

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2025	Virgil Jahnke	2.02	0	29-2281

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHT NO. 29-2281
IN THE NAME OF VIRGIL JAHNKE

MEMORANDUM DECISION
AND ORDER

On November 8, 1976, Virgil Jahnke applied to the Department of Water Resources for a change in the place of use of water right evidenced by License No. 29-2281. Notice of this application was advertised in the Power County Press on December 9 and December 16, 1976 and subsequently was protested by Margaret Smith of American Falls, Idaho.

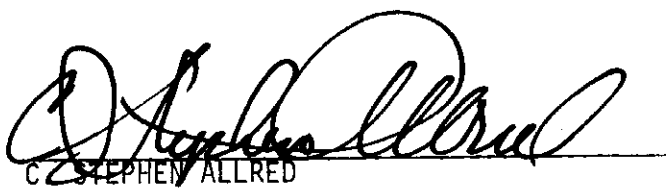
A conference in the matter was held in Pocatello, Idaho on May 5, 1977. The applicant was not present but was represented by L. R. Schou, Attorney at Law. The protestant was present and represented herself.

At the conference, it was determined that the transfer did not involve a change in the point of diversion from that of the original license. The lands to be irrigated would be changed by this transfer from 145 acres in the NW $\frac{1}{4}$, Sec. 8, Twp. 7S, Rge. 32E B.M. to 120 acres within the SW $\frac{1}{4}$, Sec. 8, Twp. 7S, Rge. 32E B.M.

At the conference, the protestant produced no evidence to show that the granting of this transfer would result in either injury to other existing water rights or represented an enlargement in the use under the original right.

Based upon the lack of evidence to demonstrate probable injury from the transfer as requested, and the Director's understanding of the law, the Director of the Department of Water Resources hereby orders that Application for Transfer No. 29-2281 be APPROVED.

Dated this 14 day of September, 1978.



C. STEPHEN ALLRED

Director

Transfer No. 2025
Application No. 29 2281

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 Virgil Jahnke Phone 226-2706
Post office address Route #1, Box 125, American Falls, Idaho 83211

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. 29-2281 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 _____
Title Insurance Policy dated September 28, 1976 No. K422255, Lawyers Title Ins. Co.
Attached - PARCEL 2

3. Source of water Groundwater tributary to _____

4. Date of priority 6-26-52

5. Water is used for the following purposes:

amount 2.02 cfs for Irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 2.02 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 8
Township 7 S Range 32 E, B.M., in _____ Power _____ County
Additional points of diversion, if any None

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 $\frac{1}{4}$	
7 S	32 E	8					40	40	40	25									145

Total number of acres to be irrigated 145

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, 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
- a. Amount of water to be diverted

No Change
2.02

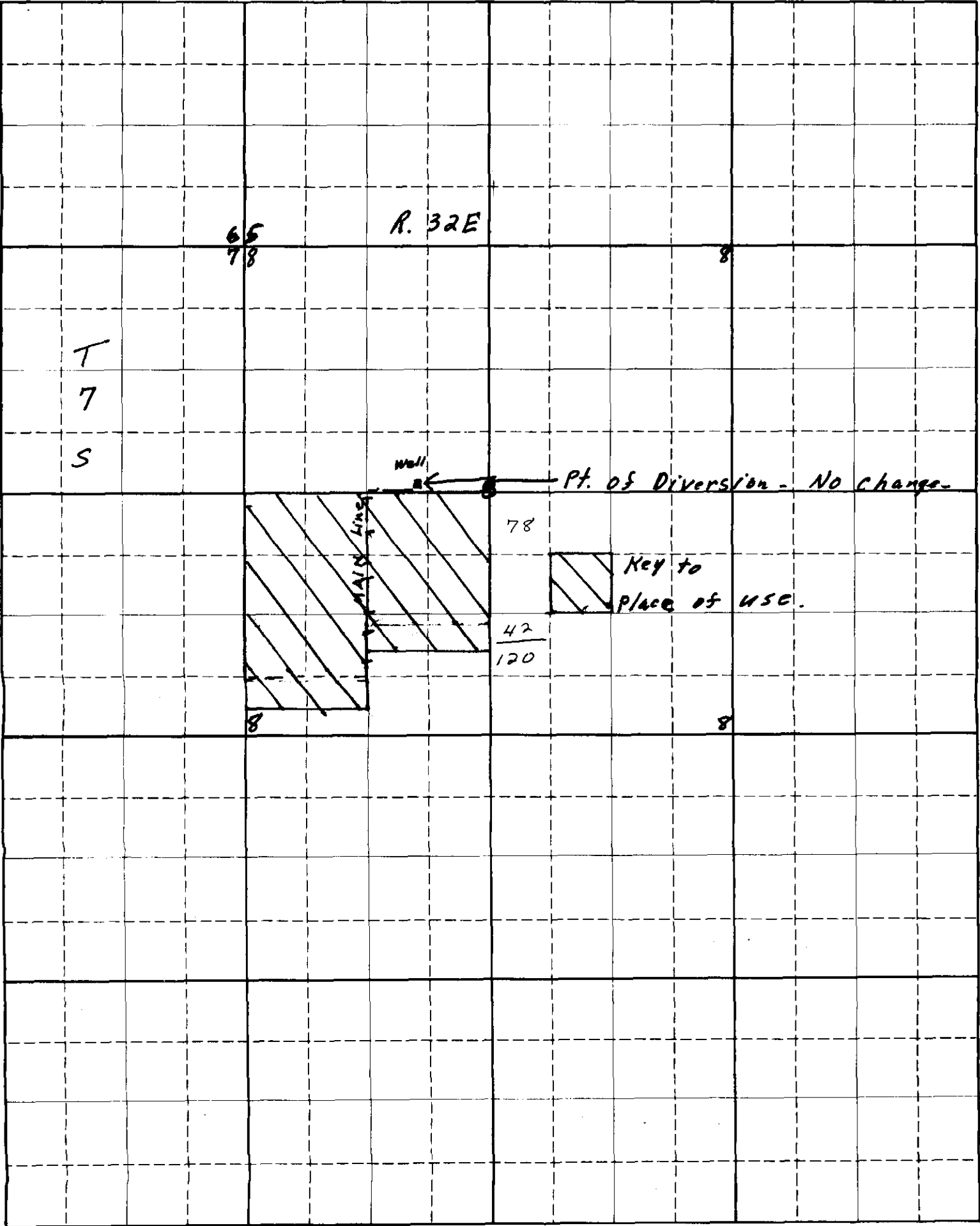
 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE ¼ NW ¼, Section 8 Township 7 S
Range 32 E, B.M., Power County _____
Additional points None
- c. Description of diverting works 100 H.P. pump+motor + 2900' of
10" + 8" steel mainline.
- d. Describe the reasons for applying for a change in the point(s) 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	
7 S	32 E	8									39	39	30	12					120

- b. 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: 4 inches equal 1 mile. Draw plan in ink.

3. Remarks This Application for Transfer of Water Right is to change the place
of use from the NW $\frac{1}{4}$ to the land in the SW $\frac{1}{4}$ as shown on the plat and to
conform with the existing sprinkler system.

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.

x Virgil J. Lake
(Signature of applicant)

Subscribed and sworn to before me this 3rd day of November, 19 76

Steve Madame
(Notary public)

My commission expires Aug 6 - 1978

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-2281,
and said application is hereby APPROVED.

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

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

Witness my hand this 14 day of September, 19 78

Stephen Clark
(Director)

FOR DEPARTMENT USE ONLY

Received by CW me Date 11-26-76
11-16-76
11-8-76

Prelim. check by RDC Fee \$30.00

Receipted by CW Date 11-26-76

Published in Quiver County Press

Pub. dates Dec. 9 + 16, 1976

Watermaster recommendation requested on U.A.

rec'd.

Protest filed by Margaret Smith

Copies of protest forwarded by CW 12-27-76

Hearing held by _____ Date _____

Recommended for approval denial

by RDC

Lawyers Title Insurance Corporation

A Stock Company
Home Office ~ Richmond, Virginia
STANDARD COVERAGE POLICY
ORDER NO. 2-2116-V
SCHEDULE A

AMOUNT

\$300,000.00

EFFECTIVE DATE

SEPTEMBER 28, 1976
2:25 PM

INSURED

THE FEDERAL LAND BANK OF SPOKANE

1. The title to the FEE SIMPLE estate or interest in the land described below is at the date hereof vested in:
VIRGIL JAHNKE AND PHYLLIS JAHNKE, HUSBAND AND WIFE
2. The land referred to in this policy is described as follows:

PARCEL 1:

TOWNSHIP 7 SOUTH, RANGE 32 EAST BOISE MERIDIAN, POWER COUNTY, IDAHO.

SECTION 5: SW $\frac{1}{4}$ AND LOTS 1 AND 2...

PARCEL 2:

TOWNSHIP 7 SOUTH, RANGE 32 EAST BOISE MERIDIAN, POWER COUNTY, IDAHO.

SECTION 8: SW $\frac{1}{4}$, SAVE AND EXCEPT THE FOLLOWING PARCEL: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 32, E. B. M., THENCE 2640 FEET EAST, THENCE 880 FEET, NORTH, THENCE 1320 FEET WEST, THENCE 580 FEET SOUTH, THENCE 1320 FEET WEST TO THE SECTION LINE, THENCE 300 FEET SOUTH TO THE POINT OF BEGINNING...

PARCEL 3:

A PARCEL WHICH HAS AT ITS SOUTHERN SIDE THE NORTHERN BOUNDARY OF THE SOUTHWEST QUARTER OF SECTION 8, A 50 FOOT BY 50 FOOT WELL SITE IN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 32 EAST OF THE BOISE MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SE $\frac{1}{4}$ NW $\frac{1}{4}$, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 8 BEARS NORTH 89°43' WEST, 1903.0 FEET; THENCE NORTH 0°17' EAST, 50.00 FEET; THENCE SOUTH 89°43' EAST, 50.00 FEET; THENCE SOUTH 0°17' WEST, 50.00 FEET, TO THE SOUTH LINE OF SAID SE $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE NORTH 89°43' WEST, 50.00 FEET, TO THE POINT OF BEGINNING. ..

Countersigned:
AMERICAN LAND TITLE COMPANY, INC.

[Signature]
Authorized Officer or Agent

Issued at: POCATELLO, IDAHO

Page 1 of Sched. A-Pol No. K

ORIGINAL

422255

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } s.s.

RECEIVED

JAN 14 1977

Department of Water Resources
Eastern District Office

.....Phyllis Ringe..... being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
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 or advertisement was published as
per clipping attached 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 publica-
tion being the 30th..... day of Dec....., 19.....76

the date of last publication being the

.....6th..... day of January....., 19.....77

(Signed)

Phyllis Ringe

Subscribed and sworn to before me this

.....13th..... day of January....., 19.....77

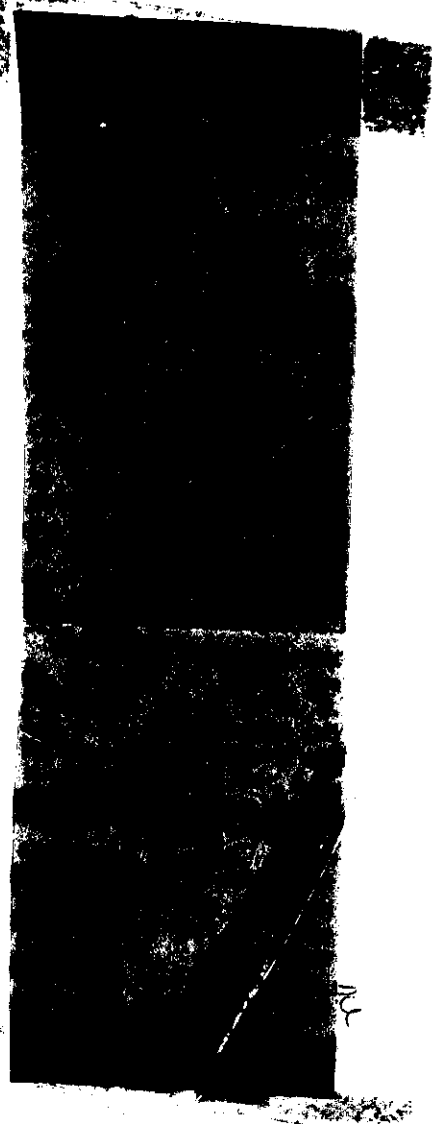
Kare Ann Link
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

..... day of, 19

(SEAL)

NOTARY PUBLIC
Kare Ann Link, Idaho
My Commission Expires 12/31/78



Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } s.s.

