

The works will act as drainage system part time. During dry season gates and manholes will be closed to raise subwater to proper elevation

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

By s/ W. D. Beers  
962 Windsor St.,  
Salt Lake City, Utah  
Agent.  
Applicant.

Date of first receipt at Department of Reclamation: 8:00 A.M. October 11, 1965

Returned to applicant for correction:

Corrected application received:

# Approval of State Reclamation Engineer

The number of this permit is G—32557

|                  |     |      |       |
|------------------|-----|------|-------|
| Recorded in Book | 114 | Page | 32557 |
|------------------|-----|------|-------|

Approved      October 14, 1965

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

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

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted

temporarily interrupted by circumstances over which the permit holder has no control. April 14, 1968

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed and beneficial use of

before October 14, 1970

Witness my hand this 14th

day of                      October, 1965

s/ RALPH W. THOMAS, Deputy  
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,  
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 14th  
day of October, 1965

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

*Governor*

*Secretary of State.*

12.

[illegible]

# APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40716  
Permit No. G- 32557  
District No.

1. Name of Applicant: W. D. Beers  
Postoffice address: 962 Windsor St.,  
Salt Lake City, 5 County: Salt Lake State: Utah
2. Quantity of water claimed: 1. c.f.s.  
(a) Rate of withdrawal in cubic feet per second  
Miners' inches or gallons per minute  
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean  
NE 1/4 Sec. 1, Twp. 16 S., Rge. 38 E  
lots 4, 5, 6, SW 1/4 of Section 6
4. Location of point of diversion or well is in the E 1/4 of the  
Twp. 16 S., Rge. 39 E., B.M., County of Franklin
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:  
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.  
(b) Waste water or sewage effluent is to be returned to  
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: drain tile with manholes and gates
8. Estimated cost of works: \$12,000
9. (a) Is reservoir to be used? No  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:  
I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:  
II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Twin Lakes Canal Co.  
(a) 1.0 (cubic feet per second, inches per minute, or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.  
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

October 4, 1965

RE: Application for Permit

W. D. Beers  
962 Windsor Street  
Salt Lake City 5, Utah

Dear Mr. Beers:

Returned herewith is your application for permit with \$5.00 filing fee and an application I prepared from information you furnished, with maps.

Kindly check the application I prepared, correct as necessary, sign on page 3 and return with the filing fee and maps. The drains should be shown as proposed during the next four years.

Very truly yours,

RALPH W. THOMAS  
Deputy State Reclamation Engineer

RWT:mr

Enc. application, check

32557

Sept 28 1965  
Salt Lake City  
962 Windsor St  
Utah

Department of Reclamation  
of State Reclamation Engineer  
Capitol Bldg  
Boise Idaho

RECEIVED

OCT 4 1965

Department of Reclamation

Dear Sir: In response to my letter Aug 25 1965 I ask if it was necessary to file on drainage water as I expect to use it on the lower part of tract and in reply you sent me the necessary papers to make a filing and for me to fill them out and return them to your office. I enclose them and trust they are filled out properly as follows

- 1st Application for ~~SR~~ C. of D. of water. sheet 226-52 attached
- 2nd Duplicate forms 700- filled out
- 3rd 1 Tracing of layout and 2 Prints

- 4 As I was not a Drainage Engineer The Department of ~~SR~~ ~~SR~~ of soils had numerous holes dug over the tract so the the water surface below the surface of the ground could be measured. then one of these engineers R E Donficht made a study and a report (see attached report) and layout out a drainage plan
  - 1) We let a contract for special gravel deliver along road and trench to be dug
  - 2) Let a contract to furnish 8" and 6" tile pipe <sup>delivered</sup> along trench
  - 3) Let contract to dig <sup>with</sup> and lay pipe. I had to furnish 3 men 2 beside down to man in trench and 1 to place gravel in hopper of digging machine
  - 4) Install 4 boxes with gates to control drainage
  - 5) When work was all done ~~we~~ backfill trench
- The job cost \$1259.47 up to date  
Trust the job will be successful and it is draining now

Yours truly

WV Deet

32557

Salt Lake City Utah  
Oct 6 1965

Attention of Mr Ralph W Thomas  
Deputy State ~~Engineer~~ Reclamation Engineer  
Room 107 State House  
Boise Idaho 83701

Dear Mr Thomas: I received your letter of Oct 4 1965. Thank you.  
I have signed the corrected application on Page 3 as  
directed. I enclose my check for 5<sup>00</sup> filing fee and enclose map  
showing location of land to be drained and showing  
location in dotted line the location of the location  
of ditch. The other papers in trust they are  
necessary to clearly set forth the picture.

I thank you very much for helping me in  
the application and trust every thing OK

Yours Truly  
W D Seis

RECEIVED  
OCT 11 1965

Department of Reclamation

32557

Idaho

R.E. Donicht

5-25-65

W. D. Beers - Tile Drain ACP#48

OCT 11 1965

Data: Attached Profile Survey and Plan Map

Soils: Sandy loam over 60" deep and sandy loam over sand.

Department of Reclamation

Previous survey with observation wells shows water funning south.

Since the profile itself appears to be the aquifer a Relief Type of drain will be constructed.

For this year it is recommended that 2000' - 8" tile be run in a northerly direction with west cross lines @ 10+10 or midpoint 572' - 6" tying into the existing drain in field across N-S country road and @ station 20+00 600' - 6" tile. See plan map attached.

The following year three lines are proposed as shown in green pencil on the plan map. 1600' - 6" tile running easterly from sta. 10+00, 800' - 6" tile running easterly @ about sta. 17+00, and 800' - 6" tile - 400' running north and 400' running easterly.

3 man holes will be constructed at this time 1 - 5'X36" CMP bituminus coated with 6" cone base @ sta. 0+00 ditch outlet of line

2 - 8'X36" CMP @ Station 5+72 outlet of existing tile line. Station 10+00 becoming 0+00 for this line.

The manholes may use an 8" armco 101 or equal headgate to regulate sub in years of low water. These are the main 8" line man holes.

