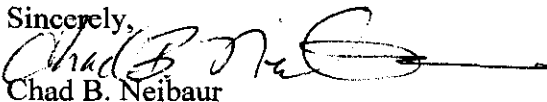
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Sincerely,



Chad B. Neibaur

Neibaur Farm Enterprises

MICROFILMED

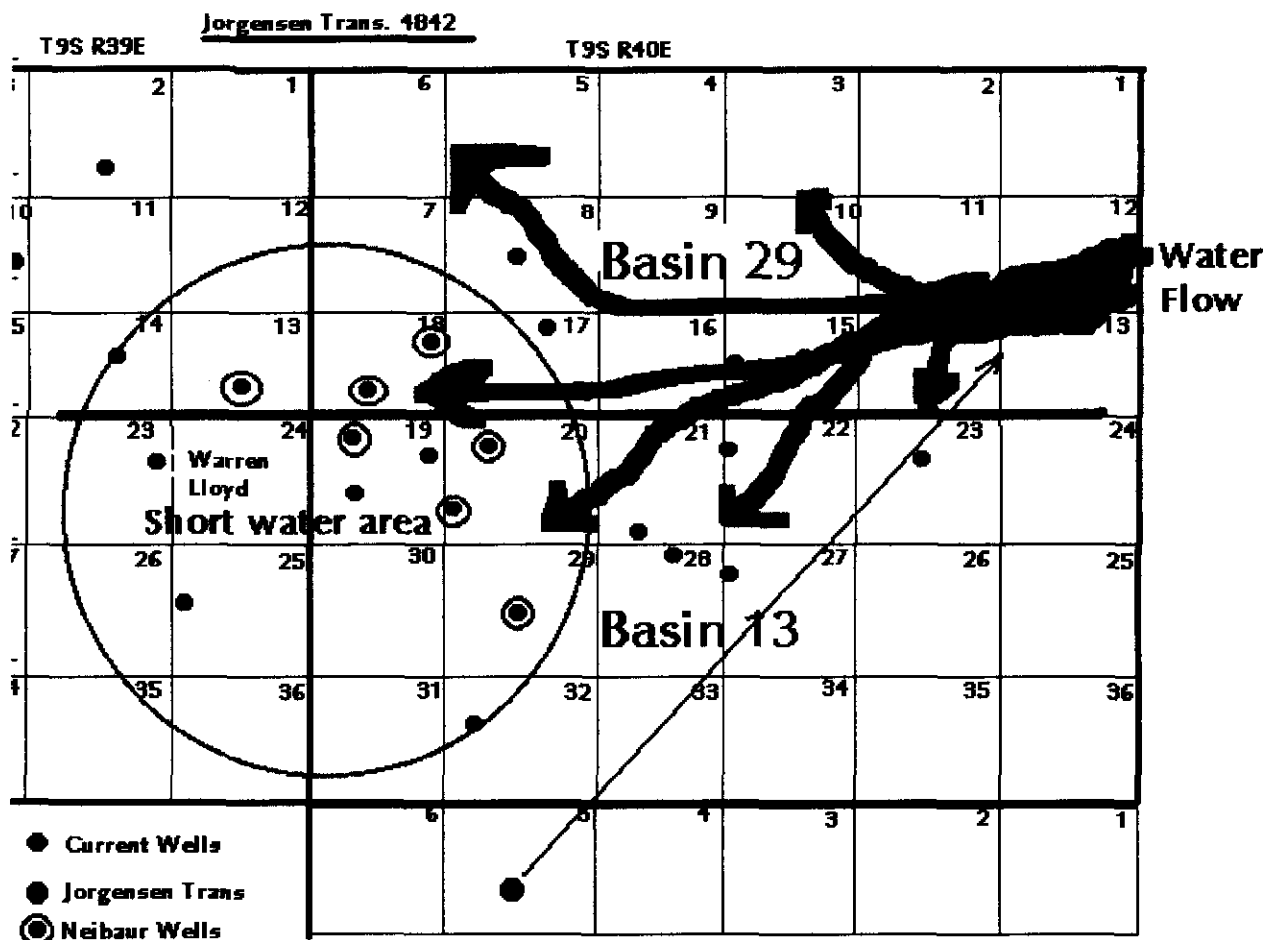
APR 27 2000

Pam —

This trans
app can be
reviewed
(whenever)
for issuance
of a
transfer.

NH

4-18



MICROFILMED
APR 27 2000

Memorandum

To: Glen Saxton

From: Tim Luke

Date: March 17, 2000

Re: Jorgensen Transfer Application No. 4842: Potential Supplemental Use of Ground Water Rights

You requested that I look at the attached water right transfer application and address the question of whether or not the ground water rights identified in the transfer are used as supplemental rights. I've investigated this matter using several different sources as follows:

- 1) Review of water measurement and energy use records, 1996 – 1999
- 2) Review of Bear River Basin ground water diversion inventory database and GIS coverage completed by IDWR contractor, Spatial Dynamics, 1999.
- 3) Review of Last Chance Canal Co, water rights and discussions with representatives from the Last Chance Canal Co.

1. Water Measurement and Energy Use Records

Attached to this memo is a spreadsheet showing annual water use estimates for Jorgensen's well in T10S, R40E, Section 5, SENW (diversion name = Jorgensen South Well). Annual use estimates are provided for years 1996 through 1999. We developed two separate PCC ratios based on two separate conditions. We then weighted the two PCC's assuming 50 percent operation under each condition. We then compared these annual volumes with average annual volume estimates of some wells in the surrounding area. The wells we selected are ones that have fairly simple operating conditions and/or are wells that we have relatively higher confidence in the accuracy of the annual estimates. Comparisons were made between total annual estimated volume and the volume per acre. The percent differences between the Jorgensen well and the average of the surrounding wells are shown on the spreadsheet. The surrounding wells that are included on the spreadsheet are not used as supplemental wells.

MICROFILMED
APR 27 2000

As shown on the spreadsheet, the annual estimated use from the Jorgensen South well is considerably less than the surrounding wells.

2) Review of 1999 Bear River Basin Inventory

The IDWR Planning and Technical Services Bureau hired a contractor in 1999 to inventory ground water diversions within the Bear River Basin. As part of this inventory process, the contractor interviewed owners of ground water irrigation rights and asked whether the rights were used as primary or supplemental rights. The contractor prepared GIS coverage maps and displayed rights by place of use according to the water rights and field verification. The coverage also shows the rights as either supplemental or primary based on the information supplied by the owners. The wells and rights in question under Transfer 4842 are shown as primary rights. They are not identified as supplemental.

3) Review of Last Chance Rights and Discussions with Last Chance Canal Co. Representatives

All of the Last Chance water rights that I reviewed included the same general place of use described under rights 13-02198 and 13-07005 (the rights in the transfer). One of the Last Chance water rights is attached to this memo (right 13-00955). Section 5, T10S, R40, and Section 32, T9S, R40E, are both included as the place of use under the Last Chance rights. Although the land may be included with the Last Chance service area, it may not necessarily be irrigated with water from the Last Chance system.

I spoke with Mark Gibbs, Last Chance Canal Co. board member, on March 16, 2000, concerning the use of canal water on the lands described by rights 13-02198 and 13-07005. Gibbs is not 100 percent sure that canal water is used on the land in question, but it is his understanding that the land is irrigated with ground water only. He further believes that the previous landowner historically irrigated the same land with only the ground water rights. I also spoke with one of the ditch riders in Grace who works for the Last Chance Canal Co. The rider I spoke with does not work the lateral closest to this land and he was not certain if Jorgensen used canal water on this same land. I have made two phone calls to the ditch rider of the other lateral but have not been able to actually catch him at home during normal business hours.

In addition to the above, I wish to mention that I received a call from a concerned citizen in Grace about two weeks ago. The caller apparently is a neighbor of Jorgensen and is concerned about a proposal by Jorgensen to expand the size of an existing feedlot. The caller advised that he had knowledge about Jorgensen connecting the well in the SENW of Section 5 with another irrigation well in T9S, R40E, Section 32. This latter well was the

subject of an IDWR NOV issued this past January and involved a separate violation in which Jorgensen has already paid a civil penalty. I confirmed that the water rights associated with each well do not authorize diversion of water from more than one well. The caller also mentioned that Jorgensen does use surface water on the land in Section 5 and that both wells are tied into his surface water system. The caller said he was going to send some specific information but I have yet to see it. Thus far, this latter information appears to be hearsay only.

I have confirmed on my own field visits that the well in Section 32, T9S, R40E is a supplemental well and that it is tied into Jorgensen's surface water system. I have been to the well in Section 5 on several occasions. There is nothing at the well head that clearly shows the well being connected to any surface water system, although the systems could possibly be connected elsewhere. My initial field visit and measurement of this well was in 1996. I talked with one of Carl Jorgensen's son's, Terry, about this well and my measurement in 1996. During our conversation I thought I understood Terry to explain that this well was used as a supplemental source. This discussion however took place away from the well and about an hour after the visit. I did not document this discussion in my field notes so I can not confirm Terry Jorgensen's statements concerning the issue of supplemental use.

Grain is the only crop that I can recall seeing in the immediate area near the well in Section 5 during my several visits. Grain would be a lower water use crop than the other major crop grown in the area, seed potatoes.