Phyllis Pinge being first duly sworn

on oath, states:

That she is the principal clerk of the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls 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 or advertisement was published as per clipping attached 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 publica-

tion being the 30th day of Dec., 1976

the date of last publication being the

6th day of January, 1977

(Signed)

Subscribed and sworn to before me this

3rd day of January, 1977

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) day of , 19

JAN 14 1977

Department of Water Resources
Eastern District Office



Published in the Power County Press December 30, 1976 and January 6, 1977.

NOTICE OF CORRECTION

Notice is hereby given that Application for Transfer No. 29-2281 in the name of Virgil Jahnke was advertised incorrectly on December 9 and December 16, 1976. The amount was advertised as 202 cfs, whereas the actual amount of water to be diverted should be 2.02 cfs. The point of diversion was advertised as the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, and the change in the place of use was advertised as the SE $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.

WHEREAS, the actual point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M., Power County; and the change in the place of use is within the SW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.

Any protest against approval of the above proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before January 17, 1977.

E. Keith Robinson
Director

RECEIVED
20 1976

DEC 20 1976

Department of Water Resources
Eastern District Office

COUNTY OF POWER } S.S.

That ~~....she.....~~ is the ~~...principal clerk of~~ the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls 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:

newspaper and not in any supplement thereof for ...2.....
successive weekly issues thereof, the date of the first publica-
tion being the ...9th..... day of Dec....., 1976

16th day of December 1976

(Signed)

Subscribed and sworn to before me this

.....17..... day of Apr..... 1976

Notary Public, residing at American Falls,
Idaho.

My Commission expires the
Notary Public

(SEAL)

.....Residing at Ada, Falls, Idaho, 19

Filed in the Water
 Court of the State of
 Hawaii, at Honolulu, this
 15th day of May, 1934.
WILLIAM L. HARRINGTON,
 CHAIRMAN OF THE BOARD,
 HAWAIIAN WATER WORKS
 CO., LTD.
 Petitioner, vs.
 The Board of Water
 Resources for a Change in the
 place of use of the waters of a
 ground water source. The
 right sought to be changed is
 contained in Chapter 110,
 1934 Laws, and is recited as
 follows:
 AN ACT TO
 REPEAL CHAPTER 110, 1934
 LAWS, AND TO
POINT OF DIVERSION:
SHANNON CREEK, L. O. NO. 2.
 THE HON. BOARD OF WATER
 RESOURCES.
 The Board is hereby ordered
 145 acres within the S.E. 1/4,
 Sec. 1, T. 15, S. 12, E. 2, 22E,
 2nd M.,
TO BE CHANGED AS
FOLOWS:
 The water will be used to
 irrigate 120 acres within the
 S.E. 1/4, Sec. 1, T. 15, S. 12, E.
 22E,
 2nd M.,
 and the Board is hereby
 ordered that the Board of Water
 Resources, 1315 Alahehe Road, Hahaione,
 Hawaii, 92401, on or

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } S.S.

.....Phyllis Ginge..... being first duly sworn
on oath, states:

That she..... is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
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 or advertisement was published as
per clipping attached 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 publica-
tion being the 9th..... day of Dec....., 19.....76

the date of last publication being the

.....16th..... day of December....., 19.....76

(Signed) *Phyllis Ginge*

Subscribed and sworn to before me this

.....17..... day of Dec....., 19.....76

Robert D. Curry
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

Notary Public

(SEAL)

.....Residing at Am. Falls, Idaho 19.....

My Commission Expires

July 15, 1977

Legal Notice

Published in the Power
County Press on Dec. 9 and
Dec. 16, 1976.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 29-2281

Notice is hereby given that
Virgil Jahnke, American Falls,
Idaho, has applied to the
Department of Water
Resources for a change in the
place of use of the waters of a
ground water source. The
right sought to be changed is
evidenced by License No.
29-2281 and is recorded as
follows:

AMOUNT: 202 cfs.

PRIORITY: 6-26-52

POINT OF DIVERSION:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 7S, R.
32E, B.M., Power county.

The water is used to irrigate
145 acres within the NW $\frac{1}{4}$,
Sec. 8, T. 7S, R. 32E, B.M.

TO BE CHANGED AS

FOLLOWS

The water will be used to
irrigate 120 acres within the
SE $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E,
B.M.

Any protest against ap-
proval of the above proposed
change of water right must be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho, 83401, on or
December 27, 1976.

and * **ROBERT H. HOGGINS**
Idaho Director

State of Idaho

License and Certificate of Water Right

Water License No. 20821

Amount 2.02 c.f.s.

Water District No.

Priority June 26, 1952

THIS IS TO CERTIFY that RAY H. BARNARD of American Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 20, 1948; that Permit No. 20821 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.1 second feet, was issued thereunder on May 14, 1953, showing that said works were completed on the 5th day of September, 1952; and that on the 7 day of April, 1959,

RAY H. BARNARD

of American Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. 20821 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6654, on the 12 day of June, 1959; The right hereby confirmed dates from June 26, 1952;

The Point of Diversion is located

in the SE 1/4, NW 1/4, Sec. 8, Tp. 7 S, R. 32 E, B. 12, Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	32 E.	8	NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	25
			Total number of Acres to be Irrigated:		145

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 12 day of June, 1959.

GEO. V. CARTER

State Reclamation Engineer.

(SEAL)

29 2281

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

RAY H. BARNARD *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. December 20, 1948

Returned to applicant for correction: **January 20, 1949**

Corrected application received: **March 5, 1949**

Approval of State Reclamation Engineer

The number of this permit is 20821

Recorded in Book **75** Page **20821** Approved **March 10, 1949**

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 May 10, 1949 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **December 10, 1950**

The whole of said work to be completed on or before **September 10, 1952**

Beneficial use of water appropriated in accordance herewith, to be made on or before. September 10, 1952

WITNESS My hand this 10th day of March, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, 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 10th

day of March, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By..... C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS: The above application is based upon the drilling of a well on the above property, all property owned by the above applicant.

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7 S.	32 E.	8	10				10				15				20				55
		10				10				10				20				50	
Line No. 2 is land lying adjacent to Line No. 1; there is practically 105 acres of irrigable land lying in the S ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ and NW ¹ / ₄ SE ¹ / ₄ in said section.																		105	
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that RAY H. BARNARD of American falls, County of Power, and State of Idaho, the holder No. 20821, issued upon Application No. 28468 bearing date of priority of December 20, 1948, authorizing the diversion second feet of the waters of a well (subterranean flow) County of Power, State of Idaho, for irrigation and domestic has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion for the diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the point of use 2.1 second feet of the waters of said well; that the point of diversion of said waters is in the SE ¹ / ₄ NW ¹ / ₄ Section 7 South, Range 32 East, B.M. and that the lands proposed to be irrigated by the use of said water are described to-wit: SW ¹ / ₄ NE ¹ / ₄ , S ¹ / ₂ NW ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ Section 8, Township 7 South, Range 32 East, B.M.																			
Witness my hand this 14th day of May, A.D. 1953.																			
Proof of completion of works made September 5, 1952.																			
Certificate of completion of works made May 14, 1953.																			
MARK R. KULP State Reclamation Engineer																			

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28468
 PERMIT No. 20821
 DISTRICT No.

Chas. T. Cotant,
 American Falls, Idaho
 Or
 Ray H. Barnard

1. Name of Applicant: RAY H. BARNARD

Postoffice address: American Falls

County: Power

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand: \$7,000.00
 (c) Bonds to be issued:

2. Quantity of water claimed: 2.1

cubic feet per second.

3. Source of water supply: A well

which is a tributary of

4. Location of point of diversion: 300 ft. West of NW $\frac{1}{4}$ corner of Section 8, T. 7 S., R. 32 E., B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 7 S., R. 32 E., B.M., County of Power

5. Water is to be used for Irrigation and domestic purposes

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

(a) Point of use of water: feet distant from corner of Section T. , R. , B.M., in the of Section , T. , R. , B.M.

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

(c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

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

8. Kind of works: Well and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

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

11. Ditch: Width at bottom 18" feet; width at water line 3 feet; depth of water 8" feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Three and one half years.

13. The time required for the complete application of the water to the proposed use is None additional years.

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

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

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

RAY H. BARNARD *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. December 20, 1948

Returned to applicant for correction: **January 20, 1949**

Corrected application received: **March 5, 1949**

Approval of State Reclamation Engineer

The number of this permit is 20821

Recorded in Book 75 Page 20821 Approved March 10, 1949

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 **May 10, 1949**

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before **December 10, 1950**

The whole of said work to be completed on or before **September 10, 1952**

Beneficial use of water appropriated in accordance herewith, to be made on or before. **September 10, 1952**

WITNESS My hand this 10th day of March, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 10th

day of March, 1949.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS: The above application is based upon the drilling of a well on the above property, all property owned by the above applicant.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S.	32 E.	8			10			10	15							20			55
		8			10			10	10							20			50
Line No. 2 is land lying adjacent to Line No. 1; there is practically 105 acres of irrigable land lying in the S$\frac{1}{2}$NW$\frac{1}{4}$, SW$\frac{1}{2}$NW$\frac{1}{4}$ and NW$\frac{1}{2}$SE$\frac{1}{4}$ in said section. CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that MAY H. BARNARD of American falls, County of Power, and State of Idaho, the holder No. 20821, issued upon Application No. 28468 bearing date of priority of December 20, 1948, authorizing the diversion of second feet of the waters of a well (subterranean flow) County of Power, State of Idaho, for irrigation and domestic use has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion for the diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of use 2.1 second feet of the waters of said well; that the point of diversion of said waters is in the SE$\frac{1}{4}$NW$\frac{1}{4}$ Section 8, Township 7 South, Range 32 East, S.M. and that the lands proposed to be irrigated by the use of said water are described as follows: to-wit: SW$\frac{1}{4}$ NE$\frac{1}{4}$, S$\frac{1}{2}$ NW$\frac{1}{4}$, NW$\frac{1}{4}$ SE$\frac{1}{4}$ Section 8, Township 7 South, Range 32 East, S.M. Witness my hand this 14th day of May, A.D. 1953. Proof of completion of works made September 5, 1952. Certificate of completion of works made May 14, 1953. MARK R. KULP State Reclamation Engineer																			105

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 20821, to October 1, 1955.
 Witness my hand this 8th day of May, 1953.

MARK R. KULP
 State Reclamation Engineer

Application for Amendment
 To Permit to appropriate the Public Waters
 of the State of Idaho, No. 20821

Comes now Ray H. Barnard, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 20821, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres - all in Section 8, Township 7.South, Range 32 E.B.M., making a total of 145 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at American Falls, Idaho, this 28th day of March, 1957.

/s/ Ray H. Barnard

Date of receipt at office of Department of
 Reclamation March 29, 1957.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 20821. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
 State Reclamation Engineer

Received and recorded in the Department of
 Reclamation Mar 29, 1957.