The 8" mainline size was decided on because of the installation existing west across the road and because of the slope it would seem that in future years more laterals may be required as water could come to the surface between the proposed lateral lines if so a 6" mainline would probably prove inadequate. Also th is was concurred with by Doug Stewart, Engineer for Summner Margetts, who are to do the job, as 7.0 foot depth is maximum tile laying depth with around 600' - 6.5' best operating depth. It is readily noted that about 12.0' of elev. occurs between the west lateral lines and water noted on the surface in several places

3255>

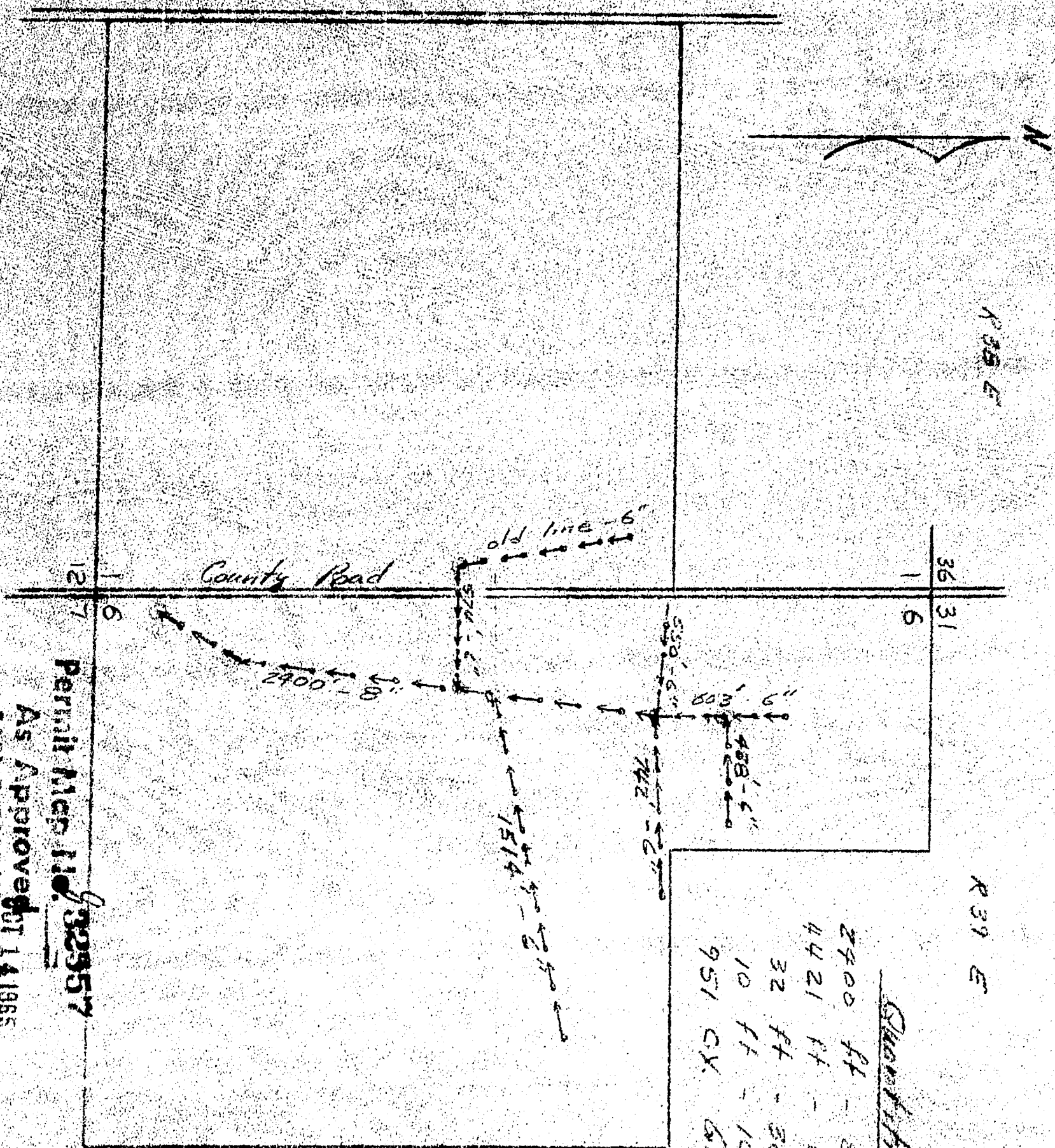
along and between the proposed lines.

Gravel pack increased to 12" from usual 4" because of light textured placement soil.

32557

W. G. Beers  
 Tile Drainage System  
 Franklin County, Idaho  
 Scale 1" = 660' approx.

T  
 16  
 S



Quantities  
 2400 ft - 8" tile  
 4421 ft - 6" tile  
 32 ft - 36" culch road  
 10 ft - 10" culch  
 951 cu. gravel