Summary

The annual water use estimates that we have compiled and calculated indicate that water use from the well associated with the transfer is rather low. When compared with other wells in the area, it appears that this well may have been used more as a supplemental source. However, other evidence indicates that the use and source is not supplemental. The interview or survey of Jorgensen by the Bear River Basin ground water inventory contractor and interview of Last Chance Canal co. officials indicate that the ground water rights are not supplemental.

I believe the evidence points mostly toward the well in Section 5 being used as a primary source of water. Lacking any other clear evidence, I don't believe the supplemental issue is a valid reason for denying the petition to reconsider the transfer application.

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APR 27 2000

Date: 3/17/00

Comparison Wells for Jorgensen Transfer

Name	WR # 1	WR # 2	Site Tag #	Ac # 1	Ac # 2	Max Acres	Max CFS	GPM \ ac	1996 ac.ft	1996 af/ac	1997 ac.ft	1997 af/ac	1998 ac.ft	1998 af/ac	1999 ac.ft	1999 af/ac
Jorgensen - Smith Well	13-02197		A0004908	318		318	3.48	4.91			76.33	0.24	165.05	0.52	119.4	0.38
Bart Christensen - Anderson	13-07099		A0004059	306		306	4.79	7.03	164.91	0.54	102.6	0.34	149.63	0.49	142.15	0.46
Bart Christensen - Hegstrom	13-07147		A0004058	313		313	5.01	7.18		0.00	122.37	0.39	152.73	0.49	159.18	0.51
Phil Yost - Welch Wells	13-07163	13-07225	4061-4062	283	169	452	4.37	4.34	284.49	0.63	178.18	0.39	279.4	0.62	283	0.63
Von (Eric) Simonson	13-07084	13-07259	A0000148	274	96	370	4.36	5.29	313.26	0.85	210.78	0.57	259.84	0.70	261.29	0.71
Stoddard Farms	29-07434		A0004115	307		307	3.34	4.88	0	0.00	232.74	0.76	343.65	1.12	376.62	1.23
Gem Valley Farms - Stanton	29-07000B		A0004117	299		299	4.41	6.62	0	0.00	164.58	0.55	274.19	0.92	344.42	1.15
Average						337.9	4.25	5.75			155.37	0.46	232.07	0.69	240.87	0.72

Jorgensen South Well	13-02198	13-07005	A0003600	246	352	355	3.82	4.83	70.2	0.20	47.4	0.13	81	0.23	98.67	0.28
----------------------	----------	----------	----------	-----	-----	-----	------	------	------	------	------	------	----	------	-------	------

% Diff.= 4.8 -10.1 -16.0 -69.5 -71.1 -65.1 -67.1 -59.0 -61.5

% Difference is comparing the "Jorgensen - South Well" values with "Average" values

Annual Volumes

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APR 27 2008

WMIS Database [PCU Data]

GPS Site ID Tag: 40003600 Legal Description: 10S 40E 5 GENW

Power Usage PCC Calculations

Year	Total kWh	PCC Age/Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
1996	36600.00		5					
Comments:						Tracking: ☐	Preferred: ☐	Validated: ☐
						Change Date: 2/27/2000		
1997	24720.00		5				61832716001016	
Comments:						Tracking: ☐	Preferred: ☒	Validated: ☐
						Change Date: 2/27/2000		
1998	42240.00		5				61832716001016	
Comments:						Tracking: ☐	Preferred: ☒	Validated: ☐
						Change Date: 2/27/2000		
1999	51480.00		5				61832716001016	470825332001

Records: 14 of 1

New Record Re-Calculate

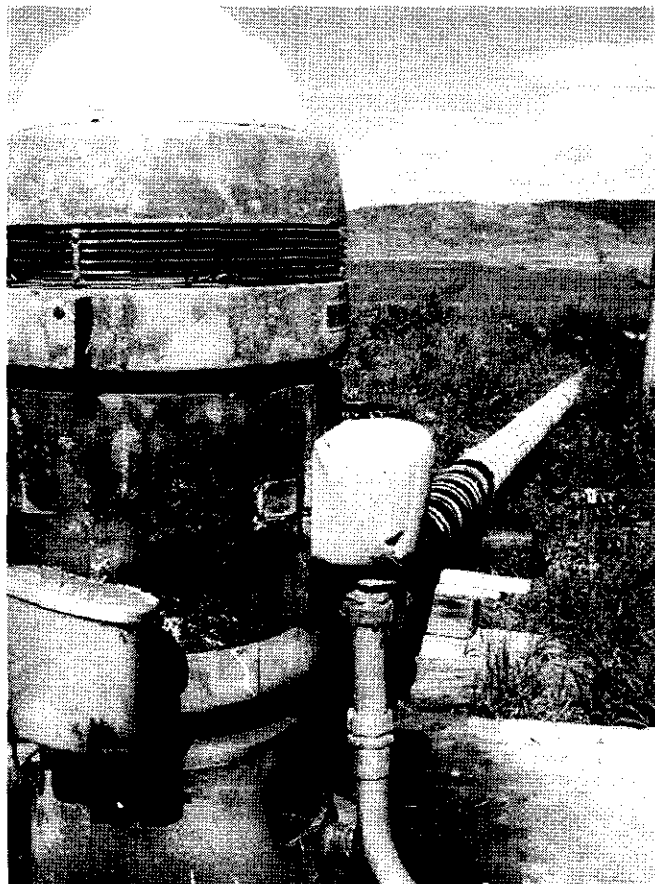
Site Visit PDD

Select GPS Site ID Tag

Start Exploring - TLite Inbox - Microsoft Outlook Microsoft Word - ge_jorgen WMIS Database - IP...

2:50 PM

WELL_ID	OWNE	CLAIM_ID	X	Y	PHOTO_NO	WRNUMB	SITE_TAGN	POD	GPS_FILNAM	OF	TAG_LOCAT	CSYSTM_TYP	
285	R-10	134	6	4	dscn0160.jpg	1302198	AO003600	T10S40E5 SENW	JORGENSE.SSF	0	Tag on transistor wall, screwed to the wooden back	Wheel line	
			7	6									
Claim_ID	WRNum	Co	OwnerID	OriginalOwn	call date	permission	supplemental	sup info	coverage	contact	d		
134	1302198	nta	70	entD	70	6/28/99 11:49:00 AM	Yes	No Primary	Pivot, both within 1/2 to 3/4 if mile of each other. Off Turner Rd.	Terry Jorgensen			
ownerID	lastName	firstN	MidInit	Name	C	Add1	A	City	Stat	Phone	County	zip	comments
70	Jorgensen	Terry		Terry Jorgensen		1928 Old Highway 30		Bancroft	ID	208-425-3864	Caribou	83217	Terry Jorgensen Cell - 547-7214 his brother Keith Cell - 547-7513.



Map 1



YXL071

- 1 THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT
- 2 13-07005 SHALL NOT EXCEED 3.82 CFS.
- 3 THE MAXIMUM COMBINED IRRIGATED LAND UNDER THIS RIGHT AND RIGHT
- 4 13-07005 SHALL NOT EXCEED 355 ACRES.
- 5 THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
- 6 DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
- 7 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE
- 8 DOMESTIC, 1 HOME
- 1 THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT
- 2 13-02198 SHALL NOT EXCEED 3.82 CFS.
- 3 THE MAXIMUM COMBINED IRRIGATED LAND UNDER THIS RIGHT AND RIGHT
- 4 13-02198 SHALL NOT EXCEED 355 ACRES.
- 5 THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
- 6 DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
- 7 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER
- 8 ACRE.
- 1 0.01 IRRIGATED ACRES NOT SPECIFIED IN DECREE

MICROSOFT

MARK ~~bb~~ - LAST CHANGE of
EV. Smith

- owned SW canal stock from LAST change
used in sec 4 10S 40E

Water Right Number - 13-00955

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LAST CHANCE CANAL COMPANY LTD

1 - C/O DEANN MAUGHAN

2 - 913 S MAIN

3 -

City- GRACE

State- ID Zip- 83241

Phone - 208-425-3651

*** O - ORIGINAL OWNER ***

BENCH CANAL

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/09/1909 15 EASTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BEAR RIVER GREAT SALT LAKE

Point of Diversion									
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
09S	41E	30	SW SE			(29) CARIBOU	LAST CHANCE CANAL DIVERS.		
10S	40E	1	NE NE			(29) CARIBOU	BENCH "B" CANAL DIVERS.		