LICENSE ISSUED FOR 202 SEC. FT.
 Page 6654

September 19, 1978

Re: Transfer of Water Right No. 29-2281

Virgil Jahnke
Route #1, Box 125
American Falls, ID 83211

Dear Mr. Jahnke:

Enclosed is a copy of your approved Application for Transfer of Water Right No. 29-2281 (Transfer No. 2025) along with a copy of the Memorandum Decision and Order.

Any person that does not agree with the decision of the Director may request a re-hearing before the Director of the Department of Water Resources within 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

cc: Margaret Smith
American Falls, ID
Encl: copy of Memorandum Decision and Order

L. R. Schou, Attorney at Law
American Falls, ID
Encl: copy of Memorandum Decision and Order

SCANNED

APR 24 2007

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

July 5, 1978

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Transfer No. 29-2281 Virgil Jahnke

Dear Mr. Carlson:

Enclosed is a copy of a Warranty Deed showing that Mr. Jahnke owns the NW $\frac{1}{4}$, Sec. 8, T. 7 S, R. 32E.

Very truly yours,



L. R. Schou

LRS:im
Encl.

WARRANTY DEED

For Value Received, GLADYS J. BAYTER, a widow, of America, Idaho, do hereby

grant, bargain, sell and convey unto VIRGIL JAMES BAYTER, JR.
HUSBAND and wife,

whose current address is Rt. #1, American Falls, Idaho, 83211.

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

Lots 1, 2, 3, and 4, and the NW 1/4 of Section 8,
Township 7 South, Range 32, E.B.M., S&NT 7&N
EXCEPT a 50' by 50' well site in the SE 1/4 NW 1/4 of
Section 8, Township 7 South, Range 32, E.B.M. of
the Boise Meridian, described as follows:

Beginning at a point on the South line of said
SE 1/4 NW 1/4, from which the K₁ corner of the said
Section 8 bears N 89°43' West, 1503.0 feet;
Thence N 0°17' East, 50.0 feet;
Thence S 89°43' East, 50.0 feet;
Thence S 0°17' West, 50.0 feet, to the South
Line of said SE 1/4 NW 1/4;
Thence N 89°43' West, 50.0 feet, to the point
of Beginning...

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
his heirs and assigns forever. And the said Grantee, does hereby covenant to and
with the said Grantor & that he is the owner in fee simple of said premises, that they are free
from all incumbrances

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

Dated: April 1, 1977

STATE OF IDAHO COUNTY OF BLAINE

Notary Public in and for the State of Idaho
My commission expires on _____
Witness my hand and seal this _____ day of _____, 1977.

11-513

Notary Public in and for the State of Idaho
My commission expires on _____
Witness my hand and seal this _____ day of _____, 1977.

Notary Public in and for the State of Idaho
My commission expires on _____
Witness my hand and seal this _____ day of _____, 1977.

11-513



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

June 29, 1978

RE: Application for Transfer No. 29-2281 VIRGIL JAHNKE

Mr. L. R. Schou
Attorney at Law
P.O. Box 70
American Falls, Idaho 83211

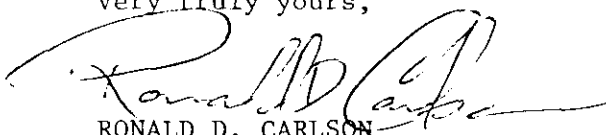
Dear Mr. Schou:

The copies of the warranty deed and the personal representative deed which you submitted to resolve the problems we have with Virgil Jahnke's application for transfer provided no additional information that we did not already have.

The problem, we find, results from the fact that License No. 29-2281 is a water right for the NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E. Since this is the land from which Mr. Jahnke wishes to transfer the water, we must have the necessary documents to show that he either has a possessory interest in the described land or he has the approval of the present owner to initiate this transfer.

If you can provide this information by the 17th of July, we will continue the processing of this application.

Very truly yours,


RONALD D. CARLSON
Supervisor,
Eastern Region

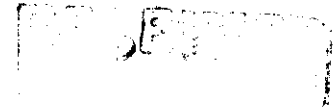
RDC:CW

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211
June 27, 1978

TELEPHONE (208)
226-2562 or
226-2563



JUN 28 1978

Department of Water Resources
Eastern District Office

Ronald D. Carlson
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Transfer No. 29-2281
Virgil Jahnke

Dear Mr. Carlson:

At the time Mr. Jahnke made application he was purchasing the land referred to in your letter of June 22, 1978. I am enclosing copies of two deeds which have been recorded in the Power County's Records Office indicating that Mr. Jahnke had paid for the real property and title has been transferred to him.

Very, truly yours,

L. R. Schou

LRS:nj
Encls. 2

Department of water resources
Eastern District Office

For Value Received, GLADYS J. HAYTER, a widow,

the grantor, do es hereby grant, bargain, sell and convey unto VIRGIL JAHNKE and PHYLLIS JAHNKE, husband and wife,

whose current address is Rt. #1, American Falls, Idaho 83211

the grantee^s, the following described premises, in Power County Idaho, to wit:

The SW $\frac{1}{4}$ and Lots 1 and 2 of Section 5, and the SW $\frac{1}{4}$ of Section 8, all in Township 7 South, Range 32, E.B.M., and a parcel which has at its Southern side the Northern Boundary of the SW $\frac{1}{4}$ of Section 8, a 50' by 50' well site in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 7 South, Range 32 East of the Boise Meridian described as follows: Beginning at a point on the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, from which the W $\frac{1}{2}$ corner of said Section 8 bears North 89°43' West, 1903.0 feet;
Thence North 0°17' East, 50.0 feet;
Thence South 89°43' East, 50.0 feet;
Thence South 0°17' West, 50.0 feet, to the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence North 89°43' West, 50.0 feet, to the Point of Beginning, SAVE AND EXCEPT the following parcel: Beginning at the SW corner of Section 8, Township 7 South, Range 32, E.B.M., thence 2640 feet East, thence 880 feet North, thence 1320 feet West, thence 580 feet South, thence 1320 feet West to the Section line, thence 300 feet South to the point of beginning.

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

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

Dated: September 28, 1976

STATE OF IDAHO, COUNTY OF POWER
On this 28th day of Sept, 1978,
before me, a notary public in and for said State, personally
appeared Gladys J. Hayter, a widow.

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public
American Falls
Expires August 6, 1978

INDEXED
10/21/2008
State of Idaho
County Power } SS

THE UNIVERSITY OF CHICAGO PRESS

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

RECORDED

JUN 28 1976

Department of Water Resources
Eastern District Office

PERSONAL REPRESENTATIVE'S DEED

FOR VALUE RECEIVED, GLADYS J. HAYTER and GLENN G. HAYTER, for themselves and as Joint Co-Executors and Co-Personal Representatives of the Estate of Rex G. Hayter, deceased, the Grantors, do hereby grant, bargain, sell and convey unto VIRGIL JAHNKE and PHYLLIS JAHNKE, husband and wife, of American Falls, Rt. #1, Idaho, Grantees, the following described property in Power County, Idaho, to-wit:

The SW $\frac{1}{4}$ and Lots 1 and 2 of Section 5, and the SW $\frac{1}{4}$ of Section 8, all in Township 7 South, Range 32, E.B.M., and a parcel which has at its Southern side the Northern Boundary of the SW $\frac{1}{4}$ of Section 8, a 50' by 50' well site in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 7 South, Range 32 East of the Boise Meridian described as follows: Beginning at a point on the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, from which the W $\frac{1}{2}$ corner of said Section 8 bears North 89°43' West, 1903.0 feet; thence North 0°17' East, 50.0 feet; Thence South 89°43' East, 50.0 feet; Thence South 0°17' West, 50.0 feet, to the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence North 89°43' West, 50.0 feet, to the Point of Beginning. SAVE AND EXCEPT the following parcel:

Beginning at the SW corner of Section 8, Township 7 South, Range 32, E.B.M., thence 2640 feet East, thence 880 feet North, thence 1320 feet West, thence 580 feet South, thence 1320 feet West to the Section line, thence 300 feet South to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they have the lawful authority to transfer and convey a fee simple title in and to the hereinabove described premises and that said premises are free from all encumbrances and will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals for themselves and as Joint Co-Executors and Co-Personal Representatives of the Estate of Rex G. Hayter, deceased, this 14 day of June, 1976.

INDEXED

109154

Gladys J. Hayter
Gladys J. Hayter
Glenn G. Hayter
Glenn G. Hayter
Joint Co-Executors and Co-Personal
Representatives of the Estate of
Rex G. Hayter, deceased.

American and Title Co.

INDEXED

June 22, 1978

RE: Application for Transfer No. 29-2281 VIRGIL JAHNKE

Mr. Dick Schou
Attorney at Law
P. O. Box 70
American Falls, ID 83211

Dear Mr. Schou:

A year ago we wrote to Mr. Jahnke indicating that our records show that the NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, is owned by Rex G. Hayter and requested that you provide us with adequate evidence that Mr. Jahnke has the right to initiate this transfer. As of this date we have received no additional information and therefore will proceed with the preparation of a memorandum decision denying this application for transfer.

If you wish to provide additional information it will be necessary for you to do so within the next 15 days.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:bp

cc: Virgil Jahnke

100

December 7, 1977

RE: Application for Transfer No. 29-2281 VIRGIL JAHNKE

Mr. Dick Schou
Attorney at Law
P.O. Box 70
American Falls, Idaho 83211

Dear Mr. Schou:

On June 28, 1977, I wrote to Mr. Jahnke concerning the above referenced application for transfer. I indicated in that letter that we found the land from which the water was being transferred in the NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, is shown to be owned by Rex G. Hayter, and we could not continue final action on this application without adequate evidence that your client had the right to initiate this transfer. As of this date, we have received no additional information concerning this transfer and, therefore, we are wondering if your client still has an interest in pursuing it.

Please advise me, at your earliest convenience, if you or your client still intend to submit proof of ownership on this water right or if the Department should proceed in some other manner.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

cc: Virgil Jahnke

June 28, 1977

RE: Application for Transfer No. 29-2281 VIRGIL JAHNKE
" " Permit No. 29-7364

Ms. Margaret Smith
Rt. #1, Box 301
American Falls, Idaho 83211

Dear Ms. Smith:

At the conference held May 5, 1977, in Pocatello, it was agreed that the Department would allow you additional time to provide water level measurements or other pertinent information that you wanted considered in the Department's decision in this matter. To date, we have received no additional information from you and we are proceeding in making a decision based upon the information presented at the conference and additional data contained in the Department's files.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

cc: Dick Schou, Attorney

June 28, 1977

RE: Application for Transfer No. 29-2281

Mr. Virgil Jahnke
Rt. #1, Box 125
American Falls, Idaho 83211

Dear Mr. Jahnke:

During our final review of the above referenced application for transfer, we find that the land from which the water is being transferred in the NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, is owned by Mr. Rex G. Hayter. Therefore, unless you can prove possessory interest in this right, either through sales agreement or an authorization from Mr. Hayter, this application for transfer will not be approved.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

cc: Harry Gambles, FLB
Dick Schou, Attorney

COMBINED

29-7364 and T 29-2281 - Virgil Jahnke

Conference Room, Pocatello Airport, Pocatello, Idaho

May 5, 1977 - 1:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Margaret Smith	Rt. 1 Am. Falls, Ida.	Herseef
Ned Stover	2102 Keneth, Pocatello	
J. P. Schum	P.O. Box 70, Am. Falls, Idaho	Virgil Jahnke

April 20, 1977

C
Mr. Merle Wilhelm
Airport Manager
Pocatello Airport
P.O. Box 1021
Pocatello, Idaho 83201

Dear Mr. Wilhelm:

D
This letter is to confirm the use of the Conference Room on Thursday, May 5, 1977, beginning at 9:00 a.m. for conference and hearing.