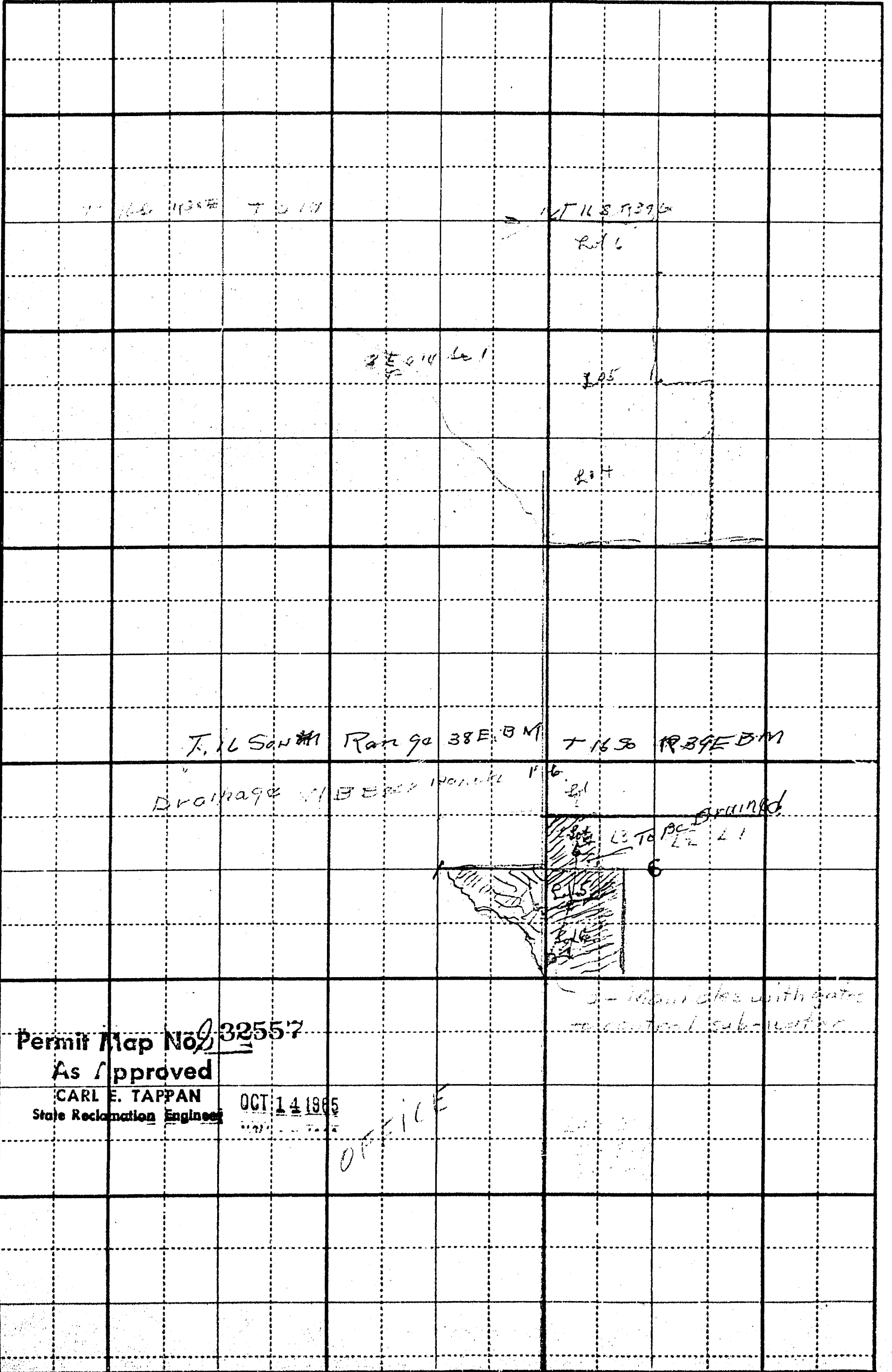
Permit No. 32357

As Approved  
 CARL E. TAPPAN

NAME OF APPLICANT

W. D. Beyer, 962 Windsor St.  
St. Louis, Mo. 63101

Form No. 0



Permit Map No. 32557

As Approved

CARL E. TAPPAN  
State Reclamation Engineer

OCT 14 1985

OFFICE

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

32557

October 22, 1965

Re: Permit No. G-32557

W. D. Beers,  
962 Windsor St.,  
Salt Lake City, Utah

Dear Mr. Beers:

We enclose Permit No. G-32557 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9878 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer  
By

(MRS.) EDNA P. RULE  
Chief Clerk

Encl.  
EPR:pmk

32557

The Sumner G. Margetts & Co., Inc. method of

# Tile Underdrainage

reclaims water-logged bottom lands in a once-over operation.

A thousand feet per day—that's the average laid by a tile drainage machine designed, developed and perfected by the late Sumner G. Margetts, a leading Utah civil and consulting engineer, and manufactured in the company shops at Layton, Utah.

In an all-inclusive, once-over operation, the novel invention—the only one of its type in the world—excavates trench, lays pipe or tile to grade and alignment and applies a gravel filter completely over, under and around the pipe. This it does at less cost and with far less time and labor requirements than ordinary trenching and hand-laying methods.

Powered by Cummins Diesel, the track-type machine trenches to an eight-foot maximum depth, works in up to eight inches of frost and handles any type of sub-soil conditions from clay gumbo to slimes and quicksand.

One man of a three-man crew works in a steel crib positioned behind the 12-foot excavating wheel (see cut). Lengths of tile or pipe handed down to him are placed in the bottom of the trench, then a hydraulic plunger pushes the length into position to join it with the section previously laid for a precision fit and alignment. Crushed gravel, flowing down from

a gravity feed chute at the rear of the crib, encases the line in a four-inch envelope as the machine travels along.

This filter envelope prevents fine particles of sand and silt from entering the drain tile, stabilizes unstable soil conditions and provides passageways for the water to flow along the pipe until it can enter at the joints. Desilting boxes are located at changes in grade or at points where the line switches direction. Pipe sizes laid range from six to fifteen inches in diameter. Three types are handled: butt-end, bell and spigot, and tongue and groove.

Underdrainage projects completed to date include water-logged farm lands, subdivision and industrial sites, airports, road and borrowpit drainage, and water and outfall sewer line excavations. Lands too swampy to support a man or an animal have been ready for plowing within 15 days from the time the underdrainage line was installed.

Sumner G. Margetts & Company, Inc., headquartered at 204 Felt Building, Salt Lake City, has been working closely with soil conservation districts throughout Utah and southeastern Idaho, and is making efforts to become acquainted with all areas having acute drainage problems.



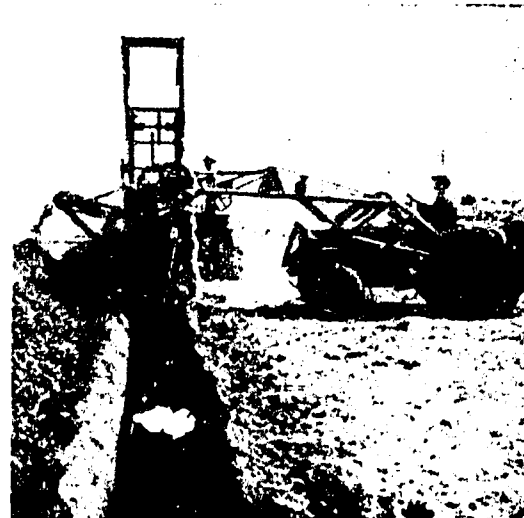
"THE ONLY MACHINE OF ITS TYPE IN THE WORLD"  
(Government Approved)



Top—Machine to dig trench, lay pipe and apply gravel filter in one operation is invention of the late Sumner G. Margetts. Device is manufactured at Layton shop.