Code		Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION			04/20	09/30	138.160	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
138.160 0.0

Place of Use									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
08S	39E	21				01	IRRIGATION	(29) CARIBOU	
08S	39E	22				01	IRRIGATION	(29) CARIBOU	
08S	39E	26				01	IRRIGATION	(29) CARIBOU	
08S	39E	27				01	IRRIGATION	(29) CARIBOU	
08S	39E	28				01	IRRIGATION	(29) CARIBOU	
08S	39E	34				01	IRRIGATION	(29) CARIBOU	
08S	39E	35				01	IRRIGATION	(29) CARIBOU	
09S	39E	2				01	IRRIGATION	(29) CARIBOU	
09S	39E	3				01	IRRIGATION	(29) CARIBOU	
09S	39E	4				01	IRRIGATION	(29) CARIBOU	
09S	39E	9				01	IRRIGATION	(29) CARIBOU	
09S	39E	10				01	IRRIGATION	(29) CARIBOU	
09S	39E	13				01	IRRIGATION	(29) CARIBOU	
09S	39E	14				01	IRRIGATION	(29) CARIBOU	

MICROFILMED
APR 27 2000

Water right number - 13-00955

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09S	39E	15				01	IRRIGATION	(29)	CARIBOU
09S	39E	16				01	IRRIGATION	(29)	CARIBOU
09S	39E	21				01	IRRIGATION	(29)	CARIBOU
09S	39E	22				01	IRRIGATION	(29)	CARIBOU
09S	39E	23				01	IRRIGATION	(29)	CARIBOU
09S	39E	24				01	IRRIGATION	(29)	CARIBOU
09S	39E	25				01	IRRIGATION	(29)	CARIBOU
09S	39E	26				01	IRRIGATION	(29)	CARIBOU
09S	39E	36				01	IRRIGATION	(29)	CARIBOU
09S	40E	19				01	IRRIGATION	(29)	CARIBOU
09S	40E	20				01	IRRIGATION	(29)	CARIBOU
09S	40E	21				01	IRRIGATION	(29)	CARIBOU
09S	40E	25				01	IRRIGATION	(29)	CARIBOU
09S	40E	26				01	IRRIGATION	(29)	CARIBOU
09S	40E	27				01	IRRIGATION	(29)	CARIBOU
09S	40E	28				01	IRRIGATION	(29)	CARIBOU
09S	40E	29				01	IRRIGATION	(29)	CARIBOU
09S	40E	30				01	IRRIGATION	(29)	CARIBOU
09S	40E	31				01	IRRIGATION	(29)	CARIBOU
09S	40E	32				01	IRRIGATION	(29)	CARIBOU
09S	40E	33				01	IRRIGATION	(29)	CARIBOU
09S	40E	34				01	IRRIGATION	(29)	CARIBOU
09S	40E	35				01	IRRIGATION	(29)	CARIBOU
09S	40E	36				01	IRRIGATION	(29)	CARIBOU
10S	39E	1				01	IRRIGATION	(29)	CARIBOU
10S	39E	12				01	IRRIGATION	(29)	CARIBOU
10S	39E	13				01	IRRIGATION	(29)	CARIBOU
10S	40E	1				01	IRRIGATION	(29)	CARIBOU
10S	40E	2				01	IRRIGATION	(29)	CARIBOU
10S	40E	3				01	IRRIGATION	(29)	CARIBOU
10S	40E	4				01	IRRIGATION	(29)	CARIBOU
10S	40E	5				01	IRRIGATION	(29)	CARIBOU
10S	40E	6				01	IRRIGATION	(29)	CARIBOU
10S	40E	7				01	IRRIGATION	(29)	CARIBOU
10S	40E	8				01	IRRIGATION	(29)	CARIBOU
10S	40E	9				01	IRRIGATION	(29)	CARIBOU
10S	40E	10				01	IRRIGATION	(29)	CARIBOU
10S	40E	11				01	IRRIGATION	(29)	CARIBOU
10S	40E	12				01	IRRIGATION	(29)	CARIBOU
10S	40E	13				01	IRRIGATION	(29)	CARIBOU
10S	40E	14				01	IRRIGATION	(29)	CARIBOU
10S	40E	15				01	IRRIGATION	(29)	CARIBOU
10S	40E	16				01	IRRIGATION	(29)	CARIBOU
10S	40E	17				01	IRRIGATION	(29)	CARIBOU
10S	40E	18				01	IRRIGATION	(29)	CARIBOU
10S	40E	19				01	IRRIGATION	(29)	CARIBOU
10S	40E	20				01	IRRIGATION	(29)	CARIBOU
10S	40E	21				01	IRRIGATION	(29)	CARIBOU

MICROFILMED
APR 27 2000

Water right number - 13-00955

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
10S	40E	22				01	IRRIGATION	(29)	CARIBOU
10S	40E	23				01	IRRIGATION	(29)	CARIBOU
10S	40E	24				01	IRRIGATION	(29)	CARIBOU
10S	40E	25				01	IRRIGATION	(29)	CARIBOU
10S	40E	26				01	IRRIGATION	(29)	CARIBOU
10S	40E	27				01	IRRIGATION	(29)	CARIBOU
10S	40E	28				01	IRRIGATION	(29)	CARIBOU
10S	40E	29				01	IRRIGATION	(29)	CARIBOU
10S	40E	33				01	IRRIGATION	(29)	CARIBOU
10S	40E	34				01	IRRIGATION	(29)	CARIBOU
10S	40E	35				01	IRRIGATION	(29)	CARIBOU
10S	40E	36				01	IRRIGATION	(29)	CARIBOU
10S	41E	5				01	IRRIGATION	(29)	CARIBOU
10S	41E	6				01	IRRIGATION	(29)	CARIBOU
10S	41E	7				01	IRRIGATION	(29)	CARIBOU
10S	41E	8				01	IRRIGATION	(29)	CARIBOU
10S	41E	17				01	IRRIGATION	(29)	CARIBOU
10S	41E	18				01	IRRIGATION	(29)	CARIBOU
10S	41E	19				01	IRRIGATION	(29)	CARIBOU
10S	41E	20				01	IRRIGATION	(29)	CARIBOU
10S	41E	28				01	IRRIGATION	(29)	CARIBOU
10S	41E	29				01	IRRIGATION	(29)	CARIBOU
10S	41E	30				01	IRRIGATION	(29)	CARIBOU
10S	41E	31				01	IRRIGATION	(29)	CARIBOU
10S	41E	32				01	IRRIGATION	(29)	CARIBOU
10S	41E	33				01	IRRIGATION	(29)	CARIBOU
11S	40E	1				01	IRRIGATION	(29)	CARIBOU
11S	40E	2				01	IRRIGATION	(29)	CARIBOU
11S	40E	3				01	IRRIGATION	(29)	CARIBOU
11S	40E	4				01	IRRIGATION	(29)	CARIBOU
11S	40E	9				01	IRRIGATION	(29)	CARIBOU
11S	40E	10				01	IRRIGATION	(29)	CARIBOU
11S	40E	11				01	IRRIGATION	(29)	CARIBOU
11S	40E	12				01	IRRIGATION	(29)	CARIBOU
11S	40E	13				01	IRRIGATION	(29)	CARIBOU
11S	40E	14				01	IRRIGATION	(29)	CARIBOU
11S	40E	15				01	IRRIGATION	(29)	CARIBOU
11S	40E	24				01	IRRIGATION	(29)	CARIBOU
11S	41E	4				01	IRRIGATION	(29)	CARIBOU
11S	41E	5				01	IRRIGATION	(29)	CARIBOU
11S	41E	6				01	IRRIGATION	(29)	CARIBOU
11S	41E	7				01	IRRIGATION	(29)	CARIBOU
11S	41E	8				01	IRRIGATION	(29)	CARIBOU
11S	41E	9				01	IRRIGATION	(29)	CARIBOU
11S	41E	18				01	IRRIGATION	(29)	CARIBOU

+ - - Diversion Means -

+ - - Non-Irrigation Use -

MICROFILMED
APR 27 2000

Water right number - 13-00955

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 11.
R43 - The right holder shall maintain a measuring device and lockable
- controlling works of a type approved by the Department in a
- manner that will provide the watermaster suitable control of the
- diversion.
R25 - This right when combined with all other rights shall provide no
- more than 3.5 afa per acre for irrigation of the lands above.
T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
LAST CHANCE CANAL CO. UTAH POWER & LIGHT COMPANY 07/14/1920

+ - - - - - Comments - - - - - +
Date: 06/09/1997 User Id: PSKAGGS Subject: TRANSFER NO. 4987
Transfer No. 4987 changes the place of use under Right Nos. 11-00262, 13-00991C/00992C/00955 & 00956.
Date: 11/18/1997 User Id: PSKAGGS Subject: PLACE OF USE CORRECTION
Correction of P/U per Transfer 4987. Include T09S, R40E, S19 & 20 and T11S, R40E, S15.

+ - - Audit Fields - 02/28/86 05/21/88 CONVERT 10/14/92 CURTIS 02/20/96 SCURTIS 12/31/96 RBODELL
12/31/96 RBODELL 06/09/97 PSKAGGS 06/09/97 PSKAGGS 11/18/97 PSKAGGS 11/18/97 PSKAGGS

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Contested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 02/28/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - E022996	Water District - 11
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - D
Presumption Flag -	Name Connector -	POU Ownership Flag- N
SRBA Decreed Flag -		

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APR 27 2000

RECEIVED
FEB 28 2000
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 4842	)	
THE NAME OF JORGENSEN BROTHERS	)	REQUEST FOR
_____	)	RECONSIDERATION

COMES NOW Jorgensen Farms, through counsel A. Bruce Larson, and respectfully that the Director of the Department of Water Resources reconsider the Preliminary Order heretofore issued on the 4th day of February, 2000, upon the basis and for the reason set forth herein.

That the Applicants, Jorgensen Farms, had requested a hearing be set in the referenced matter on a protest of Neibaur Farms. No other protests have been received from any other parties. When Harold Jones of the Department of Water Resources contacted the Jorgensens on a hearing date, the contact was made by telephone and not by letter. Jorgensens then contacted their attorney, A. Bruce Larson, who contacted the Department of Water Resources in Idaho Falls and spoke with Mr. Jones in regard to the necessity of a hearing. At that time the response was that the hearing would not have to go forward if the Neibaurs either consented to the change or simply provided a statement that they had protested the application and wanted their protest to remain of record but that they would not pursue it further.