Very truly yours,

Y
RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

100-100000-100000

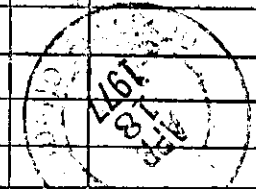
1. Name of Sender

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	POST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
319	Mrs + Mrs Carl H. Ward, Duxton 83232	13	60					13-756+13-75
320	Mr Kayle H. Rickard, 136505, 13 W. Ruxton CT 84065	13	60					"
321	Frank J. Hart, 112 N. Oakwood Dr. Taylors CT 84041	13	60					"
322	Geo. Elmer, Clifton 83228	13	60					"
323	Raymond Isaac, Rt #1, American Falls 83211	13	60					01-7008
324	Richard J. Jones, 512 W. Park Ave, American Falls	13	60					"
325	Rathbun, Rural Electric Co-op, Box 617, Malta	13	60					"
326	Paul Kendall, Box 31, Keeley Rd, American Falls	13	60					"
327	Shel Chapman, 4706 Fairview, Boise 83704	13	60					"
328	Virgil Wake, Rt #1, Box 125, American Falls	13	60					29-7364
329	Grant J. Neilson, Box 4, American Falls	13	60					"
330	Mrs. Margaret Smith, Rt #1, Box 301 A.F.	13	60					29-2281
331	City of Mackay	13	60					34-7088
332	Kent Foster, P.O. Box 159, IF	13	60					"
333	John J. Powers, 211 North Main, Mackay	13	60					"
334	Ed Springer, P.O. Box 409, Challin. 83226	13	60					"

sent certified
 4-18-77
 me



NUMBER OF PIECES

TOTAL NO. OF PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or if international

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

★ U. S. GOVERNMENT PRINTING OFFICE: 1974-0-329-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Permit No. 29-7364 and
Application for Transfer No. 29-2281 in the
Name of VIRGIL JAHNKE

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

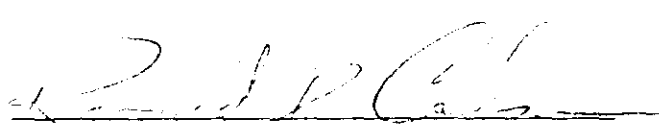
On November 26, 1976, Virgil Jahnke filed with the Department of Water Resources an application to change the place of use of the waters of a ground-water source. On December 21, 1976, the Department received a protest against approval of said transfer from Margaret Smith. On January 24, 1977, Mr. Jahnke filed an application for permit to appropriate the public waters of the State of Idaho. On February 17, 1977, the Department received a protest against approval of said application from Grant E. Neibaur.

The Department has set the matter of protests for conference and/or hearing for Thursday, May 5, 1977, at 1:00 p.m., in the Conference Room of the Pocatello Airport, Pocatello, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes or the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 18th day April, 1977.


RONALD D. CARLSON

Supervisor, Eastern Region

CONVERSATION MEMORANDUM

DATE April 18, 1977FILE 29-2281NAME OF PARTY Virgil JankeEMPLOYEE Ernie Carlsen ERC

RE: In a phone conversation today with Virgil Janke, concerning the above
referenced application for transfer, the following information was obtained:

1. the point of diversion for this transfer will be the same well as
referred to in the original license.
2. said well is the only one existing in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E
3. Virgil Janke has filed application for permit no. 29-7364 on a new
well located within 1/4 mile of Ms. Margaret Smith's well.

In conclusion, it appears Ms. Margaret Smith's protest is in reference to the
application for permit previously filed by Virgil Janke and ^{does} ~~is~~ not concerning
transfer no. 29-2281.

MICROFILMED

RECEIVED

DEC 27 1976

Department of Water Resources

December 27, 1976

RE: Application for Transfer No. 29-2281 JAHNKE

Ms. Margaret Smith
Rt. #1, Box 301
American Falls, Idaho 83211

Dear Ms. Smith:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

RECEIVED
DEC 27 1976

December 27, 1976

RE: Application for Transfer No. 29-2281

Mr. Virgil Jahnke
Rt. #1, Box 125
American Falls, Idaho 83211

Dear Mr. Jahnke:

Enclosed please find a copy of the protest filed by Margaret Smith against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

RECEIVED

DEC 21 1976

Department of Water Resources
Eastern District Office

American Falls, Ida.
83211

Dec. 19, 1976

R. Keith Higginson
Lincoln Road,
Idaho Falls, Idaho, 83401

Dear Sir,

The Virgil Jahnske farm on the following description, SE $\frac{1}{4}$ NE $\frac{1}{4}$ S7, T7S, R32E B7M. Power County, which used to be the Ray Barnard farm. The well that was in use, that Mr. Barnard put in was a little over $\frac{1}{4}$ mile from my farm. My farm description is as follows, S7 + T7S R32E B7M. SE $\frac{1}{4}$ SE $\frac{1}{4}$ & Stay 11, Power County. The Barnards well had not interfered with my water table in all the years both wells were in use.

Mr. Jahnske has now drilled a well directly across the gravel road from my well. I have reason to believe that Mr. Jahnske hits the same water main as my well.

I would like to use this letter as a protest against Mr. Jahnske getting approval of the action which he seeks.

yours truly,
Margaret Smith
Rt. 1 Box 301
American Falls, Idaho
83211
Phone No. 326-5529



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 23, 1976

RE: Application for Transfer No. 29-2281 JAHNKE (Correction)

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

We are resubmitting a legal notice for the above referenced application for transfer to be published on December 30, 1976 and January 6, 1977. This notice was originally published in your newspaper on December 9 and December 16, 1976, but unfortunately it was advertised incorrectly. Since we did not receive a galley proof we had no way of checking the correctness of the advertisement before it went to print.

In reviewing the affidavit of publication, we find several items that were advertised incorrectly. We, therefore, request that this be advertised again at your expense. Please submit a galley proof before the first date of publication for our review.

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

If you have any questions, please contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (1)

cc: IDWR - State Office

NOTICE OF CORRECTION

Notice is hereby given that Application for Transfer No. 29-2281 in the name of Virgil Jahnke was advertised incorrectly on December 9 and December 16, 1976. The amount was advertised as 202 cfs, whereas the actual amount of water to be diverted should be 2.02 cfs. The point of diversion was advertised as the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, and the change in the place of use was advertised as the SE $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.

WHEREAS, the actual point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M., Power County; and the change in the place of use is within the SW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.

Any protest against approval of the above proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before January 17, 1977.

R. KEITH HIGGINSON

Director

Published in the Power County Press, American Falls, Idaho, on December 30, 1976, and January 6, 1977.

Handwritten:
No. 29-2281
-1976-1977
-1977-1978

December 3, 1976

RE: Application for Transfer No. 29-2281 JAHNKE

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 12-20-76 by C.J.

RDC:CW

Enc: Legal Notice (1)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 29-2281

Notice is hereby given that Virgil Jahnke, American Falls, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License No. 29-2281 and is recorded as follows:

AMOUNT: 2.02 cfs

PRIORITY: 6-26-52

POINT OF DIVERSION: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.,
Power County.

The water is used to irrigate 145 acres within the NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 120 acres within the SW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or December 27, 1976.

R. KEITH HIGGINSON

Director

Published in the Power County Press, American Falls, Idaho, on December 9 and December 16, 1976.

The J. P. Co.

December 2, 1976

RE: Application for Transfer No. 29-2281 JAHNKE

Federal Land Bank Association
P.O. Box 72
Blackfoot, Idaho 83221

Gentlemen:

Attached herewith is departmental receipt No. 4446 in the amount of \$30.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

RECEIVED
FEB 11 1977

November 22, 1976

RE: Application for Transfer No. 29-2281 JAHNKE

Harry B. Gambles
Federal Land Bank Association
P.O. Box 72
Blackfoot, Idaho 83221

Dear Mr. Gambles:

Again we are returning your check No. 92-63 in the amount of \$30.00, application for transfer and a copy of the Title Insurance in behalf of Virgil and Phyllis Jahnke, because the map does not agree with the land description under Part C, Item 2a.

We recommend that you have Mr. Jahnke come into our office and we will assist him in completing his transfer. Since this is a notarized document, I don't believe we should make any more changes on this application.

If you have additional questions concerning this matter, please contact me.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Enclosure

Attachment: Check No. 92-63

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 20 WEST JUDICIAL BLACKFOOT, IDAHO 83221

TELEPHONE: 208/785-0820



BLAIR W. ARCHIBALD, MANAGER

November 15, 1976

RECEIVED

NOV 16 1976

Department of Water Resources
Eastern District Office

Mr. Loy H. Johnson
Senior Water Resource Agent
State of Idaho Department of
Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: FLB#164698-1 - Virgil Jahnke
Application for Transfer No. 29-2281

Dear Mr. Johnson:

I am returning the Application for Transfer of Water Right in connection with the above identified. As per your letter, I have corrected Part A item 8 and completed Part C item 1 and have shown the proper scale on the plat. I trust that this is completed to your satisfaction and that the transfer can be effected.

I'm also enclosing our check in the amount of \$30.00, together with a copy of the Lawyers Title Insurance Policy showing title vested in Virgil Jahnke, and a copy of your letter dated November 10, 1976.

If there is any problem with this, would you please phone me collect.

Yours very truly,


Harry B. Gambles
Assistant Manager

HBG/mha
encls.



"OWNED BY FARMERS : FOR FARMERS"



November 10, 1976

RE: Application for Transfer No. 29-2281 JAHNKE

Harry B. Gambles
Federal Land Bank Association
P.O. Box 72
Blackfoot, Idaho 83221

Dear Harry:

We have returned your check No. 92-63 in the amount of \$30.00 and the application for transfer with copy of Title Insurance in behalf of Virgil and Phyllis Jahnke for the following reasons:

Part A - Item 8, you show 160 acres of land in the NW $\frac{1}{4}$, Sec. 8, T. 7S, R. 32E. License was issued for only 145 acres as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ had only 25 acres irrigated.

Part C - Item 1, this part of the application describes the actual transfer sought by the applicant. It includes the entire portion of the right owned by the applicant, not just the changed portion.

Item 2b, map - the map should agree with the description that is described in Item 2a. I believe the 2-inches per mile scale is adequate to map the acreage on this transfer (see old application.)

I have enclosed a new application for your use. Please return the corrected application, fee and copy of Title Insurance verifying ownership of the lands for further processing.

If you have any questions, please feel free to contact me.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Enclosures

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 20 WEST JUDICIAL BLACKFOOT, IDAHO 83221

TELEPHONE: 208/785-0820



BLAIR W. ARCHIBALD, MANAGER

RECEIVED

NOV 8 1976

**Department of Water Resources
Eastern District Office**

November 5, 1976

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

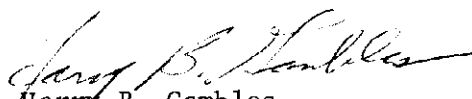
Re: FLB License No. 29-2281
Virgil Jahnke

Gentlemen:

We enclose herewith Application for Transfer of Water Right in connection with License No. 29-2281, together with check for \$30.00 for the filing fee. We also enclose a photocopy of the Title Insurance Policy which shows that title is vested in Virgil Jahnke and Phyllis Jahnke.

Just as soon as the transfer is approved by the Department of Water Resources, will you please send the approved transfer to this office and we will forward it to Mr. Jahnke. If you cannot send us the original approval, please send us a letter stating that it has been approved. Thank you.