At left—Arnold Anderson lowers length of clay pipe to Jack Stephens working in crib at bottom of trench. Hydraulic ram will insure precision fit and alignment.

At right—Gravel for filter envelope is dumped into gravity feed chute. Crew installed 8200 feet of pipe to lower water table at the Industrial Center in Salt Lake.



32557

Doug Stewart says: "FOR LAND'S SAKE ---IF PROPERTY IS WORTH OWNING---SURELY,  
IT DESERVES THE BEST"

USE OUR " P D Q" (POSITIVE DRAIN QUICK' SYSTEM

CALL - - DOUG. EM 3-3330 or EL 5-6944 SALT LAKE CITY, UTAH

The following prices are for UTAH, SALT LAKE, DAVIS, WEBER, CACHE, BOX ELDER  
Counties in Utah and Fairview Area, Idaho:

|                                              |               |                          |
|----------------------------------------------|---------------|--------------------------|
| Excavate trench, lay 6 inch pipe with gravel | 0 to 5        | feet deep @ 75¢ per foot |
| " " " 6 " " " " " 5 to 6                     | " " @ 85¢ " " |                          |
| " " " 6 " " " " 6 to 7                       | " " @ 95¢ " " |                          |
| " " " 6 " " " " 7 to 7-1/2                   | " " @ 99¢ " " |                          |

For excavation & laying 8 inch; 10 inch; 12 inch and 15 inch pipe, ADD 5¢; 9¢; 12¢ and 15¢ per foot to the above prices, (pipe lengths to be 3 feet or less).  
Grade & alignment will be maintained as required by Government Specifications together with applying filter gravel around pipe & "pressure" testing each pipe to insure against pipe failure. We also furnish 2 men with machine (operator & pipe layer). (If desired we will contract the complete drainage job).

OWNER will furnish the following Items (Materials): pipe, manholes & will furnish & place gravel (6 cubic yards per 100 feet for 6" pipe) in hopper of the machine, as it moves along, together with backfilling the trench. Pipe & gravel to be placed 6 feet to the right of the staked line, beginning at the outlet. Owner will furnish 2 or more men to hand pipe & to place gravel in hopper of machine. (A farm tractor with a front-end hydraulic loader is used to place gravel in hopper & can also be used to back-fill trench). If unstable ground is to be drained or crossed over, the Owner will furnish & place posts or timbers for machine to travel on. Standard connection charge is twenty-nine dollars per connection. Cost for the installation of corrugated manholes is fifty-dollars each to a depth of 5 feet; an additive charge of twelve-dollars per foot for depths greater than 5 feet. Moving charge on jobs to be thirty-seven dollars.

The above UNIT PRICES do not include the excavation of solid rock, large gravel, hardpan and/or soils which cannot be cut by trenching machine.

Ask us about "SUMP-PUMP" DRAINAGE --- it really PAYS

Work methods approved by Government Agency Offices

WE DO DRAINAGE FOR: AIRPORTS-SUBDIVISIONS, AND INDUSTRIAL BUILDING SITES.  
HOSPITALS, SCHOOLS, CHURCH SITES AND WELFARE STAKE FARMS  
State or County road drainage combined with borrow-pit  
drainage. Outfall sewer excavation & water line excavation.  
Concrete ditch-lining..Complete Sprinkler Irrigation.

FOR: CANAL CLEANING-OPEN DRAIN CLEANING - NEW CANALS OR DITCHES WE HAVE:  
GRADALL MOBILE EXCAVATOR - Model 2460  
7/8 Yd., fully operated, @ \$18.00 per hour  
5/8 Yd., fully operated, @ \$15.00 per hour

FOR: LAND LEVELING WORK WE HAVE:  
TD-18 Tractors, with 12 foot dozers and 12 Yd.  
Carryall and 55 foot BE GE LAND-PLANE and 3 Tooth  
Ripper or Sub-Soiler. We furnish tractor with  
attachments @ \$15.00 per hour.

For additional information call: Frank Bodily - Layton 376 2461 or Earl Bodily -  
Layton 376 3093; Eldon Stock-Home- HU 5-0241  
"WASTED WATER AND LAND MEANS WASTED MONEY"

Call us - - - we drain RIGHT for you

-Over-

32557

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32557/13-2268 )

in the name of W. D. Beers, 962 Windsor )

Street, Salt Lake City 5, Utah )

ORDER MODIFYING REQUIREMENTS  
FOR COMPLETION OF PERMIT TO  
APPROPRIATE WATER

WHEREAS, the 39th Idaho legislature made certain amendments to the Idaho Water Law;  
and,

WHEREAS, these changes raised questions as to the procedures to be followed by  
holders of permits issued prior to the effective date of the amendments, May 31, 1967;  
and,

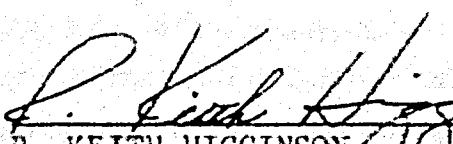
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice  
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 13-2268 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are  
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,  
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
  - a. Notice of the issuance of the permit will be published at the permit  
holders expense for two weekly issues in the official newspaper of  
the county in which the point of diversion lies.

Dated this 22<sup>ND</sup> day of April, 1970

  
R. KEITH HIGGINSON  
State Reclamation Engineer

RKH/DG

32557  
13-2268

Nº 1751

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Franklin

ss.

*Wayne D. Bell*

being duly sworn,

deposes and says:

That he is the *Co. publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

*May 14*

, 19 *70* and ending

with the issue of

*May 21*

, 19 *70*

*Wayne D. Bell*

Fees, \$ *11.73*

Subscribed and sworn to before me this *1st* day

*June*

, 19 *70*

*William D. Giddis*

Notary Public, Residing at Preston, Idaho

My Commission Expires *11 March*, 19 *74*

## NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City, 5, Utah has received an approved permit No. G-32557/13-2268 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 11, 1965 and the permit was approved October 14, 1965. Water is to be diverted by drain tile with manholes and gates from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 1, T. 16 S, R. 38 E. Lots 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County to be used for irrigation in the SE $\frac{1}{4}$ , Sec. 1, T. 16 S, R. 38 E;

SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 6, T. 16 S, R. 39 E., B. M. Proof of the application of the water to beneficial use is to be submitted to the department on or before October 14, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation  
Engineer

Published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.  
Legal No. 1751-Pub. May 14, 21, 1970.