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APR 27 2000

Because no written notification had been received from the Department of Water Resources in regard to the hearing the Jorgensens presumed, that based upon their request for a hearing, that one would be set by the Department of Water Resources. In any event, the hearing was not set. The applicant, Jorgensen Farms, requests that based upon the foregoing that the order be reconsidered and the matter be set for hearing on the Neibaur protest as soon as practicable.

DATED this 24th day of February, 2000.

Meyers, Thomsen & Larson, PLLP

A handwritten signature in black ink, appearing to read 'A. Bruce Larson', written over a horizontal line.

A. BRUCE LARSON

Attorney for Jorgensen Farms

MICROFILMED

APR 27 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 10, 1998

JORGENSEN BROTHERS
1928 OLD HIGHWAY 30
BANCROFT, ID. 83217

Gentlemen:

I have passed on your request for a hearing on transfer 4842 (protested) to our Boise office. Glen Saxton, who will be the hearing officer, has open dates in January and February of 1999.

Please respond in writing with a selection of dates in the months given above when you would be available.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::dn

MICROFILMED
APR 27 2000

A. Bruce Larson
Meyers, Thomsen & Larson, PLLP
241 S. Main Street ★ P.O. Box 608
Soda Springs, ID 83276
Telephone: (208) 547-2186 ★ Facsimile (208) 547-2297

■ FAX COVER SHEET ■

Date: February 24, 2000

RECEIVED

To: Department of Water Resources

FEB 25 2000

DEPARTMENT OF WATER RESOURCES

Fax No.: 327-7866

Telephone No:

From: A. Bruce Larson
Attorney at Law

Fax No.: (208) 547-2186

Telephone No. (208) 547-2186

Message: Request for Reconsideration - Application for Transfer No. 4842

No. of Pages (Including Cover Sheet): 3

Hard Copy to Follow Via U.S. Mail: YES

If you do not receive all pages of transmission please call Paula at (208) 547-2186 as soon as possible. The information contained in this transaction is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited by law. If you have received this communication in error, please notify us immediately by telephone and destroy the original message.

MICROFILMED

APR 27 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 4842	)	
THE NAME OF JORGENSEN BROTHERS	)	REQUEST FOR
	)	RECONSIDERATION

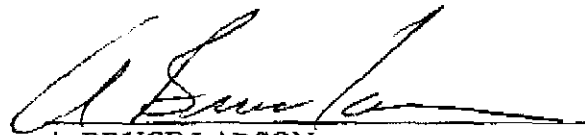
COMES NOW Jorgensen Farms, through counsel A. Bruce Larson, and respectfully that the Director of the Department of Water Resources reconsider the Preliminary Order heretofore issued on the 4th day of February, 2000, upon the basis and for the reason set forth herein.

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Because no written notification had been received from the Department of Water Resources in regard to the hearing the Jorgensens presumed, that based upon their request for a hearing, that one would be set by the Department of Water Resources. In any event, the hearing was not set. The applicant, Jorgensen Farms, requests that based upon the foregoing that the order be reconsidered and the matter be set for hearing on the Neibaur protest as soon as practicable.

DATED this 24th day of February, 2000.

Meyers, Thomsen & Larson, PLLP



A. BRUCE LARSON
Attorney for Jorgensen Farms

RECEIVED

FEB 13 1998

Department of Water Resources
Eastern Region

February 9, 1998

State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: REQUEST FOR HEARING ON TRANSFER #4842

Mr. Jones:

After talking about the letter you sent us regarding the protest on the transfer. We feel that we should go ahead and have a hearing. When I talked with you on the phone a few months ago you asked if we would like to have a prehearing to see what both sides wanted to accomplish. After talking with those who are involved with the protest we have decided not to waste time with things we already know. So we are asking that we could just set a date for a formal hearing and get the problem resolved.

Thank you,


Jorgensen Brothers
1928 OLD HWY 30
BANCROFT, IDAHO 83217

MICROFILMED
APR 27 2000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JORGENSEN BROTHERS
1928 OLD HIGHWAY 30
BANCROFT ID 83217

4a. Article Number

Z 555 922 120

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

FEB 23 8 - 0000

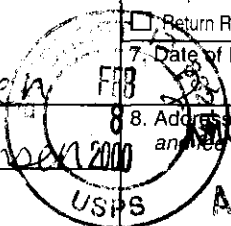
5. Received By: (Print Name)

Melanie Jorgensen

8. Addressee's Address (only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X



Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED
MICROFILMED FEB 09 2000
APR 27 2000

Department of Water Resources
Eastern Region

February 7, 2000

Dear Interested Party:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Director within fourteen (14) days of the service date of this order. The Director will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243 (3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any party of a preliminary order and may file briefs in support of the party's position on any issue on the proceeding to the Directory. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL AGRUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

Pg - 1

MICROFILMED

APR 27 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matter filed with the Director in connection with the preliminary order shall be served on all other parties to the proceeding in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to section 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

JANUARY 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JORGENSEN BROTHERS
1928 OLD HIGHWAY 30
BANCROFT ID 83217

RE: NOTICE OF INTENT TO CANCEL TRANSFER APPLICATION #4842

Messrs. Jorgensen:

On July 28, 1997, I wrote you requesting information about your intent regarding protested transfer application #4842. I requested a reply in writing. I received a phone call sometime later from you indicating further interest.

It has been 6 months since my original letter was sent and I still have no clear idea as to what step you next wish to pursue. I will need a response from you in writing within 30 days of this letter whether you wish to withdraw this application or are requesting a prehearing conference.

If I receive no written response I will issue an order to cancel this application.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

MICROFILMED

APR 27 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

JULY 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JORGENSEN BROTHERS
1928 OLD HIGHWAY 30
BANCROFT ID 83217

Messrs. Jorgensen:

I have on file transfer #4842 (protested) in your name. This is to change the point of diversion and place of use of rights 13-02198 and 13-07005. This was protested by Neibaur Farms in June of 1996.

I will need you to advise me in writing within 30 days of this letter whether you will withdraw this application or request a formal hearing.

I have included a relinquishment form if you choose to withdraw this application.

Sincerely,

Harold W Jones
Water Rights Supervisor

Enclosure

HWJ:sc

MICROFILMED

APR 27 2000

August 2, 1996

JORGENSEN BROTHERS
1928 OLD HWY 30
BANCROFT ID 83217

RE: Application for TRANSFER NO. 4842

Dear SIRS:

Enclosed is a copy of a protest filed against the issuance of a permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb

MICROFILMED

APR 27 2000

August 2, 1996

NEIBAUR FARM ENTERPRISES
1550 CENTRAL RD
BANCROFT ID 83217

RE: Application for TRANSFER 4842 JORGENSEN BROS

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb

MICROFILMED

APR 27 2000

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 4842

RECEIVED

JUL 01 1996

Department of Water Resources
Eastern District Office

WATER DISTRICT

13 Bancroft Lund
Groundwater

WATERMASTER

Wayne J. Waddams

DATE:

June 28, 1996

COMMENTS: HAS THE WATER RIGHT(S) BEEN DELIVERED WITHIN
THE LAST FIVE YEARS?

Yes

☐ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

It is generally the position of the water
district that no new wells should be
allowed until we have a couple of
years data on water levels & pumping

Wayne J. Waddams
Watermaster

MICROFILMED

APR 27 2000

RECEIVED

JUL 15 1996

Department of Water Resources
Eastern Region

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

6th day of
June, 1996

The date of the last publication
being the 13th day of

June, 1996

On this 28th day of June

in the year of 1996 before

me, a Notary Public, personally
appeared

Mark Steele
known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

Clarence A. Steele
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 11, 2000

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

Source: general water Amount:
2.88 cfs. Expiration: 12/22/1958
Point(s) of Diversion: SENW, SEC
5, T10S, R40E, Caribou County,
Idaho

The water is used for irrigation
from 04/15 to 10/15 within the
S1/2S1/2, SEC 32, T9S, NENE,
SWNE, NW1/4, SEC 5, T10S,
R40E, B.M.

Decree No. 15-07003 decreed to
Everett W. Smith in favor of State of
Idaho vs. Gerald Ankerman et al
Source: general water Amount:
3.74 cfs. Expiration: 12/22/1959
Point(s) of Diversion: SENW, SEC
5, T10S, R40E, Caribou County,
Idaho

The water is used for irrigation
from 04/15 to 10/15 within the
S1/2S1/2, SEC 32, T9S, NW1/2,
W1/2SE, SEC 5, T10S, R40E, B.M.

SEC 32, CHANGED TO AS
FOLLOWS: NW1/4, SEC 32,
T9S, R40E, Caribou County,
Idaho

The water will be diverted from
the SENW, SEC 32, T9S, R40E,
Caribou County, Idaho to the
S1/2S1/2, SEC 32, T9S, NW1/2,
W1/2SE, SEC 5, T10S, R40E, B.M.,
Caribou County, Idaho

Any protest against approval of
the proposed change must be filed
with the Idaho Department of
Water Resources, 600 N. Skyline
Dr., Idaho Falls, ID 83402, together
with a payment fee of \$25.00 or
before June 24, 1996. The
protest must also send a copy of
the protest to the applicant.

Published in the Caribou County
Sun on June 6 and 13, 1996.