Yours very truly,


Harry B. Gambles
Assistant Manager

HBG:jm

Enclosures



"OWNED BY FARMERS : FOR FARMERS"



● Connecticut Mutual Life INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 549-4111

Mortgages - Agricultural

March 4, 1974

AIR MAIL

Department of Reclamation
State of Idaho
Boise, Idaho

29-2281
Re: Water Permit No. G-20821
Loan No. 91258-H, Little

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interest in water permit number G 20821 as described in Mortgage Deed dated May 5, 1959 given by Ray and Vernafern Little.

Said mortgage was recorded in the Public Records of Power County, in Book 123, Page 393.

Sincerely,

Jean Wright
Agricultural Investment Division

jw

cc: Ag-Land Mortgage Company

CM

29-2281

June 12, 1919

Re: Permit No. 20821

Mr. Ray H. Barnard
American Falls, Idaho

Dear Mr. Barnard:

Enclosed is License and Certificate of Water Right
issued on Permit No. 20821.

We also enclose departmental receipt No. 29633
in the amount of \$8.00 for fees.

Very truly yours,

W. L. Gifford
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPH:ew
Enc. License
receipt

20821

June 3, 1959

Re: Permit No. 20821

Mr. Ray H. Barnard
American Falls, Idaho

Dear Mr. Barnard:

Our field engineer's report on his inspection of proof of application of water to beneficial use under the terms of Permit No. 20821 shows the well is capable of conveying 141 miner's inches (2.02 c.f.s.) of water for irrigation of 145 acres.

Upon receipt of the statutory fees of \$8.00, we will issue License and Certificate of Water Right, fee based at the rate of \$2.00 for each 1/2-acre subdivision, confirming the right with priority of June 26, 1952 to the use of 2.02 second feet of subterranean water, with the point of in the SE 1/4 NW 1/4, Sec. 8, for the irrigation of 145 acres in the NW 1/4, Sec. 8, T. 7 S., R. 32 E.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew

20821

208

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20821

REPORT ON PROOF OF Beneficial Use

Ray H. Barnard, American Falls, Idaho

20821

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

Permit No. 20821

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Ray H. Barnard

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SE 1/4 of Section 8

T. 7 S. R. 32 E. B. M. County of Power

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

Fairbanks Morse 25hp motor #690021
 Fairbanks Morse Turbine, did not see serial no.
 h = 30' lift = 53' reported
 Louis Allis 30hp hor. motor on relict pump.
 Byron-Jackson centrifugal 6" x 4" relict.

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):

11.5 acres in NW 1/4 Sec. 8, Twp. 7 S., Rge. 32 E. B. M.

Sprinkler system uses 6" buried steel main
 3 1/4" - 1/4 mi. laterals 4" portable R/L
 3/16" nozzles (singles) for most part.

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

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

Remarks:

Crops are hay & grain

This examination was made on the 18 day of May, 1959

(Signed) E. H. Humphrey Examiner.

20821

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
MAY 22 1959
Department of Reclamation

CA. 62418
Ray H. Barnard
American Falls, Idaho
Permit No. 20821

Examination for Beneficial Use

County Power
8-75-32E

Q2 2.1 c.f.s.

S2 Well

P.L. 2 SE, NW, Sec. 8, T. 75. - R. 32

Use 2 Irrigation & Domestic

Filed = Dec. 20, 1948

Due = Oct. 1, 1955 (Ext.)

Delayed proof

Q/W. = 2-14-53
no other right

F. Moore 25 hp.
690021

F. M. Furb.
8" del. to E.

E switches & controls

Pump house 8' x 12' x 8'
1 roof. concrete floor

left = 53' h = 30'

demand = 2.35 x 100

38132525

Louis Allis - hor. water
30 hp 2486281

BJ Cent. 5' x 4"

April 9, 1959

RE: Permit No. 20821

Mr. Ray H. Barnard
American Falls, Idaho

Dear Mr. Barnard:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Power County Press, all submitted in proof of beneficial use on Permit No. 20821.

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 say 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

Chief Clerk

EPR

20821

W. C. LOOFBOURROW
ATTORNEY AT LAW
American Falls, Idaho

RECEIVED
APR 8 1959
Department of Reclamation

April 7, 1959

Department of Reclamation
State House
Boise, Idaho

Sirs:

Re: Ray H. Barnard - Permit #20821

5 Enclosed
Affidavit of Publication
Depositions of Holder and two witnesses.

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow

L
enc's 4

20821

Affidavit of Publication

APR 8 1959
Department of Reclamation

County of Power,

ss.

State of Idaho,

Phyllis Ringe being first duly sworn
on oath, states:

principal clerk of the printer

That she is the ~~XXXXXX~~ of the Power

County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls 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 or advertisement was published as per clipping attached in the regular and entire edition of

said newspaper and not in any supplement thereof for 4 successive weekly issues thereof, the date of the first publication being the 12th day of arch, 1959 the date of last publication being the

2nd day of April

1959

(Signed)

Phyllis Ringe

Subscribed and sworn to before me this

7th

day of April

1959

W. C. Lounsbury
Notary Public, residing at American Falls, Idaho.

My Commission expires the

3d

day of

January

63

(SEAL)

Notice is hereby given that on the 10th day of April, 1959, at American Falls, County of Power, State of Idaho, before W. C. Lounsbury, Notary Public, proof will be submitted of the application to the second of the water of said in accordance with the terms and conditions of said permit heretofore issued by the Reclamation Engineer of the State of Idaho.

The person or corporation holding said permit are R. H. Barnard, American Falls, Idaho.

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

The amount applied is beneficial use of 2.1 cubic feet per second.

The place where said water is used is at American Falls, Idaho.

The source of supply from which water is diverted is the Snake River.

The date of priority which said user is prepared to establish is June 22, 1959.

20821

Affidavit of Publication

County of Power,

SS. 1

State of Idaho,

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

principal clerk of the printer

That.....s the/XXXXXXXXXXXXof the Power

County Press, a newspaper of general circulation in Power
County, Idaho, published weekly at American Falls in said
County; that said newspaper has been published in said coun-
ty uninterruptedly and continuously for over seventy-eight
consecutive weeks, prior to the first publication of the an-
nexed notice or advertisement:

That the annexed notice or advertisement was published
as per clipping attached in the regular and entire edition of

said newspaper and not in any supplement thereof for.....
successive weekly issues thereof, the date of the first publi-
cation being the.....day of....., 19.....
the date of last publication being the

.....day of.....19.....

(Signed) *[Signature]*

Subscribed and sworn to before me this

7th day of April 1959.

[Signature]
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) 3d day of January 1963

Published in The Power County
Press March 12, 19, 26, and April
2, 1959.

NOTICE OF PROOF APPLI- CATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
10:00 a. m. on the 7th day of
April, 1959, at American Falls,
County of Power, State of Idaho,
before W. C. Loofbourrow, No-
tary Public, proof will be sub-
mitted of the application to ben-
eficial use of 2.1 cubic feet per
second of the waters of well in
accordance with the terms and
conditions of Permit No. 20821
heretofore issued by the State
Reclamation Engineer of the
State of Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are Ray
H. Barnard, American Falls, Ida-
ho.

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

The amount applied to bene-
ficial use is 2.1 cubic feet per
second.

The place where said water is
used is NW $\frac{1}{4}$ Sec. 8, Twp. 7 So.,
Rge. 32 E. B. M. Point of Diver-
sion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, Twp.
7 So., Rge. 32 E. B. M.

The name of the canal or
other works by which said water
is conducted to such place of
use is Sprinkler system and pri-
vate ditch.

The right to take water from
such works is based upon Per-
mit No. 20821.

The source of supply from
which water is diverted is Sub-
terranean.

The date of priority which said
user is prepared to establish is
June 26, 1952.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 8 1959
Department of Reclamation

Permit No. 20821

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. ☒ Ray H. Barnard, American Falls, Idaho, farmer, American Falls, 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. _____

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

Ans. 20821, March 10, 1949, June 1st, 1954. 12-20-48

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

Ans. Well, 300 feet west from southeast corner of NW $\frac{1}{4}$ of Sec. 8, T. 7, So., R. 32, E. B. M.

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. Well; sprinkler system, capable of conveying 2.1 ~~mm~~ cubic feet per second.

Depth of well 250 feet; casing 200 feet deep, and 14" casing; depth to water 30 feet.

Representative from State Reclamation Department was out and measured it and told me how much it was putting out is how I determined it. 40 pounds pressure:

90 - 3/16 inch nozzles

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. Watering stock; and principally irrigation, 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 7, So., R. 32, E. B. M.; and all cultivated land. Cultivation changed from dry farm to irrigated farm by reason of the ~~improvements~~ irrigation.

20821

H

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

Ans. The livestock are watered from this source, in the fall of the year when they are down there on pasture.

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

Ans. ~~xxx~~ Enough to water about 150 head of stock.

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

Ans.

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

Ans. Started irrigation May 20, 1954, and have irrigated each season since; all of the water 2.1 cubic feet per second has been used.

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) *Ray H. Barnard*

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 American Falls, County of Power,

State of Idaho, on this 7th day of April, A. D. 1959.

W. C. Schoofhauer
Notary Public, State of Idaho,
Residing at American Falls, Idaho.

My commission expires Jan. 3, 1963.

20821

This Form 16 is being accepted as completion of works proof only. The beneficial use proof is withdrawn and same will be made at a later date as Mr. Barnard has been given an extension of time in which to make same.

20821
E. M. Humphrey.
Deputy

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 20821

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Raymond Scherer, 30, American Falls, Idaho, farmer, American Falls, Idaho.

Ques. 2. Are you acquainted with Ray H. Barnard, the holder of Permit No. 20821? How long have you known him and where does he reside?

Ans. yes. Known him for twenty years

Ques. 3. Have you read or heard read said Permit No. 20821, and are you familiar with its provisions and conditions?

Ans. yes.

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

Ans. Well 300 feet west from southeast corner of NW $\frac{1}{4}$ of Sec. 8, T. 7, So.,

R. 32, E. B. M.

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

Ans. 2.1 cubic feet per second, and I have seen that much being conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 2.1 cubic feet per second; estimated it from watching the size of the stream and the amount of land being irrigated.

20821

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for irrigation. 40 acres, in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 7 So., R. 32, E. B. M. all cultivated land; improvements that have been made is changing the dry land farming to irrigated land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. All that the stock will drink

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam, rolling land: 2.1 cubic feet per second

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. First of June, 1954, first saw it, delivering 2.1 cubic feet per second; and have seen it quite often during the irrigation seasons of every year since.

(Signed)

Raymond Scherer

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 American Falls, County of Power, State of Idaho, on this 7th day of April, A. D. 1959.

McLoofbauer
Notary Public.
Residing at American Falls, Idaho.

My commission expires Jan. 3, 1963.

20821

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20821

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. A. E. McIlveen, 41, American Falls, Idaho, Idaho Power Company,
American Falls, Idaho

Ques. 2. Are you acquainted with Ray H. Barnard, the
holder of Permit No. 20821? How long have you known him and where does
he reside?

Ans. Yes. Have known him ten years.

Ques. 3. Have you read or heard read said Permit No. 20821, and are you
familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Well, 300 feet west from southeast corner of NW $\frac{1}{4}$ of Sec. 8, T. 7 S.,
R. 32, E. B. M.

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

Ans. 2.1 cubic feet per second, and I have seen that much being conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. 2.1 cubic feet per second, I knew the size of the pump/
lift is, and estimated it from that.

20821

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use. Used for irrigation.

Ans. 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 7 So., R. 32, E. B. M., all cultivated land; improvements that have been made is changing the dry land farming to irrigated farming.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. All that the stock will drink.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam, rolling, 2.1 cubic feet per second.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. First of June, 1954, 2.1 cubic feet per second; and have seen frequently during the irrigation seasons every year since.

(Signed)

T. E. McShane

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 American Falls, County of Power, State of Idaho, on this 7th day of April, A. D. 1959.