*13-2268*

*32557*

*13-2268*

June 29, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers  
1303 Deseret Bldg.  
Salt Lake City, Utah 84111

Dear Mr. Beers:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until October 14, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

32557

13-2268

1303 BEERS, INC.  
~~Deseret~~ Deseret Building  
SALT LAKE CITY, UTAH 84111

RECEIVED

Memo from **W. LEONARD BEERS**

6-25-70

JUN 25 1970

Mr. Donald W. Mc Eldowney  
Department of Reclamation  
Appropriation Supervisor  
State of Idaho Reclamation  
Dept.

Dear Mr. Mc Eldowney,

Enclose please find our  
affidavit of publication in the  
Preston Citizen.

Trusting that this will  
meet with your approval  
I am,

Sincerely  
W. Leonard Beers.

June 22, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers  
962 Windsor St.  
Salt Lake City, Utah 84111

Dear Mr. Beers:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 14, 1970; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Preston Citizen, Box 389, Preston, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

32557

13-2268

May 4, 1970

Re: Permit No. G-32557/13-2268

Preston Citizen  
Box 389  
Preston, Idaho 83263

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by W. D. Beers,

962 Windsor St., Salt Lake City, Utah 84111,  
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG  
Enc: legal notice

32557  
13-2268

May 4, 1970

Re: Permit No. G-32553713-2268

Beers, Inc.  
1303 Deseret Bldg.  
Salt Lake City, Utah 84111

ATTN: W. D. Beers

Dear Mr. Beers:

The legal notice for the above referenced permit is being published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

32557

13-2268

RECEIVED

MAY 4 1970

Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City,  
5, Utah has received an approved permit No.  
G-32557/13-2268 issued by the Idaho State Reclamation Department authorizing the  
diversion ~~of~~ of 1.0 cubic feet per second ~~of~~ of water from a groundwater source  
subject to all prior rights. The priority to be established under this permit is  
October 11, 1965 and the permit was approved October 14, 1965.  
Water is to be diverted by drain tile with manholes and gates  
from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 1, T. 16 S, R. 38 E, Lots 4, 5, 6, E $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County  
to be used for irrigation  
in the SE $\frac{1}{4}$ , Sec. 1; T. 16 S, R. 38 E; SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 6, T. 16 S, R. 39 E.,  
B. M.

Proof of the application of the water to beneficial use is to be submitted to the  
department on or before October 14, 1970. Any protests against  
the issuance of a license for the above referenced permit should be filed with the  
Department of Reclamation within ten (10) days of the last date of publication of  
this notice or prior to the licensing of the permit. Licensing may commence prior  
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Preston Citizen, Preston, Idaho on  
May 14 and May 21, 1970.

State Reclamation Engineer:

Permit No. 13-2268

You are hereby authorized to have the attached notice published at my expense in  
the Preston Citizen of Preston, Idaho;  
published in the county in which the works are situated.

(Signature)

(Address)

(Date)

962 Windsor St  
Salt Lake City Utah  
4-30-70

32557  
13-2268

April 23, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers  
962 Windsor St.  
Salt Lake City 5, Utah

Dear Mr. Beers:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

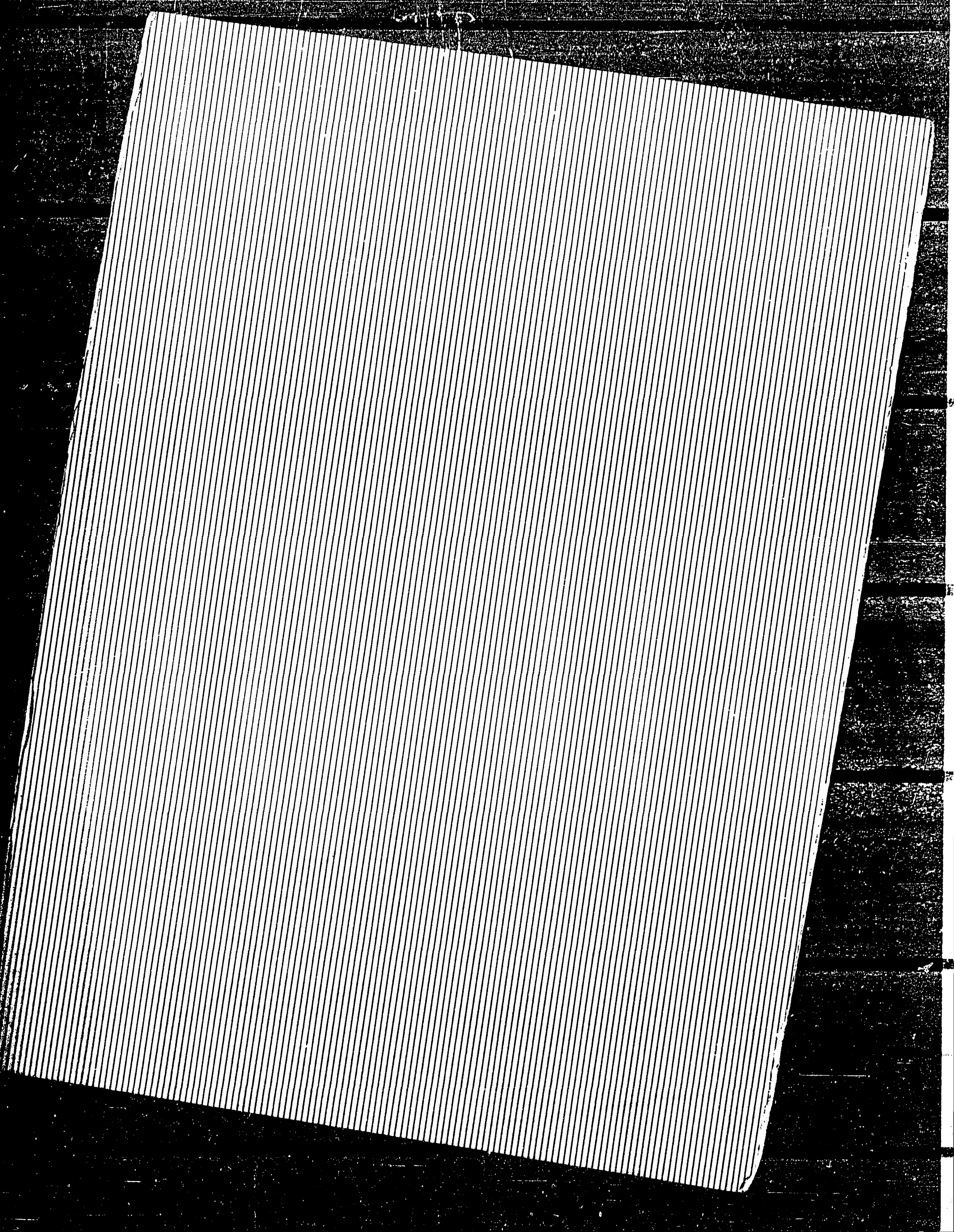
Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