MICROFILMED
APR 27 2000

RECEIVED

JUL 15 1996

Department of Water Resources
Eastern Region

PUBLIC NOTICE

First Time Published

**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. 4842**

Notice is hereby given that Jorgensen Brothers c/o Terry & Keith Jorgensen, 1928 Old Highway 30, Bancroft, ID 83217 has applied to the Department of Water Resources to change point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No. 13-02198 decreed to Everett W. Smith in case of State of Idaho vs. Gerald Ackerman et al Source: groundwater Amount: 2.88 cfs Priority: 12/22/1958 Point(s) of Diversion: SENW, SEC 5, T10S, R40E, Caribou County.

The water is used for irrigation from 04/15 to 10/15 within the S1/2S1/2, SEC 32, T09S; NENE, SWNE, NW1/4, SEC 5, T10S, R40E, B.M.

Decree No. 13-07005 decreed to Everett W. Smith in case of State of Idaho vs. Gerald Ackerman et al Source: groundwater, Amount: 3.74 cfs Priority: 05/15/1969 Point(s) of Diversion: SENW, SEC 5, T10S, R40E, Caribou County.

The water is used for irrigation from 04/15 to 10/15 within the S1/2S1/2, SEC 32, T09S; N1/2, W1/2SE, SEC 5, T10S, R40E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted from the NENE, SEC 14, T09S, R40E, Caribou County and used to irrigate 355 acres within the NW, SEC 13, NENE, S1/2NE, W1/2NW, SENW, SEC 14, T09S, R40E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before June 24, 1996. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER
Director

Published in the Caribou County
Sun on June 6 and 13, 1996.

**Affidavit of
Publication**

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

6th day of
June, 1996

The date of the last publication
being the 13th day of

June, 1996

On this 28th day of June

in the year of 1996 before

me, a Notary Public, personally
appeared

[Signature]
known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

[Signature]
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUN 24 1996

Department of Water Resources
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 4842
2. Name of protestant Neibaur Farm Enterprises
3. Protestant's representative for service (If different than protestant)
Chad B. Neibaur
4. Service mailing address 1550 Central Rd, Bancroft, ID 83217
5. Service telephone no. (208) 3 648-7113
6. Basis of protest (including statement of facts and law upon which the protest is based)
a. Transfer water from Basin 13 to Basin 29
b. Transfer location is at mouth of water source
to area already experiencing shortages & interference
c. Existing water & source is of questionable quality.
 (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Retract application & transfer
within Basin

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 24th day of June, 1996.

Neibaur Farm Enterprises
PROTESTANT

Chad B. Neibaur by Mitchell & Neibaur
PROTESTANT'S REPRESENTATIVE

MICROFILMED
APR 27 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-24-96 Time 5:00 pm
\$25.00 fee Receipted by HWT # E022302 Date 6-24-96

MICROFILMED
APR 27 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4842

Notice is hereby given that Jorgensen Brothers c/o Terry & Keith Jorgensen, 1928 old Hwy 30, Bancroft, ID 83217 has applied to the Department of Water Resources to change point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No. 13-02198 Decreed to Everett W. Smith in case of State of Idaho vs. Gerald Ackerman et al Source: groundwater
Amount: 2.88 cfs Priority: 12/22/1958
Point(s) of Diversion: SENW, SEC 5, T10S, R40E, Caribou County
The water is used for irrigation from 04/15 to 10/15 within the S1/2S1/2, SEC 32, T09S; NENE, SWNE, NW1/4, SEC 5, T10S, R40E, B.M.

Decree No. 13-07005 Decreed to Everett W. Smith in case of State of Idaho vs Gerald Ackerman et al Source: groundwater
Amount: 3.74 cfs Priority: 05/15/1969
Point(s) of Diversion: SENW, SEC 5, T10S, R40E, Caribou County
The water is used for irrigation from 04/15 to 10/15 within the S1/2S1/2, SEC 32, T09S; N1/2, W1/2SE, SEC 5, T10S, R40E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NENE, SEC 14, T09S, R40E, Caribou County and used to irrigate 355 acres within the NW, SEC 13, NENE, S1/2NE, W1/2NW, SENW, SEC 14, T09S, R40E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before June 24, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Caribou County Sun on June 6 & 13, 1996.

*Filed
5-29-96*

MICROFILMED

APR 27 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 17, 1996

WAYNE WADDOUPS
GROUNDWATER DIST - BANCROFT LUND
1216 BAILEY CREEK CIRCLE
SODA SPRINGS ID 83276

RE: Application for Transfer No. 4842

Dear Mr. Waddoups:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

MICROFILMED

APR 27 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 17, 1996

TERRY & KEITH JORGENSEN
JORGENSEN BROTHERS
1928 OLD HWY S
BANCROFT ID 83217

RE: Notice of Application for Transfer 4842

Dear Applicant:

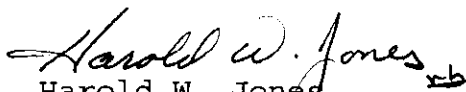
The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Caribou County Sun June 6 & 13, 1996. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED

APR 27 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

May 29, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before June 24, 1996.

Yours truly,


Rita Bodell
Secretary

Enc.

MICROFILMED

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E022181

Date: 5/20/1996
Time: 16:22:32

Received
From: JORGENSEN, TERRY

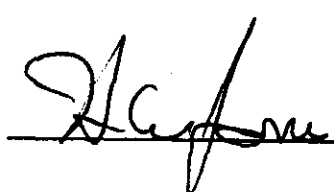
Type of Payment	Program Acct	Amount
APPLIC FOR TRANSF- 13-02198, -07005	63105 229 21 1155	100.00

CHECK

4409

Total \$ 100.00

Region: EASTERN

Signature: 

MICROFILMED

APR 27 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 17, 2000

KEITH C JORGENSEN ET UX
503 BENCH LAGO RD
GRACE ID 83241

RE: Change of Ownership for Decreed Water Right 13-02198

Dear Mr. Jorgensen:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed water right to you and Terry Carl Jorgensen, et ux. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Terry Carl Jorgensen, et ux

MICROFILMED
APR 13 2000

INTER-DEPARTMENT MEMO

TO: Cindy Bird

SUBJECT: Tr. 4842 Protest

FROM: A.W. Jones

DATE: 8-2-95

Attached is correspondence copies on protest of trans. 4842.

MICROFILMED
APR 27 2000

☒ For your information

☐ Response required

A.W. Jones
signature

August 2, 1996

NEIBAUR FARM ENTERPRISES
1550 CENTRAL RD
BANCROFT ID 83217

RE: Application for TRANSFER 4842 JORGENSEN BROS

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb
MICROFILMED
APR 27 2000

August 2, 1996

JORGENSEN BROTHERS
1928 OLD HWY 30
BANCROFT ID 83217

RE: Application for TRANSFER NO. 4842

Dear SIRS:

Enclosed is a copy of a protest filed against the issuance of a permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
MICROFILMED

APR 27 2000

May 7, 1981

Everett W. Smith
Grace,
Idaho 83241

Dear Mr. Smith,

RE: Transfer of Water Right No.'s 13-2198/7005

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2517). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosure

MICROFILMED

March 4, 1981

RE: Application for Transfer No. 13-7005/13-2198 SMITH

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on February 12 and 19, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

OW:kw

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

FEBRUARY 6, 1981

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MARCH 2, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

NOS. 13-2198/13-7005

Notice is hereby given that Everett W. Smith, Grace, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by License Nos. 13-2198 and 13-7005 and are recorded as follows:

13-2198 AMOUNT: 2.88 cfs PRIORITY: December 22, 1958

POINT OF DIVERSION: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, Caribou Co.

The water is used to irrigate 246 acres from April 1 to October 31 within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E; and for domestic purposes from January 1 to December 31.

13-7005 AMOUNT: 3.74 cfs PRIORITY: May 15, 1969

POINT OF DIVERSION: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, Caribou Co.

The water is used to irrigate 352 acres from May 1 to October 15 within the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E.

When used in combination these rights will irrigate 355 acres.

TO BE CHANGED AS FOLLOWS

Right No. 13-2198 will be used to irrigate 246 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E. Right No. 13-7005 will be used to irrigate 352 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E; N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E. When used in combination these rights will irrigate 355 acres.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83401 on or before March 2, 1981.

C. STEPHEN ALLRED

Director

Published in the Caribou County Sun 2/12 and 2/19/1981.

MICROFILMED

License of Water Right No. 13-7005

May 15, 1969

Amount 3.74 cfs

(late proof)

THIS IS TO CERTIFY, that EVERETT W. SMITH

of Grace, Idaho, has complied with the terms and conditions of Permit

No. 13-7005 issued pursuant to Application for Permit dated March 13, 1969

and has submitted proof to the Department of Water Administration on August 3, 1972

that he has applied water to a beneficial use; an examination by the Department indicates that the

works have a capacity of 3.82 cfs, and that the water has in fact been applied to a

beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:

Amount 3.74 cfs for Irrigation from May 1 to Oct. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.74 cfs of water be diverted at

any one time, said waters to be diverted within the _____

SE1/4 Sec. 5, Twp. 10 S. Rge. 40 E. B.M.

of the county of Caribou and that the amount of water so diverted and to be used

is for _____ and is to be used for _____ and is to be used for _____

and is to be used for _____ and is to be used for _____ and is to be used for _____

_____ 3.0 _____ a right to the use of water when combined with License No. G-27686/13-2195.

Description and location of the _____

TWP	RANGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9 S	40 E	32										16	21				21	8	66
10 S	40 E	5	33	34	28	18	40	40	36	37					20				286

Total number of acres irrigated 352

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of

June, 19 73.