W. C. Loofbourrow

Notary Public.
Residing at American Falls, Idaho.

My commission expires January 3d, 1963.

20821

This Form 17 is being accepted as deposition of witness for completion of works proof only. The beneficial use proof is withdrawn and will be made at a later date.

E. N. Humphrey
Deputy
20521

The Power County Press

BILL KING, PUBLISHER

171 IDAHO STREET

AMERICAN FALLS, IDAHO

RECEIVED
MAR 1 11 1959
Department of Reclamation

March 10, 1959

Re: Permit No. 20821
Ray H. Barnard

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

We wish to acknowledge receipt of notice for publication of Permit No. 20821, Ray H. Barnard, for four consecutive weeks.

Our first publication of this notice will be on March 12, at which time a copy will be mailed to your office for checking. Thank you.

Very truly yours,

THE POWER COUNTY PRESS

By *Phyllis King*
Clerk

20821

March 4, 1959

Re: Permit No. 20821
Ray H. Barnard

Mr. W. C. Loofbourrow
Attorney At Law
American Falls, Idaho

Dear Mr. Loofbourrow:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 20821, in the name of Ray H. Barnard. Final proof is to be made before you, as Notary, on the 7th day of April, 1959, at 10:00 A. M., at American Falls, Idaho.

As of this date we have mailed the notice to the Power County Press, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and to mail the Affidavit of Publication and statement of costs to the applicant.

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

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: Ray H. Barnard
American Falls, Idaho

20821

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: March 4, 1959

Re: Permit No. 20821
Ray H. Barnard

Power County Press
American Falls, Idaho
Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to April 7, 1959 the date set for proof; the expense of the publication is to be paid by the applicant

Ray H. Barnard of American Falls, Idaho
to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

Geo. N. Carter
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

** 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.

20821

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

Notice is hereby given that at ten A. M. on the 7th day of April, 1959,
at American Falls, County of Power, State of Idaho, before
W. C. Loofbourrow, Notary Public, proof will be submitted of the
application to beneficial use of 2.1 cubic feet per second of the waters of
well in accordance with the terms and conditions of Permit No. 20821
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Ray H. Barnard, American Falls, Idaho.

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2.1 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres on NE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres on SW $\frac{1}{4}$ NW $\frac{1}{4}$; and 25 acres on
SE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 8, Twp. 7, So., R. 32, E. B. M.

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

The right to take water from such works is based upon Permit No. 20821

The source of supply from which such water is diverted is well located near the middle of
the south line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 7, So., R. 32, E. B. M.

The date of priority which said user is prepared to establish is June 1, 1953.

State Reclamation Engineer.

20821

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

RECEIVED
Department of Reclamation

Notice is hereby given that at ten A. M. on the 7th day of April, 1959,
at American Falls, County of Power, State of Idaho, before
W. C. Loofbourrow, Notary Public, proof will be submitted of the
application to beneficial use of 2.1 cubic feet per second of the waters of
well in accordance with the terms and conditions of Permit No. 20821
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

✓ Ray H. Barnard, American Falls, Idaho.

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2.1 cubic feet per second

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

~~40 acres in NW¹/₄ NW¹/₄; 40 acres on NE¹/₄ NW¹/₄; 40 acres on SW¹/₄ NW¹/₄; and 25 acres on SE¹/₄ NW¹/₄, all in Section 8, Twp. 7, So., R. 32, E. B. M.~~

NW¹/₄, Sec. 8, T. 7S. - R. 32E, B.M.

Point of diversion: SE¹/₄ NW¹/₄, Sec. 8, T. 7S. - R. 32E, B.M.

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

sprinkler system and private ditch

The right to take water from such works is based upon Permit No. 20821

The source of supply from which such water is diverted is well located near the middle of

~~the south line of the SE¹/₄ NW¹/₄, Sec. 8, Twp. 7, So., R. 32, E. B. M.~~

The date of priority which said user is prepared to establish is June 1, 1953

State Reclamation Engineer.

20821

[Handwritten signature]

W. C. LOOFBOURROW
LAWYER
American Falls, Idaho

RECEIVED
FEB 27 1959
Department of Reclamation

Feb. 25, 1959

Department of Reclamation
State House
Boise, Idaho

Sir:

Re: Permit 20821 - Ray H. Barnard, American Falls, Idaho

Enclosed form 10, in duplicate, for publication, and
form No. 11, authority to publish at Barnard's expense.

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow.

L
enc's 4

20821

RECEIVED
FEB 27 1959

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) American Falls, Idaho, February 25th, 1959.

(P. O.) American Falls, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Power County Press

of American Falls, Idaho, published in

the county in which the works are situated.

Ray H. Barnard
Ray H. Barnard

(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.

50821

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

Notice is hereby given that at 10:00 A. M. on the 7th day of April, 1959,
 at American Falls, County of Power, State of Idaho, before
W. C. Loofbourrow, Notary Public, proof will be submitted of the
 application to beneficial use of 2.1 cubic feet per second of the waters of
well in accordance with the terms and conditions of Permit No. 20821
 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Ray H. Barnard, American Falls, Idaho

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

The amount applied to beneficial use is 2.1 cubic feet per second

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

NW $\frac{1}{4}$ Sec. 8, Twp. 7 So., Rge. 32 E.B.M.

Point of Diversion: SE $\frac{1}{4}$ NW Sec. 8, Twp. 7 So., Rge. 32 E.B.M.

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

Sprinkler system and private ditch

The right to take water from such works is based upon Permit No. 20821

The source of supply from which such water is diverted is Subterranean

The date of priority which said user is prepared to establish is June 26, 1952

GEO. N. CARTER

State Reclamation Engineer.

20821

April 10, 1957

Re: Permit No. 20821

Mr. Ray H. Barnard
American Falls
Idaho

Dear Mr. Barnard:

Enclosed is Application for Amendment to Permit No. 20821 which has changed the land list as described in the original permit to read as follows: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres, NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres, SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres, SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres, all in Section 8, Township 7 South, Range 32 East B.M., a total of 145 acres.

This amendment has been approved by the State Reclamation Engineer and is recorded in the Department of Reclamation in Book 75 of Permits at Page 20821. It should be attached to the original permit to which it refers and of which it now becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

ER:nls
Enc:

20821

Permit to Appropriate the Public Waters
of the State of Idaho, No. 20821

MAR 29 1957
Department of Reclamation

Comes now Ray M. Barnard, and represents to the State
Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of
Idaho, No. 20821, and requests that the list of lands to be irrigated, as described in said
permit, be changed to read as follows:

~~Section 4, Twp. 4, R. 12, E. 2, S. 2, N.~~

NW 1/4 40 acres

SW 1/4 40 acres

SE 1/4 40 acres

SW 1/4 25 acres,

all in Section 4, Twp. 4, R. 12, E. 2, S. 2, N.

, making a total of 145 acres.

That an additional amount of water is not asked for, and that the rights of others will not be ad-
versely affected by such change.

Signed at Idaho American Falls, this 28th day of March, 19 57

Ray M. Barnard

Date of receipt at office of Department of Reclamation March 29, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to Appropriate the Public Waters of
the State of Idaho, No. 20821. This approval constitutes a new permit and is issued as an
amendment to the original permit, to which it refers, and of which it becomes a part, and said appli-
cation is approved only insofar as the rights of others will not be adversely affected thereby.

Mark R. Kulp

State Reclamation Engineer

This Form 17 is being accepted as deposition of witness for completion of works proof only. The beneficial use proof is withdrawn and will be made at a later date.

E. H. Humphrey
Deputy 20321

March 25, 1957

Re: Permit No. 20821
Ray H. Barnard

Mr. W. C. Loofbourrow
Attorney at Law
American Falls, Idaho

Dear Mr. Loofbourrow:

The records in this department show that in connection with the above stated permit - a Certificate of Completion of Works was issued to the applicant May 14, 1952, for 2.1 second feet of water from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 7 South, Range 32 East B.M. to be used for irrigation of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 7 South, Range 32 East B.M.

The place of use can be amended on the permit captioned above and we have enclosed a Form No. 12 for that purpose. When this is properly filled out and returned to this department the amendment will be approved and recorded.

Our records also disclose that an extension of time was granted for beneficial use proof to October 1, 1955.

Beneficial Use Proof can be made on this permit at any time. In the event the applicant does wish to make beneficial use at this time, we have enclosed publication blanks, in duplicate, which you may fill out and return to this department together with Form 11 (also enclosed) which is authorization for us to have the notice published at the applicant's expense.

If the beneficial use proof had of been made October 1, 1955, the applicant would have received a priority of December 20, 1948. Since the proof is late the priority date will have to be advanced the same number of years, months and days for which the proof is late.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RT:nls

Enc.

20821

W. C. LOOFBOURROW
ATTORNEY AT LAW
American Falls, Idaho

March 18, 1957

Department of Reclamation
State House
Boise, Idaho

RECEIVED
MAR 18 1957
Department of Reclamation

Sirs:

Re: Permit No. 20821 - Ray H. Barnard

Certificate of completion of works was issued
May 14, 1953, for 2.1 second feet of water, from well in SE $\frac{1}{4}$ NW $\frac{1}{4}$
8-7S-32 E., to be used on
SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8-7S-32 E.

The well location is properly described, but the water is, or is to be,
being-used on the NW $\frac{1}{4}$ of 8-7S-32 E. as follows:

N W $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres.

June 18th, 1953, Mr. Humphrey wrote Mr. Barnard, enclosing
application for amendment. Mr. Barnard doesn't know whether or not
amendment was ever made, or if it was, if it was correctly made.

August 1st, 1955, form letter was sent Mr. Barnard,
enclosing blanks for proof of water to beneficial use, and stating
final date was October 1, 1955, for submitting proof. Mr. Barnard
does not recall that this proof was made.

How do we start to get the filing amended to describe
the above mentioned 145 acres in the NW $\frac{1}{4}$ of 8-7S-32 E. and allow
another full five years to submit proof of completion of works?
If this five years will not be allowed, how can we amend the
necessary papers, to get the earliest priority date possible?

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow.

L

20821

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

August 1, 1955

Mr. Ray H. Barnard
American Falls
Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 20821. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than October 1, 1955, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

20821

June 18, 1953

RE: Permit No. 20821

Mr. Ray H. Barnard
American Falls
Idaho

Dear Mr. Barnard:

I have checked your permit since returning to the office and find that it does not include the three north forties, namely: the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, Township 7 South, Range 32 East, B.M.

Enclosed is an application for amendment including these additional forties which should be signed by you and returned to this Department for approval and record.

We also enclose a form of application for your use in filing for additional water from your well.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:cp
Enc.

20821

STAFF OF IDAHO

Date 6-11- 1953

a.m.

Stream

Party

D. In.

Location

Gage Height beg

```
end...
```

Mean..

..Discharge

[illegible]

June 11, 1953
JHP

Totals

No. of Sheets. Comp. by 20821 Chk. by

20821

June 4, 1953

RE: Permit No. 20821

Mr. Ray Barnard
American Falls
Idaho

Dear Mr. Barnard:

I will pass through American Falls on Monday, June 8, 1953, sometime around noon.

If you can accompany me, we will make a check regarding the description of the forty on which your well is located.

This is in accordance with our conversation when you were last in this office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

P. S. If the weather should become foul and wet so that inspection is difficult, do not be surprised if we fail to come.

20821

May 15, 1953

RE: Permit No. 20821

Mr. Ray H. Barnard
American Falls, Idaho

Dear Mr. Barnard:

We enclose certificate of completion of works issued under Permit No. 20821 for the diversion of 2.1 second feet of water from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, Township 7 South, Range 32 East, B.M. for irrigation and domestic use on the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, Township 7 South, Range 32 East, B.M.