Enc: order  
advertising package

32557  
13-2268



1303 BEERS, INC.  
Deseret Building  
SALT LAKE CITY, UTAH 84111

RECEIVED

6-25-70

Memo from **W. LEONARD BEERS**

JUN 29 1970

Mr. Donald W. Mc Eldowney  
Department of Reclamation  
Appropriation Supervisor  
State of Idaho Reclamation  
Dept.

+

Dear Mr. Mc Eldowney,

y

Enclose please find our  
affidavit of publication in the  
Preston Citizen.

O

Trusting that this will  
meet with your approval  
I am,

≡

Sincerely  
W. Leonard Beers.

13 2268

July 31, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers  
1303 Deseret Bldg.  
Salt Lake City, Utah 84111

Dear Mr. Beers:

One of the conditions of the approval of your Permit No. G-32557/13-2268 was that proof of application of the water to beneficial use be submitted to this office on or before October 14, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

*R. Keith Higginson*

Director

Enc: Proof affidavit  
RKH:DR

CERTIFIED MAIL

# 22036

13 2268

**INSTRUCTIONS TO DELIVERING EMPLOYEE**

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

**RECEIPT**

Received the numbered article described below.

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

AUG 7 1972

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (only if requested)

13-2268

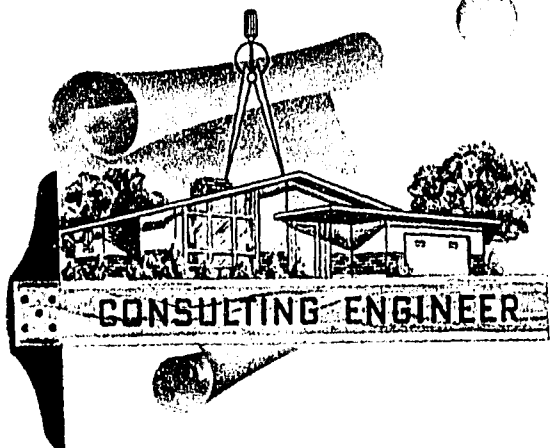
13-2268

GPO

65-10-71548-10

|                                                                                                                                                                                                                          |  |                                                                  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------|--|
| POST OFFICE DEPARTMENT<br>OFFICIAL BUSINESS                                                                                                                                                                              |  | PENALTY FOR PRIVATE USE TO AVOID<br>PAYMENT OF POSTAGE \$300 -   |  |
| 13-2268                                                                                                                                                                                                                  |  | POSTMARK OF<br>DELIVERING OFFICE<br>AUG 7 1970<br>SALT LAKE CITY |  |
| INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED. |  | RETURN<br>TO                                                     |  |
| NAME OF SENDER<br>Dept. of Water Administration                                                                                                                                                                          |  |                                                                  |  |
| STREET AND NO. OR P.O. BOX<br>STATEHOUSE - Annex 2                                                                                                                                                                       |  |                                                                  |  |
| POST OFFICE, STATE, AND ZIP CODE<br>Boise, Idaho 83707                                                                                                                                                                   |  |                                                                  |  |

POD Form



Registered Idaho - Utah - Wyoming

PHONE 852-0686

WENDELL H. SMITH

ROUTE 2

PRESTON, IDAHO 83263

Oct. 2, 1970

Plans

Specifications

Cost Estimates

Water Supply

Drainage

Paving

Dams

Sewerage

Airports

Engineering Reports

Investigations

Beers Inc.  
Mr. W. L. Beers, Manager  
Mr. Elden L. Bastian  
Weston, Idaho

Dear Mr. Bastian:

The following information on a water measurement requested by you is hereby presented for your use.

The measurement was taken at the end of a drain tile in Section 6, T 16S, R 39E, B.M., Franklin County, Idaho.

The measurement was made Sept. 30, 1970 at 6 P.M.

The reading was 0.37 of a foot over a 90° V-notch weir. The discharge over the weir at this reading was 0.211 cubic feet per second.

The water markings in the pipe indicate that <sup>the</sup> tile pipe discharges more water at certain times of the year.

Very truly yours,

*Wendell H. Smith*  
Wendell H. Smith

13 2268

PAUL H. RAY (1893-1967)  
S. J. QUINNEY  
A. H. NEBEKER  
ALBERT R. BOWEN  
W. J. O'CONNOR, JR.  
C. PRESTON ALLEN  
MARVIN J. BERTOCH  
ALONZO W. WATSON, JR.  
RAMON M. CHILD  
STEPHEN B. NEBEKER  
HUGH C. GARNER  
L. RIDD LARSON  
DON B. ALLEN  
MERLIN O. BAKER  
STEPHEN H. ANDERSON  
CLARK P. GILES  
JAMES W. FREED  
THOMAS A. QUINN  
JAMES L. WILDE  
M. JOHN ASHTON  
HERBERT C. LIVSEY  
WILLIAM A. MARSHALL

RAY, QUINNEY & NEBEKER

ATTORNEYS AT LAW  
SUITE 400 DESERET BUILDING  
SALT LAKE CITY, UTAH 84111

RECEIVED TELEPHONE  
334-7742

October 6, 1970

OCT 8 1970

Department of Water Administration

R. Keith Higginson, Director  
Department of Water Administration  
State House Annex 2  
Boise, Idaho 83701

Re: Permit No. G32557/13-2268

Dear Sir:

This letter is sent to confirm in writing the information transmitted to your office today concerning proof of application to beneficial use in the form of an affidavit. It was reported that W. D. Beers, Jr., who had undertaken to prepare the affidavit and accomplish some preliminary work with regard to its completion, was in the hospital, and therefore the affidavit could not be filed by the required date of October 14, 1970. It was suggested that if the affidavit were submitted within sixty days after the above referred to date, there would be compliance with the law.