[Signature]
Director

MICROFILMED

WATER LICENSE

Water License No. G-27686/13-2198 Priority December 22, 1958 Amount 2.88 c. f. s.

THIS IS TO CERTIFY, that EVERETT W. SMITH

of Grace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 22, 1958, that Permit G-27686 was issued pursuant to said application; that the proposed works were completed on or about May 25, 1959, with a storage or carrying capacity of 2.88 c. f. s., said works consisting of well, motor, pump and portable aluminum mainline; and that on February 8, 1963, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 738 acre feet per season, with a maximum rate of diversion of 2.88 cubic feet per second of the waters of ground water, tributary of _____, for the purpose of irrigation from April 1 to October 31; and for domestic from January 1 to December 31; and for _____ from _____ to _____; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in SE 1/4 NW 1/4 T. 10 S. R. 40 E. B.M., and other natural _____ in the County of Caribou, _____, Idaho; that the amount of water to which such right is entitled and which is hereby confirmed by the State Reclamation Engineer, is limited to an amount actually beneficially used for said purposes and shall not exceed 738 acre feet per year.

Description and location of place of use

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	40 E	32											19	19			18		56
10 S	40 E	5		34	28		35	34	28	28									190

MICROFILMED

Total amount of water appropriated _____

The use of the water hereby confirmed is restricted to the lands on which it was used for the purpose of _____

March 27, 1969

Re: Permit No. G-27686

Mr. Everett W. Smith
Grace,
Idaho 83241

Dear Mr. Smith:

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

Also enclosed is departmental receipt No. 2807 in the
amount of \$23.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

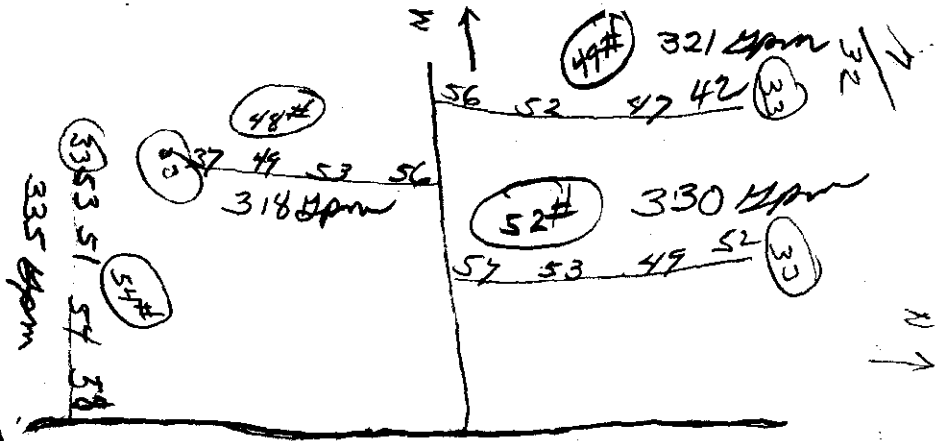
Enclosures

MICROFILMED

13-2198
27686

27686

PD



FEDERAL LAND BANK ASSOCIATION OF PRESTON

P. O. BOX 386 35 SOUTH STATE PRESTON, IDAHO 83263

TELEPHONE: 852-2145



RECEIVED

OCT 15 1968

October 14, 1968

Department of Reclamation

J. P. GARNER, MANAGER

Re: Loan Application

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

We have an application from Everett Smith, Grace, Idaho. He has a Well located in Section 5, Township 10 S, Range 40 EBM. Can you furnish us with the Permit No., location of the Well, amount of water and priority? Any other pertinent information you have on this Well will be helpful to us.

Thank you for your assistance.

Very truly yours,

J. P. Garner
J. P. Garner
Manager

JPG:lt



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES

27686
MICROFILMED

October 18, 1968

RE: Permit G-27686
Everett A. Smith

J. P. Garner, Manager
Federal Land Bank Association of Preston
P. O. Box 386
Preston, Idaho 83263

Dear Mr. Garner:

The information requested by your letter of October 14, 1968, is forwarded herewith. The permit number is listed above, location of the well is the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, amount of water is 2.88 cubic feet per second with a priority date of December 22, 1958.

This permit has been examined and a license could be issued upon receipt of the fees which are in the amount of \$23.00. Our letter of July 27th, 1964, informed Mr. Smith of the dues.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

MICROFILMED

*See paid
3-13-69
License pending
27686 issuance*

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

July 27, 1964

Re: Permit No. G-27686

Everett W. Smith
Grace, Idaho

27686

Dear Mr. Smith:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27686 shows the well is (~~ggs~~) capable of conveying 144 miner's inches, or 2.88 c.f.s. of water for the irrigation of 246 acres.

Upon receipt of the statutory fees, totaling \$ 23.00 , which consists of a Completion of Works fee of \$----- and License and Certificate of Water Right fee of \$ ----- based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of December 22, 1958 to the use of 2.88 second feet of subterranean water with the point of diversion in the SE 1/4, Sec. 5, T. 10 S., R. 40 E., B.M. for domestic use and irrigation of 246 acres in the S 1/2 SW 1/4, SW 1/4 SE 1/4, Sec. 32, T. 9 S., R. 40 E., B.M.; W 1/2 NE 1/4, NW 1/4, Sec. 5, T. 10 S., R. 40 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

MICROFILMED

27686

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Post Office Box 577

Burley, Idaho 83318

RECEIVED
JUL 15 1966

Department of Reclamation

July 14, 1966

State Department of Reclamation
State Reclamation Engineer
Room 107 - The State House
Boise, Idaho

Dear Sirs:

This is to advise that Farmers Home Administration closed another real estate loan to Buddy D. and LeOta Marion Ward of Malta, Idaho, on March 23, 1966, which involves, security wise, the following license and permits that Mr. and Mrs. Ward now hold: License and Certificate of Water Right No. G-24063 with a priority of April 29, 1953, Application number G-35623 - Permit number G-27687 with approval date of January 9, 1959, and Application number G-38829 - Permit number G-30752 with approval date of October 11, 1962.

We are requesting that you make note on the files of Mr. and Mrs. Ward of this third loan as they have agreed not to assign, transfer or make any other changes in the License and the Permits (these have been pledged as a portion of the security for said loans) which would be adverse to the interests of Farmers Home Administration without prior notice in writing of our consent.

If you will, please sign the copy of this letter which is attached and return the same to this office as acknowledgment of this request for our files.

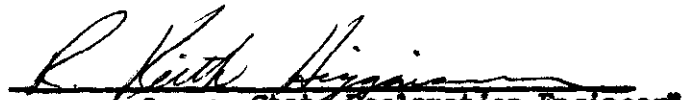
Attachment

Sincerely yours,


Larry D. Stachler, Acting County
Supervisor

*The above letter has been placed on file in connection with License number G-24063, Permit number G-27686 and Permit number G-30752.

(Date)


Deputy State Reclamation Engineer*

MICROFILMED

27686

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27686

REPORT ON PROOF OF Completion of Works & Beneficial Use

Everett W. Smith

Grace, Idaho

MICROFILMED

727686

R-40E.

T.
9
S.

32



56

106

84

246

TO GRACE →

Subdivisions

9

area

246 acres

Q 2.88 C.F.S. OR 144 inches

VOL = 738 AC-FT/SEASON

INCLUDE DOMESTIC USE WITH IN

THIS VOL.

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

Permit No. G-27686

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

1. Name of applicant EVERETT W. SMITH, Grace, Idaho

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5
T. 10 S. R. 40 E. 2N County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: 12.5 H.P. Hollowshaft
Motor # 1226761 Layne & Bowler Pump # 26359 8" X 173'
Column 18" X 200' casing h: 80' O.D. 10' wall depth 200' 14"
check valve to 10" gate valve to 10" X 1500' of buried steel mainline to
8" X 3300' to 6" X 3300' of portable aluminum mainline

5. Water is used for: irrigation and domestic

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):

S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 9 S., R. 40 E.; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5, T. 10 S.,

Rge. 40 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?

Remarks: Mr. Everett W. Smith (owner) participated in the
examination

Measurement was made by taking pressure readings
along each lateral 4 lines 132 nozzles size $\frac{1}{32}$

IRRIGATION REQUIREMENT = 300 AC - FT 1 AC/FT / SEASON

This examination was made on the 23rd day of July, 1964

(Signed) Ron Heber

Examiner.

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
JUL 24 1964

Department of Reclamation

100' x 18" w/24' 4:30
1964 2/24
8 AM @ 4:30 PM
1520' from ... 10' - 8'
Everett W. Smith
Grace, Idaho

Permit No. G-27686

Completion of Works
Examination for... and Beneficial Use

County... Caribou

Quantity: 4.0 c.f.s., Sec. 5 T. 10S R. 40E

Source: Well

P.D.: SE. NW. 1/4, Sec. 5, T. 10S. - R. 40E BM.

Use: Irrigation & Domestic

Filed: Dec. 22, 1958

Due: Jan. 9, 1964

Extension: —

Protest: —

Completion of Works: —

Other Rights: none

Driller: Ivan Cortez

27686

1M April 1962

February 12, 1963

Re: Permit No.
G-27686

Everett W. Smith
Grace, Idaho

Dear Mr. Smith

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Caribou County Sun Soda Springs, Idaho, all submitted in proof of completion of works and beneficial use on Permit No. G-27686.