We also enclose approval by the State Reclamation Engineer of your application for extension of time for making proof of beneficial use on this permit to October 1, 1955. This should be attached to the original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cp
Enc. 2

20821

STATE OF IDAHO
Department of Reclamation

Permit No.

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Power } ss

Ray Barnard , of American Falls

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

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 20821

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by Sept 10 , 1952

That he has heretofore put to beneficial use Sixty inches ~~second feet~~ of water and has irrigated Sixty acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

A sprinkler system is being installed to cover some rolling land and it was impossible to get the pipe and get it installed by the date specified.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to Oct 1 , 1953

Subscribed and sworn to before me this 8th day of May , 1953
Ray Barnard
Mo Hambley

Notary Public.

My commission expires 3-5-55

Date of receipt at office of Department of Reclamation

STATE RECLAMATION ENGINEER

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

I, Mark R. Kulp , ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20821 , to

October 1 , 1955

Witness my hand this 8th day of May , 1953

20821
Mark R Kulp
~~Commissioner of Reclamation~~
State Reclamation Engineer

May 8, 1953

RE: Permit No. 20821

Department of Reclamation
107 State House
Boise, Idaho

Gentlemen:

I would like to withdraw beneficial use proof turned in to your department last fall in connection with Permit No. 20821, and respectfully request an extension of time for the making of beneficial use proof in connection with the above numbered permit to October 1, 1955.

The reasons for this request are as follows:

1. I was mistakenly under the impression that the permit granted me the full five years for proof of completion of works and I would have been fully ready within that time.

2. I have not yet irrigated sufficient ground to absorb the full 105 inches filed on under the above numbered permit.

3. I have the pipe purchased and am installing a sprinkler system as rapidly as possible and fully expect to have the development completed in advance of the date requested.

The well was drilled and is completed, and has been since 1949. A pump and motor is installed and has been continually in use. I have fully complied with the terms of completion of works.

Yours truly,

Ray Barnard
Ray Barnard
American Falls, Idaho

20821

March 26, 1953

RE: Permit No. 20821

Mr. Ray H. Barnard
American Falls
Idaho

Dear Mr. Barnard:

We have your letter of March 21, 1953, in reply to registered notice that your Permit No. 20821 was held for cancellation for failure to submit proof of completion of works on or before September 10, 1952.

We note your statement that the well was completed and sprinkler system installed, and that you can furnish proof from disinterested parties to this effect.

We enclose forms of deposition to be executed by yourself and two witnesses, describing the works and stating definitely that they were completed prior to September 10, 1952.

Upon receipt of these depositions and approval by the State Reclamation Engineer, your permit may be reinstated and Certificate of Completion of Works issued upon receipt of the statutory fee in connection therewith amounting to \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20821

RECEIVED
MAR 23 1953
Department of Reclamation
American Falls, Idaho, 3/21 1953.

Mark R. Kulp,
State Reclamation Engineer,
Boise, Idaho.

Dear Sir:

Re Permit #20821

I have this day received your notice of cancellation of permit # 20821 for the reason of non completion of work on said permit.

I am at a loss to understand the reason therefor as I have completed the well and have in approximately about one mile and a quarter of gravity ditch, and irrigated 65 acres of land during the year 1952. I also have installed a sprinkling system which was completed about the middle of October for irrigating an additional 115 acres or about that amount of acreage, this being all ready for the irrigation season of 1953, making in all an irrigation system to irrigate 180 acres of land as of date.

This may be inspected at any time or I am able to furnish proof from disinterested parties that the above statements are true.

This set up with ditches, well and sprinkling system has cost me approximately \$15,000.00.

If there is any other thing or things that I must do to satisfy the Department of Reclamation of the State of Idaho that I have complied with the requirements I will gladly do so.

Yours truly,

Ray Barnard
Ray Barnard

20821

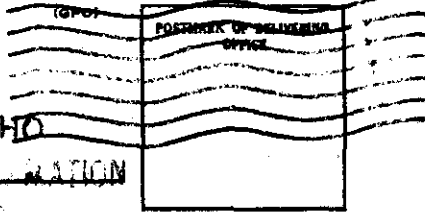
Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$100



STATE OF IDAHO

DEPARTMENT OF REGISTRATION



Return to _____
(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

REGISTERED ARTICLE

No. 87288
INSURED PARCEL

BOISE,

IDAHO.

No. _____ 16-12421-1

20821

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

1 Roy H. Bernard
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 3-21, 1953

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

March 16 19 53

Re: Permit No. 20821

To Mr. Ray H. Barnard

American Falls, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20821
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works September 10, 1952

42-311

you are hereby notified in compliance with Sec. ~~41-311~~, Idaho Code annotated that said Permit No. 20821
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 20821 claims the use of 2.1 cubic feet per second of the
waters of a well with point of diversion located
in the SE 1/4 NW 1/4 Section 8, Twp. 7 S., Range 32 E., 11N., and
was approved March 10, 1949

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
16th day of March 1953

Mark R. Kulp

State Reclamation Engineer.

By Assistant.

20821

✓
September 22, 1952

RE: Permit No. 20821

Mr. Ray Bernard
American Falls
Idaho

Dear Mr. Bernard:

We have received from Mr. Charles T. Cotant, affidavit of publication in the Power County Press which, together with the depositions of yourself and two witnesses previously received, completes your proof of beneficial use under Permit No. 20821.

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,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: Mr. Charles T. Cotant

20821

CHAS. T. COTANT
ATTORNEY AT LAW
AMERICAN FALLS, IDAHO

RECEIVED
SEP 18 1952
Department of Reclamation

Sept. 17th. 1952.

Dept of Reclamation,
Boise, Idaho.

Dear Sir;-

Enclosed affidavit of Publication Permit #20821, Ray
Barnard.

Yours truly,


Chas. T. Cotant

20821

Affidavit of Publication

County of Power, }
State of Idaho, } ss.

L. R. Scott being first duly sworn
on oath, states:

That he is the Publisher of the Power

County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls 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 or advertisement was published as per clipping attached in the regular and entire edition of

said newspaper and not in any supplement thereof for 4 successive weekly issues thereof, the date of the first publi-

cation being the 7th day of August, 19 52
the date of last publication being the

28th day of August, 19 52

(Signed) [Signature]

Subscribed and sworn to before me this

8th day of Sept, 19 52.

[Signature]
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

22 day of Oct, 19 55.

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

Notice is hereby given that at Two o'clock P. M., on the 5th day of September, 1952, at American Falls, County of Power, State of Idaho, before Chas. T. Cotant, Notary Public, proof will be submitted of the completion of works for the diversion of 2 2/5 cubic feet per second of the waters of a well in the SE 1/4 NW 1/4 Section 8, Twp. 7 S. Rge. 32 E., B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20821 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Ray Barnard, American Falls, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 2 2/5 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2 2/5 cubic feet per second.

4. The place where said water is used is in the SW 1/4 NE 1/4, S 1/2 NW 1/4 and NW 1/4 SE 1/4 of Section 8, Twp. 7, South, Range 32, E.B.M.

5. The date of priority which said user is prepared to establish is September 20, 1948.

20821 MARK R. KULP,
State Reclamation Engineer.
First publication August 7, 1952
Last publication August 28, 1952

20821

Affidavit of Publication

County of Power, }
State of Idaho, } ss.

L. R. Scott being first duly sworn
on oath, states:

That he is the publisher of the Power

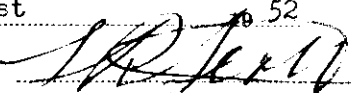
County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county; that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of

said newspaper and not in any supplement thereof for 4 successive weekly issues thereof, the date of the first publi-

cation being the 7th day of August, 1952
the date of last publication being the

28th day of August, 1952

(Signed) 

Subscribed and sworn to before me this

11th day of August, 1952

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

11th day of August, 1952

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

Notice is hereby given that at Two o'clock P. M., on the 5th day of September, 1952, at American Falls, County of Power, State of Idaho, before Chas. T. Cotant, Notary Public, proof will be submitted of the completion of works for the diversion of 2 2/5 cubic feet per second of the waters of a well in the SE 1/4 NW 1/4 Section 8, Twp. 7 S. Rge. 32 E., B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20821 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Ray Barnard, American Falls, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 2 2/5 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2 2/5 cubic feet per second.

4. The place where said water is used is in the SW 1/4 NE 1/4, S 1/2 NW 1/4 and NW 1/4 SE 1/4 of Section 8, Twp. 7, South, Range 32, E.B.M.

5. The date of priority which said user is prepared to establish is September 20, 1948.

20821 MARK R. KULP,
State Reclamation Engineer.
First publication August 7, 1952
Last publication August 28, 1952

✓
September 10, 1952

RE: Permit No. 20821

Mr. Ray Bernard
American Falls
Idaho

Dear Mr. Bernard:

We have received from Mr. Charles T. Cotant, the depositions of yourself and two witnesses in proof of beneficial use under Permit No. 20821.

However, we have not received the affidavit of publication which the Power County Press was instructed to send you. This is a necessary part of the proof and if you have not received it we suggest you take the matter up with them at once.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

cc: Mr. Charles T. Cotant

20821

CHAS. T. COTANT
ATTORNEY AT LAW
AMERICAN FALLS, IDAHO

Sept., 5th. 1952

RECEIVED
SEP 9 1952
Department of Reclamation

Department of Reclamation,
Boise, Idaho.

Dear Sirs:

Enclosed proof of water for beneficial use. Permit
#20821, Ray Parnard.

Yours truly,

Chas T Cotant
Chas. T. Cotant

Permit #20821

20821

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20821

Proof of Application of Water to Beneficial Use
Completion of Works
Deposition of Holder

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

Ans. Ray Barnard, American Falls, Idaho, American Falls, Idaho
Farmer.

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

Ans.

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

Ans. 20821 Dated September 20th. 1948

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

Ans. Well Point of devirsion well in the SE $\frac{1}{4}$ of S $\frac{1}{2}$ of Sect. 8, Twp. 7 S.
Range 32 E.B.M.

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.

Ans. Irrigation ditch, amount of water 2 $\frac{2}{5}$ cubic feet, Well 250 ft.
deep, 14 inch casing, water stands at 28 ft and draws down to 52 ft.
Pump used discharge 2 $\frac{2}{5}$ cubic ft. Built flume and measured same at
time of testing well. Measured with wier.

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 used for irrigation used on SW $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$ and the
NE $\frac{1}{4}$ of the SE $\frac{1}{2}$ Section 8, Twp. 7 South, Range 32 E.B.M.
34

20821

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

Ans.

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

Ans. 2 and 2/5 cubic feet

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

Ans.

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

Ans. one and 1/10 cubic ft.

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. I am putting in a sprinkling system which will use the remainder of the water.

(Sign) Ray Barnard

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

County of POWER, State of Idaho, on this 5th. day of September,

A. D. 1952,

Charles M. Cotland

My commission expires RESIDING AT AMERICAN FALLS, IDAHO
MY COMMISSION EXPIRES JANUARY 24, 1953

26821

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20821

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. George D. Bowman, American Falls, American Falls, Idaho.
laborer

Ques. 2. Are you acquainted with Ray Barnard, the holder of Permit No. 20821? How long have you known him and where does he reside?

Ans. American Falls, Idaho, all his life, about 40 years.

Ques. 3. Have you read or heard read said Permit No. 20821, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. Well, Well about 250 ft deep, Irrigation ditch, Used on the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8, Twp. 7 S. Range 32 E. B.M.

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

Ans. 2 25 cubic feet, full amount.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Have seen it pump to full capacity which is a strong 2 2/5 cubic feet
I am an irrigator and worked for Ray Barnard using this water.

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. I have used this water on 60 acres at present time and know that all of the water will be used.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam. There has been some leveling done on the premises.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have used the water for irrigation purposes as a laborer. used for agricultural purposes.