It is believed that this can be done; however, it would be appreciated if you could provide the undersigned with an application for an extension of time in the event that such a request becomes necessary.

Yours very truly

*Alonzo W. Watson, Jr.*  
Alonzo W. Watson, Jr.

AWW/j

13 2268

October 13, 1970

Re: Permit No. G-32557/13-2268

C  
Mr. W. D. Beers  
1303 Deseret Bldg.  
Salt Lake City, Utah 84111

Dear Mr. Beers:

O  
As requested by your attorney, Mr. Alonzo W. Watson, Jr., please find enclosed  
this department's application for an extension of time form.

If we may be of any further assistance, please advise.

P  
Very truly yours,

Dorian Clay,  
Appropriation Examiner

Y  
DC/DG

Enc: extension of time

13 2268

November 4, 1970

Re: Permit No. G-32557/13-2268 - W. D. Beers

Mr. Alonzo W. Watson, Jr.  
RAY, QUINNEY & NEBEKER  
Suite 400, Deseret Bldg.  
Salt Lake City, Utah 84111

Dear Mr. Watson:

Pursuant to your letter of October 6, 1970, please find enclosed an Application for Extension of Time for your use in connection with the above referenced permit.

Please be advised that the extension of time request must be received by this office on or before November 18, 1970, otherwise the permit will lapse and be of no further force or effect.

We are also enclosing an affidavit to be used in the submission of proof of application of water to beneficial use, in the event you wish to submit the proof at this time.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enc: App. for Ext. of Time  
B/U affidavit

13 2268

RECEIVED

NOV 16 1970

PAUL H. RAY (1893-1967)  
S. J. QUINNEY  
A. H. NEBEKER  
ALBERT R. BOWEN  
W. J. O'CONNOR, JR.  
C. PRESTON ALLEN  
MARVIN J. BERTOCH  
ALONZO W. WATSON, JR.  
RAMON M. CHILD  
STEPHEN B. NEBEKER  
HUGH C. GARNER  
L. RIDD LARSON  
DON B. ALLEN  
MERLIN O. BAKER  
STEPHEN H. ANDERSON  
CLARK P. GILES  
JAMES W. FREED  
THOMAS A. QUINN  
JAMES L. WILDE  
M. JOHN ASHTON  
HERBERT C. LIVSEY  
WILLIAM A. MARSHALL

RAY, QUINNEY & NEBEKER

ATTORNEYS AT LAW  
SUITE 400 DESERET BUILDING  
SALT LAKE CITY, UTAH 84111

TELEPHONE  
Department of Water Administration

November 9, 1970

Mr. Dorian Clay  
Appropriation Examiner  
Department of Water Administration  
Annex to State House  
Boise, Idaho 83707

Re: Permit No. G-32557/13-2268

Dear Mr. Clay:

I previously called you concerning the filing of "Proof of Application of Water to Beneficial Use" on the above designated permit and informed you that Mr. W. Leonard Beers, who was undertaking to prepare and submit the proof, was in the hospital.

Mr. W. Leonard Beers is the son of W. D. Beers, and since the death of W. D. Beers is the president of Beers, Inc. Beers, Inc. is a Utah corporation that owns the farm lands in the State of Idaho upon which the water developed under the referred to permit is used. Such property was transferred to Beers, Inc. for shares of its capital stock. Consequently, the permit after it is perfected should be in the name of Beers, Inc. rather than W. D. Beers. Enclosed is a copy of the deed from W. D. Beers to Beers, Inc. Also enclosed is the proof of application signed by W. Leonard Beers for Beers, Inc. before a notary public. There is attached to the proof of application a letter from Wendell H. Smith, the consulting engineer who made the water measurement set forth under question No. 5 of the proof of application. It is hoped that with the proof of application and the copy of the deed, you will be able to establish the right of Beers, Inc. to such permit.

I appreciate your help and the applications for extension of time sent with your letter of October 13. It is my understanding

13 2268

2--Mr. Dorian Clay

November 9, 1970

that if the proof of application is lodged with you prior to November 18th, it will be unnecessary to file for an extension of time. In the event the proof of application is not in proper order or you need further information concerning the transfer to the corporation, would you please let me know.

Yours very truly

*Alonzo W. Watson, Jr.*  
Alonzo W. Watson, Jr.

AWW/j  
Encs.

13 2268

November 17, 1970

Re: Permit No. G-32557/13-2268 - W. D. Beers

C Mr. Alonzo W. Watson, Jr.  
RAY, QUINNEY & NEBEKER  
Suite 400, Deseret Bldg.  
Salt Lake City, Utah 84111

Dear Mr. Watson:

O We are in receipt of the proof of beneficial use that you have submitted in the  
behalf of W. D. Beers, and find it to be acceptable. However, in order for the  
name to be changed to Beers Incorporated on the above referenced permit, the

P Administrator of the Estate will have to make the necessary assignment of the  
permit. We are enclosing this department's assignment form for your use in this  
matter.