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:

MICROFILMED

27686

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

✓
Permit No. G-27686

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Everett W. Smith, of Grace, Idaho; farmer; Grace, Idaho.

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. Not a corporation.

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

Ans. No. G-27686, dated January 9, 1959. Proposed date of priority, Dec 22, 1958 ~~January 9, 1959~~.

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

Ans. The source of water is a well, located in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 5, Twp. 10 S., R. 40 E.B.M., near the Center Quarter corner.

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. Diversion works consist of deep well turbine pump, with 1520 feet of buried main line, 10 inch diameter, and 8-inch aluminum portable/sprinkler pipes. The well is 200+ feet deep, with 18-inch casing to 200 feet. Water stands at 80 feet from surface. Pump, as installed, is rated as having 200 inches capacity. 198 nozzels used on sprinkler system, 8 gallon per minute rated size, operating under 45 pounds pressure.

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 to irrigate 240 acres of land: 14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 16 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 9 S., R. 40 E.B.M.; 36 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 34 ^{acres} ~~minuties~~ in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 34 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 32 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 10 S., R. 40 E.B.M. Land is cultivated, and irrigation has converted the land from dry farm to irrigated useage.

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

Ans. Ivan Bartz, of Grace, Idaho.

MICROFILMED

27686

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

Ans. Some water is diverted into a small holding pond for stock watering purposes.

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

Ans. 200 inches for irrigation purposes.

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. I am the original permittee.

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

Ans. Water has been used for irrigation of the above described lands, to the extent of 200 inches, through the above described sprinkler system, beginning on or about May 25, 1959, and continuing throughout the irrigation seasons since.

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. None.

(Sign)

Ernest W. Smith

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 Soda Springs, County of Caribou, State of Idaho, on this 8th day of February, A. D. 1963.

Leonard O. Kingsford
NOTARY PUBLIC for Idaho, residing at
Soda Springs, Idaho.

My commission expires August 14, 1965

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-27686

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

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

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

Lowell Hansen, age 58 years, Grace, Idaho, farmer, Grace, Idaho.

Ques. 2. Are you acquainted with Everett W. Smith, the holder of
Permit No. G-27686 ? How long have you known him and where does he reside:

Yes. I have known him all his life, about 43 years. He lives at Grace, Idaho.

Ques. 3. Have you read or heard said Permit No. G-27686 read, and are you familiar
with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: It is a well.

State place of diversion: The well, and diversion point, is near the center quarter corner
of Section 5, Twp. 10 South, Range 40 E.B.M.

Describe works for conveying water to place of use: Buried main line, with portable main
line and sprinkler pipe.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 second feet. How much water have you seen being so
conveyed: Approximately 4 second feet.

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

Approximately 36 acres in NW¹/₄NE¹/₄, 30 acres in SW¹/₄NE¹/₄, 34 acres in NE¹/₄NW¹/₄, 39 acres in NW¹/₄NW¹/₄,
34 acres in SW¹/₄NW¹/₄, and 32 acres in SE¹/₄NW¹/₄, Sec. 5, Twp. 10 South, Range 40 E.B.M.; and
14 acres in SW¹/₄SW¹/₄, 16 acres in SE¹/₄SW¹/₄, and 5 acres in SW¹/₄SE¹/₄ Sec. 32, Twp. 9 South,
Range 40 E.B.M.

RECORDED

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Water is used only for irrigation, except for a small amount used for stock watering.

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:

The land reclaimed was previously dry farm, mostly wheat land. This land will require 4 c.f.s. or more, for profitable irrigated cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: None.

Ques. 10. When did you first see this water used: On or about May 25, 1959.

Other times you have seen such use: Various times during the irrigations seasons.

(Signed)

Lowell Hansen

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 Soda Springs

 , County of Caribou, State of Idaho, on this 8th day of February,

A. D., ~~1963~~ 1963.

Leonard O. Kingsford

Notary Public for State of Idaho

Residing: Soda Springs, Idaho.

My commission expires: August 14, 1965.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-27686

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

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

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

Alden Hansen, 32 years old, Grace, Idaho, farming, Grace, Idaho.

Ques. 2. Are you acquainted with Everett W. Smith, the holder of
Permit No. G-27686 ? How long have you known him and where does he reside:

Yes. I have known him for over 20 years. He resides at Grace, Idaho.

Ques. 3. Have you read or heard said Permit No. G-27686 read, and are you familiar
with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: It's a well.

State place of diversion: Near the center of Section 5, Twp. 10 South, Range 40 E.B.M.

Describe works for conveying water to place of use: Buried main line, portable main
line and 4-inch sprinkler pipe.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 second feet. How much water have you seen being so
conveyed: 4 second feet.

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

Approximately 14 acres in SW¹/₄SW¹/₄, 16 acres in SE¹/₄SW¹/₄, and 5 acres in SW¹/₄SE¹/₄, Sec. 32,

Twp. 9 S., R. 40 E.B.M.; 36 acres in NW¹/₄NE¹/₄, 30 acres in SW¹/₄NE¹/₄, 34 acres in NE¹/₄NW¹/₄, 39 acres
in NW¹/₄NW¹/₄, 34 acres in SW¹/₄NW¹/₄, and 32 acres in SE¹/₄NW¹/₄, Sec. 5, Twp. 10 S., R. 40 E.B.M.

MICROFILMED

27686

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Water is used for irrigation and for stock watering from a small pond.

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:

Dry farm, wheat land has been reclaimed by this irrigation.. At least 4 c.f.s.

of water would be required for profitable cultivation of these lands.

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

Ques. 10. When did you first see this water used: On or about May 25, 1959.

Other times you have seen such use: At various times throughout the irrigation seasons, since that time.

(Signed)

Aldene Hansen

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 Soda Springs

 , County of Caribou, State of Idaho, on this 8th day of February,

A. D., ~~1963~~ 1963.

Leonard O. Kingsford

Notary Public for State of Idaho

Residing: Soda Springs, Idaho

My commission expires: August 14, 1965

Affidavit of Publication

County of Caribou
State of Idaho, SS.

V. E. Lansberry

being first duly sworn on h..is
oath, states:

That ...he is ..Publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County, that said newspaper
has been published in said
county uninterruptedly and con-
tinuously for over seventy-eight
consecutive weeks, prior to the
first publication of the annexed
notice or advertisement:

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for Four
successive weekly issues thereof,
the date of the first publication

being the 10th day

of January 1963,

The date of the last publication

being the ... 31st day of

January 1963.

V. E. Lansberry

Subscribed and sworn to be

fore me this day

of Feb 1963

D. J. ...

Notary Public, residing at
Soda Springs, Idaho.

(SEAL)

My Commission expires the

... day of July...

1964

27686

NOTICE OF THE COMPLETION OF WORKS
APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that at 1:30 P. M. on the 28th day of February, 1963, at Soda Springs, County of Caribou, State of Idaho, before Leonard O. Kingsford, Notary Public, at 176 South Main Street, Soda Springs, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27686, 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 Everett W. Smith, Grace, 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 4 cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 4 cubic feet per second.
4. The point of diversion of said water is by the SE 1/4 NW 1/4, Sec. 2, Twp. 10 South, Range 40 East.
5. The place where said water is applied is ...
6. The date of completion of said works is Dec. 22, 1962.
7. The date of publication of this notice is Dec. 22, 1962.
8. The date of publication of this notice is Dec. 22, 1962.
9. The date of publication of this notice is Dec. 22, 1962.
10. The date of publication of this notice is Dec. 22, 1962.

NOTICE OF THE COMPLETION OF WORKS
APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that at 1:30 P. M. on the 28th day of February, 1963, at Soda Springs, County of Caribou, State of Idaho, before Leonard O. Kingsford, Notary Public, at 176 South Main Street, Soda Springs, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27686, 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 Everett W. Smith, Grace, 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 4 cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 4 cubic feet per second.
4. The point of diversion of said water is by the SE 1/4 NW 1/4, Sec. 2, Twp. 10 South, Range 40 East.
5. The place where said water is applied is ...
6. The date of completion of said works is Dec. 22, 1962.
7. The date of publication of this notice is Dec. 22, 1962.
8. The date of publication of this notice is Dec. 22, 1962.
9. The date of publication of this notice is Dec. 22, 1962.
10. The date of publication of this notice is Dec. 22, 1962.

MICROFILMED

Affidavit of Publication

County of Caribou SS.
State of Idaho,

V. F. Lansberry

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

Notice is hereby given that at 1:30 P. M., on the 8th day of February, 1963, at Soda Springs, County of Caribou, State of Idaho, before Leonard O. Kingsford, Notary Public, at 176 South Main Street, Soda Springs, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27686, 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 Everett W. Smith, Grace, 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 4 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Twp. 10 South, Range 40 E.B.M.

5. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 9 South, Range 40 E.B.M., and W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 5, Twp. 10 South, Range 40 E.B.M.

6. The date of priority which said user is prepared to establish is Dec. 22, 1958.

GEO. N. CARTER,
State Reclamation Engineer
Pub. J10-17-24-31, 1963

FIRST TIME PUBLISHED

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

Notice is hereby given that at 1:30 P. M., on the 8th day of February, 1963, at Soda Springs, County of Caribou, State of Idaho, before Leonard O. Kingsford, Notary Public, at 176 South Main Street, Soda Springs, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27686, 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 Everett W. Smith, Grace, 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 4 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Twp. 10 South, Range 40 E.B.M.

5. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 9 South, Range 40 E.B.M., and W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 5, Twp. 10 South, Range 40 E.B.M.

6. The date of priority which said user is prepared to establish is Dec. 22, 1958.

GEO. N. CARTER,
State Reclamation Engineer
Pub. J10-17-24-31, 1963

being first duly sworn on his oath, states:

That ...he is publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for Four successive weekly issues thereof, the date of the first publication

being the 10th day

of January, 1963.

The date of the last publication

being the 31st day of

January, 1963.

V. F. Lansberry

Subscribed and sworn to be

before me this 1st day

of February, 1963

Notary Public, residing at Soda Springs, Idaho.

(SEAL)

My Commission expires the
day of May,
1964.

27686

27686

January 11, 1963

Re: Permit No. G-27686
Everett W. Smith

Caribou County Sun
Soda Springs, Idaho

Gentlemen:

On January 2nd a Notice of Publication was mailed to you requesting a tear sheet of copy of the first publication for checking purposes.

To date we have not received such copy, and ask at this time that one be mailed to this office as soon as possible.

Thank you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

MICROFILMED

27686

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-27686
Everett W. Smith

Date: January 2, 1963

Caribou County Sun,
Soda Springs, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to February 8, 1963 the date set for proof; the expense of the publication is to be paid by the applicant

Everett W. Smith

of

Grace, 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.

MICROFILMED

27686

January 2, 1963

Re: Permit No. 0-27686

Mr. Everett W. Smith,
Grace, Idaho.

Dear Mr. Smith:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 0-27686. The proofs are to be made at 1:30 o'clock P.M., on the 8th day of February, 19 63 before Leonard O. Kingsford, 176 South Main St., Soda Springs, Idaho., Notary Public.

As of this date we have mailed the Notice to the Caribou County Sun Soda Springs, Ida 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

MICROFILMED

27686

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 27, 1962

(P. O.) Soda Springs, 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
Caribou County Sun of Soda Springs, Idaho, published in
the county in which the works are situated. Caribou Co.

Corbett W. Smith

(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.

MICROFILMED

27686

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

R
R

DEC 28 1957

Department of Reclamation

Notice is hereby given that at 1:30 P.M., on the 8th day of February, 1963, at Soda Springs, County of Caribou, State of Idaho, before Leonard O. Kingsford, Notary Public, at (address) 176 South Main Street, Soda Springs, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27686, 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 Everett W. Smith, Grace, 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 4 cubic feet per second.

3. The use to which said water has been applied is domestic irrigation and salinity purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is in the SE¹/₄ NW¹/₄ Sec. 5, Twp. 10 South, Range 40 E.B.M.

5. The place where said water is used is S¹/₄ SW¹/₄, SW¹/₄ SE¹/₄, Sec. 32, Twp. 9 South, Range 40 E.B.M., and W¹/₄ NE¹/₄, NW¹/₄ Sec. 5, Twp. 10 South, Range 40 E.B.M.

6. The date of priority which said user is prepared to establish is January 3, 1958
Dec. 22, 1958.

State Reclamation Engineer

27686

March 8, 1962

Re: Permit G-27686
Everett Smith

Leonard O. Kingsford
Attorney at Law
Soda Springs, Idaho

Dear Mr. Kingsford:

We enclose Forms 36 and Form 11 for making proof
on the above numbered permit, with an instruction sheet,
as requested by you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. Forms 36 - 11
instruction sheet

MICROFILMED

27686

January 13, 1959

Re: Permit No. G-27686

Mr. Everett Smith
Grace, Idaho

Dear Mr. Smith:

We enclose Permit No. G-27686, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years, however, you may make the required proofs at any time you are prepared to do so within that time.

We also enclose departmental receipt No. G-3793, which was issued covering payment in the amount of \$5.75, for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (2)

27686



ROBERT E. SMYLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

December 22, 1958

Re: Application for Permit

Mr. Everett W. Smith
Grace, Idaho

Dear Mr. Smith:

Your application for permit to appropriate 4 cubic feet per second of subterranean water and attached check is returned for correction.

The application seems properly prepared except the land list on page 2 under item 12. We have pencilled check marks on the 40 acre subdivisions which appear to be the land you desire to irrigate, as shown on the map. It is necessary to show the number of acres in each subdivision. Show also under item 13 your existing water rights or none if it is dry land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Edna P. Rutledge
(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls: Application For Permit
Check Attached

Mrs. Rutledge:
Could you have
confused the NE $\frac{1}{4}$ of NE $\frac{1}{4}$
with SW $\frac{1}{4}$ of NE $\frac{1}{4}$. I checked
the latter. I hope I am
not in error.
Everett Smith

RECEIVED

27686

December 22, 1958

Re: Application for Permit

Mr. Everett W. Smith
Grace, Idaho

Dear Mr. Smith:

Your application for permit to appropriate 4 cubic feet per second of subterranean water and attached check is returned for correction.

The application seems properly prepared except the land list on page 2 under item 12. We have pencilled check marks on the 40 acre subdivisions which appear to be the land you desire to irrigate, as shown on the map. It is necessary to show the number of acres in each subdivision. Show also under item 13 your existing water rights or none if it is dry land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

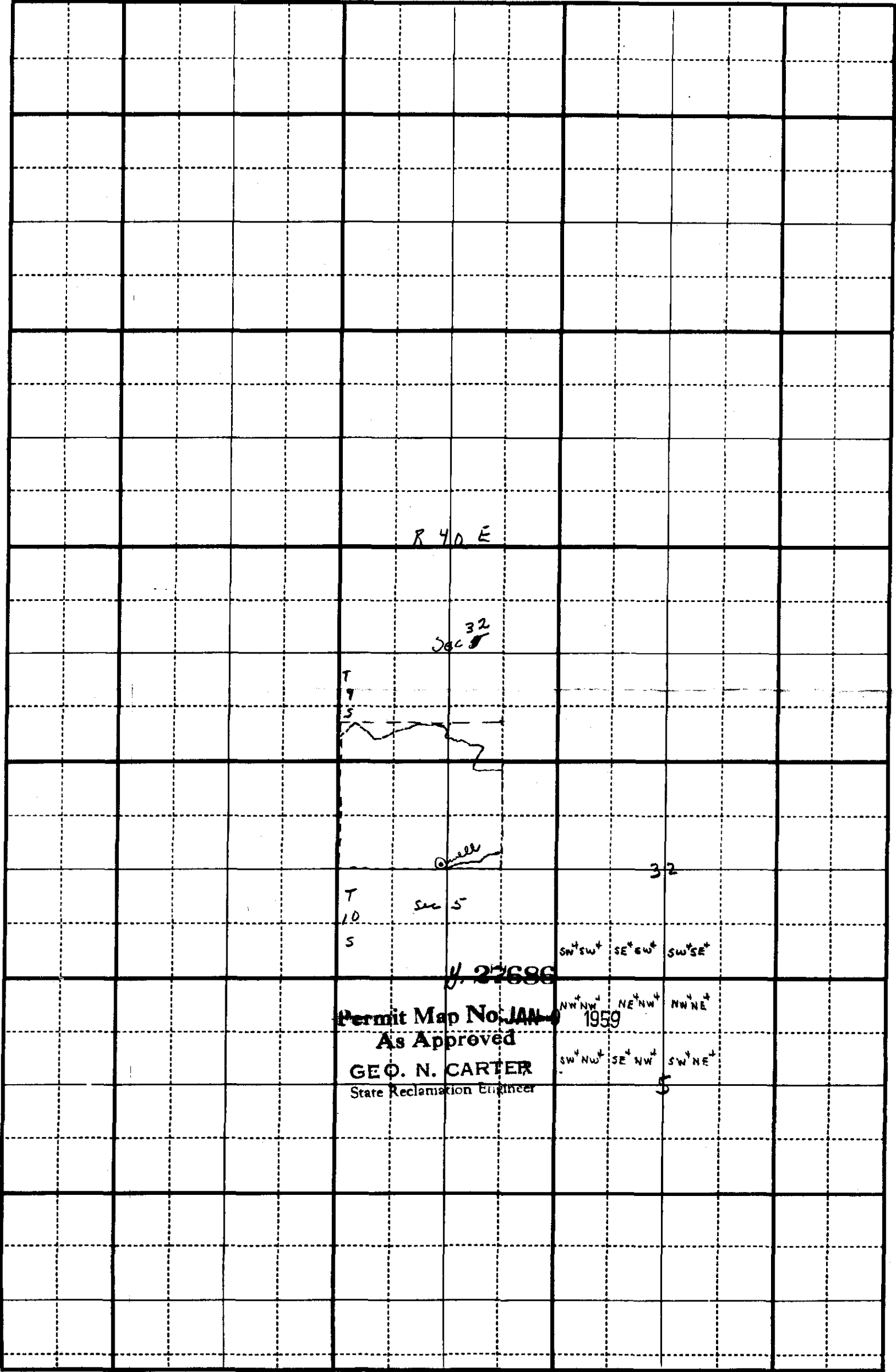
EPR/lw
Encls: Application For Permit
Check Attached

MICROFILMED

27686

NAME OF APPLICANT Evert Smith

Form No. 0



SCALE 1" = 1 Mile. Draw Plan In Ink.

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27686