(Signed) George D. Bowman

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 _____,
County of POWER, State of Idaho, on this 5th day of September,
A. D. 1952.

Charles D. [Signature]
Notary Public.

RESIDING AT AMERICAN FALLS, IDAHO
MY COMMISSION EXPIRES JANUARY 14, 1953

My commission expires _____

50921

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20821

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. Wm. D. Smith, American Falls, Farmer American Falls, Idaho

Ques. 2. Are you acquainted with Ray Barnard, the holder of Permit No. 20821? How long have you known him and where does he reside?

Ans. Better than 20 years, American Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 20821, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. Well at the well in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 8, Twp. 7 S., Range 32 E. B. M. Used on the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 8

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

Ans. 2 2/5 cubic feet, I have seen that much water being conveyed

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I am acquainted with water use and estimated that there was a strong 2 2/5 cubic feet flowing at the time I saw same.

20821

Power County Press

One Paper — One Coverage — One Cost
in Power County

L. R. SCOTT, Publisher

American Falls, Idaho
August 4, 1952

RECEIVED
AUG 5 1952
Department of Reclamation

20821

Re: Permit No. 20821

Department of Reclamation
Boise, Idaho

Dear Sir:

The application of Ray Barnard was received at this office and publication will be started this week, August 7.

Yours very truly



L. R. Scott

20821

July 31, 1952

RE: Permit No. 20821

Mr. Ray Barnard
American Falls
Idaho

Dear Mr. Barnard:

We have corrected your notice for proof under Permit No. 20821 in accordance with your notation of July 29, 1952, and have sent a copy of the notice to the Power County Press with instructions to publish same once a week for four consecutive weeks prior to September 5, 1952, and to send you the affidavit of publication together with statement of costs.

By this same mail, we are sending to Mr. Charles T. Cotant, Notary Public, the necessary forms of deposition to be used in making this proof and at the time set you should appear before him together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: Mr. Charles T. Cotant

20821

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20821

Date: July 31, 1952

Power County Press

American Falls, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **September 5, 1952** the date set for proof, the expense of the publication to be paid by the applicant, **Ray Barnard** of **American Falls, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20821

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

Notice is hereby given that at Two o'clock P. M. on the 5th. day of September, 1952, at American Falls, County of Power State of Idaho, before Chas. T. Cotant, Notary Public, proof will be submitted of the completion of works for the diversion of 2 2/5 cubic feet per second of the waters of Section 8, Twp. 7 S. Rge. 32 E., B.M. well in the SE 1/4 and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20821 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 are Ray Barnard, American Falls, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 2 2/5 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2 2/5 cubic feet per second.

4. The place where said water is used is SW 1/4 NE 1/4, S 1/4 NW 1/4 and NW 1/4 SE 1/4 in the NE 1/4 of Section 8, Twp. 7, South, Range 32, E. B. M.

5. The date of priority which said user is prepared to establish is 20 September 1944

MARK R. KULP
State Reclamation Engineer

20821



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

July 24, 1952

Re: Permit No. 20821

RECEIVED
JUL 31 1952
Department of Reclamation

Mr. Ray Bernard
American Falls
Idaho

Dear Mr. Bernard:

We are in receipt of your notice for proof of completion of works and beneficial use under Permit No. 20821, to be made on September 5, 1952, with instructions to publish it in the Power County Press.

However, in checking this notice, we find that you give the place of use as the NW¹ and the NE¹ Section 8, Township 7 South, Range 32 East, B.M., whereas your permit describes the SW¹ NE¹, S¹ NE¹ and NE¹ SE¹ of Section 8.

If there has been a change in the place where the water has been applied, an application for amendment should be filed in this department on the form enclosed.

On the other hand, if there is a mistake in the land description as given in the form of notice, we can correct same upon receipt of your instructions to do so.

We shall delay sending the notice to the newspaper awaiting your reply.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannette L. Anderson
Chief Clerk

A:fg
Enc.

American Falls, Idaho 7/29/52

The description in the permit is the correct description instead of the description given in notice.

Ray Bernard

20821

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....July, 10th, 1952.....

(P. O.).....American Falls, Idaho.....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
.....Power County Press..... of American Falls, Idaho..... published in
the county in which the works are situated.

.....*Ray Barnard*.....

(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.

50821

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

DEPARTMENT OF RECLAMATION

Boise, Idaho July 1, 1952

Mr. Roy H. Barnard

American Falls, Idaho

Dear Sir:

We enclose herewith blank notice for proof of ^{completion of works and} application of water to beneficial use under your Permit No. 20821. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than September 10, 1952, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

7c 821

March 16, 1949

Re: Permit No. 20621

Mr. Chas. T. Cotant
Attorney at Law
American Falls, Idaho

Dear Mr. Cotant:

We enclose Permit No. 20621 in the name of Roy R. Bernard, together with Departmental Receipt No. 21110 for the \$5.00 filing fee.

Mr. Bernard's attention is directed to the limitations and conditions of this Permit as given on the 4th page under Approval of State Reclamation Engineer.

Very truly yours,

WILLIAM R. KULP
State Reclamation Engineer
By

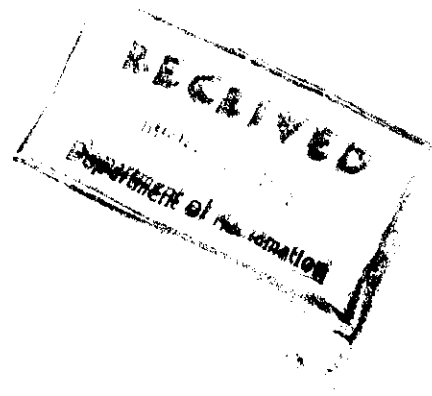
Chief Clerk

A:bm
Enc.

20621

CHAS. T. GOTANT
ATTORNEY AT LAW
AMERICAN FALLS, IDAHO

March 3, 1949



Department of Reclamation
State House
Boise, Idaho

Gentlemen:

In reply to your letter of February 14,
will state that I have filled out the application
for a permit for Ray Barnard, not describing the
same in metes and bounds, but the 105 acres that
he desires to irrigate lies in the description
stated in the application and is all owned by him.

Yours very truly,

Chas T Gotant
Chas. T. Gotant

CTC:dt

20821

T. 7 S., R. 32 E. B.M.

6

5

4

Point of Diversion - Well

8

9

Permit Map No. 20821
As Approved
MAR 10 1949
R. KULP

February 14, 1949

Re: Application No. 28468

Mr. Ches. F. Cotant
Attorney at Law
American Falls, Idaho

Dear Mr. Cotant:

Under date of January 20, 1949 we returned to you the application of Mr. Ray H. Bernard, in order that an amendment could be made giving the description of the land to be irrigated.

At date, we have received no reply to this letter, and we are bringing it to your attention because the statute requires that such applications shall be returned within 60 days.

Very truly yours,

H. H. R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20521

✓
January 20, 1949

Re: Application No. 28468

Mr. Chas. F. Cotant
Attorney at Law
American Falls, Idaho

Dear Mr. Cotant:

We are in receipt of your letter of January 17 in which you state that Mr. Ray H. Bernard expects to irrigate 108 acres with the 1 cubic foot per second of water applied for under Application No. 28468 although only 55 acres were described in the application and outlined in the sketch map.

If an additional 40 acres are to be included, it will not be necessary to describe them in metes and bounds but they should be shown to the 40 acre subdivision in which they are located.

We, therefore, return the application and an additional Form 0 in order that these 50 acres may be included.

Very truly yours,

JOHN R. KULP
State Reclamation Engineer
By

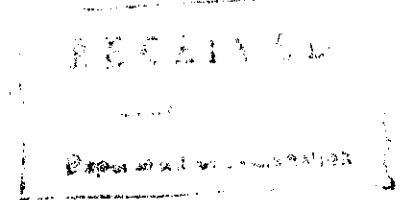
Chief Clerk

s/at
Encls.
cc: Mr. Ray H. Bernard

208 21

CHAS. T. COTANT
ATTORNEY AT LAW
AMERICAN FALLS, IDAHO

January 17, 1949



Department of Reclamation
Boise, Idaho

Gentlemen:

At the request of Ray H. Barnard, American Falls, Idaho, I am writing you in regard to a permit to appropriate $2\frac{1}{4}$ cubic feet per second of water from a well. This water is to be used on 105 acres, 55 acres which were outlined in the map filed with his request, the 50 acres is land adjacent to the 55 acres and in the same legal description set out in his request; however, he has not made a survey of the 50 acres to be irrigated so does not know the exact description by meets and bounds.

Yours very truly,

Chas. T. Cotant

C.T.C.;dt

20821

December 24, 1948

Re: Application No. 28468

Mr. Ray H. Bernard
Box 527
American Falls, Idaho

Dear Mr. Bernard:

We have filed your application for permit to appropriate two and one-quarter cubic feet per second of water from a well, but in checking same we find the land on which the water is to be used is described as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres; or a total of 55 acres in Section 8, Twp. 7 S., Range 32 E. B.M.

However you state that the total number of acres to be irrigated is 105. We are therefore wondering if you have omitted something from the land description. Please advise if this water is to be used on 55 acres or 105 acres.

In either event the application can only be approved for one inch per acre, which is the maximum allowed by statute.

Very truly yours,

M. K. R. KULP
State Reclamation Engineer
By

Chief Clerk

A/st

20281

CHAS. T. COTANT
ATTORNEY AT LAW
AMERICAN FALLS, IDAHO

December 17, 1948



Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed, please find check of Ray H. Barnard,
in the amount of Five and fifty cents DOLLARS (\$5.50),
in payment of filing fee in application for permit
included. *OK*

Yours very truly,

Chas. T. Cotant
Chas. T. Cotant

CTC:dt
Encl.

50821

LEGAL NOTICES

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

Notice is hereby given that at Two o'clock P. M., on the 5th day of September, 1952, at American Falls, County of Power, State of Idaho, before Chas. T. Cotant, Notary Public, proof will be submitted of the completion of works for the diversion of 2 2/5 cubic feet per second of the waters of a well in the SE 1/4 NW 1/4 Section 8, Twp. 7 S. Rge. 32 E., B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20821 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Ray Barnard, American Falls, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 2 2/5 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2 2/5 cubic feet per second.

4. The place where said water is used is in the SW 1/4 NE 1/4, S 1/2 NW 1/4 and NW 1/4 SE 1/4 of Section 8, Twp. 7, South, Range 32, E.B.M.

5. The date of priority which said user is prepared to establish is September 20, 1948.

MARK R. KULP,

State Reclamation Engineer.

First publication August 7, 1952

Last publication August 28, 1952

Published in The Idaho County Press March 12, 19, 26, and April 2, 1959.

NOTICE OF PROOF OF APPLI- CATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 7th day of April, 1959, at American Falls, County of Power, State of Idaho, before W. C. Loofbourrow, Notary Public, proof will be submitted of the application to beneficial use of 2.1 cubic feet per second of the waters of well in accordance with the terms and conditions of Permit No. 20821 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ray H. Barnard, American Falls, Idaho.

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

The amount applied to beneficial use is 2.1 cubic feet per second.

The place where said water is used is NW 1/4 Sec. 8, Twp. 7 So., Rge. 32 E. B. M. Point of Diversion: SE 1/4 NW 1/4 Sec. 8, Twp. 7 So., Rge. 32 E. B. M.

The name of the canal or other works by which said water is conducted to such place of use is Sprinkler system and private ditch.

The right to take water from such works is based upon Permit No. 20821.

The source of supply from which water is diverted is Subterranean.

The date of priority which said user is prepared to establish is June 26, 1952.

GEO. N. CARTER
State Reclamation Engineer

Idaho County