Y If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:cm

Enc: assignment form

13 2268

N 1751

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Wayne D. Bell

being duly sworn,

deposes and says:

That he is the Co. publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

ch notice was published in the issue beginning with

May 14, 19 70, and ending

with the issue of

May 21, 19 70  
Wayne D. Bell

Fees, \$ 11.73

Subscribed and sworn to before me this 1st day

of June, 19 70

Rebecca D. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires 11 March, 19 74

## NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City, 5, Utah has received an approved permit No. G-32557/13-2268 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 11, 1965 and the permit was approved October 14, 1965. Water is to be diverted by drain tile with manholes and gates from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 1, T. 16 S, R. 38 E, Lots 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County to be used for irrigation in the SE $\frac{1}{4}$ , Sec. 1, T. 16 S, R. 38 E;

SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 6, T. 16 S, R. 39 E, B. M. Proof of the application of the water to beneficial use is to be submitted to the department on or before October 14, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation  
Engineer

Published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.  
Legal No. 1751-Pub. May 14, 21, 1970.

① water is developed  
② developed water used for irrigation and to water livestock

13 2268

WARRANTY DEED

This Indenture made this 20<sup>th</sup> day of November, 1965,  
by and between W. D. BEERS, of Salt Lake County, State of Utah,  
Party of the First Part, and BEERS, INC., a Utah corporation,  
Party of the Second Part,

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of One Hundred Dollars (\$100.00) and other good and valuable consideration to him in hand paid by said Party of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain and sell, convey and confirm unto said Party of the Second Part and to its successors and assigns forever, all the following described real estate situate in Franklin County of the State of Idaho, to-wit:

Southeast quarter of Section 1, Township 16 South, Range 38 East of Boise Meridian;

Lots 4, 5 and 6, and East half of Southeast quarter and East half of Southwest quarter of Section 6, Township 16 South, Range 39 East of Boise Meridian, containing 260.63 acres.

North half of Southwest quarter and Southeast quarter of Southwest quarter of Section 5, Township 16 South, Range 39 East of Boise Meridian.

Northeast quarter of Northeast quarter of Section 7, Township 16 South, Range 39 East of Boise Meridian.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of said Party of the First Part. To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the Party of the Second Part and to its successors and assigns forever. And the said Party of the First Part and his heirs, the said premises in the quiet and peaceable possession of said Party of the Second Part, its successors and assigns, against the said Party of the First Part and his heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

W. D. Beers

Alonzo H. Watson Jr.

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On this 29<sup>th</sup> day of November, 1965, before me Ramon M. Child, a Notary Public in and for Salt Lake County, State of Utah, personally appeared W. D. BEERS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

of Ramon M. Child  
NOTARY PUBLIC  
Residing in Salt Lake City, Utah

Seal

PAUL H. RAY (1893-1967)  
S. J. QUINNEY  
A. H. NEBEKER  
ALBERT R. BOWEN  
W. J. O'CONNOR, JR.  
C. PRESTON ALLEN  
MARVIN J. BERTOCH  
ALONZO W. WATSON, JR.  
RAMON M. CHILD  
STEPHEN B. NEBEKER  
HUGH C. GARNER  
L. RIDD LARSON  
DON B. ALLEN  
MERLIN O. BAKER  
STEPHEN H. ANDERSON  
CLARK P. GILES  
JAMES W. FREED  
THOMAS A. QUINN  
JAMES L. WILDE  
M. JOHN ASHTON  
HERBERT C. LIVSEY  
WILLIAM A. MARSHALL

RAY, QUINNEY & NEBEKER  
ATTORNEYS AT LAW  
SUITE 400 DESERET BUILDING  
SALT LAKE CITY, UTAH 84111

November 30, 1970

RECEIVED  
TELEPHONE  
364-7742

DEC 4 1970

Department of Water Administration

Mr. Dorian Clay  
Appropriation Examiner  
Department of Water Administration  
Annex to State House  
Boise, Idaho 83707

Re: Permit No. G-32557/13-2268

Dear Mr. Clay:

The form of assignment of permit sent with your letter of November 17, 1970, has been completed, notarized and is returned herewith. This, I believe, should serve to effect the transfer.

We appreciate your assistance and your understanding of the delays.

Yours very truly

*Alonzo W. Watson, Jr.*  
Alonzo W. Watson, Jr.

AWW/j  
Enc.

LC 2268

December 4, 1970

Re: Permit No. G-32557/13-2268

C Beers, Inc.  
1303 Deseret Bldg.  
Salt Lake City, Utah 84111

Gentlemen:

O Please find enclosed a copy of the permit sheet and the assignment in connection with the above referenced permit.

O Before a license can be issued, a field examination must be made by a representative from this Department.

P We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Y Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

Enc: copy of assignment  
copy of permit sheet

13 2268

# DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

1. Name of permit holder Beers, Incorporated  
 Post office address 1303 Deseret Building, Salt Lake City, Utah Phone \_\_\_\_\_  
 Person to contact \_\_\_\_\_ Phone \_\_\_\_\_
2. Source of water supply: Groundwater ☒ Surface water ☐ \_\_\_\_\_  
 (name spring, stream, etc.)  
 Tributary to \_\_\_\_\_

## 3. Water will be used for the following purposes:

Amount 0.211 c.f.s. for irrigation  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from April 20 to October 1  
 (mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
 (mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
 (mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

Permit No. G-32557/13-2268  
 Examination for Beneficial Use

## 4. Total amount to be appropriated:

Max Rate of Diversion 1.0 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

## 5. Location of Point(s) of Diversion:

Lots 4,5,6, E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec.6, T. 16S, R. 39E, B.M.  
 Township 16S N/S, Range 38E E/W, B.M., Section 1, Subdivision NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Franklin  
 County \_\_\_\_\_  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  
 County \_\_\_\_\_  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  
 County \_\_\_\_\_

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: comes from subterranean the drain brought to surface and  
conveyed by irrigation ditch irrigation ditch and sprinkler pipe

Measuring device required: yes ☐ no ☒

## 6. Lands to be 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 $\frac{1}{4}$ |        |
| 16S  | 38E   | 1    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 35               | 5                | 20               | 100    |
| 16S  | 39E   | 6    |                  |                  |                  |                  |                  |                  | 1.4              |                  | 20               | 34               | 35               | 20               |                  |                  |                  |                  | 140    |
|      |       |      |                  |                  |                  |                  |                  |                  | 31               |                  |                  | L.5              | L.6              |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

13 2268 TOTAL ACREAGE 240 ACRES

R 38E

13 2268

R 39E

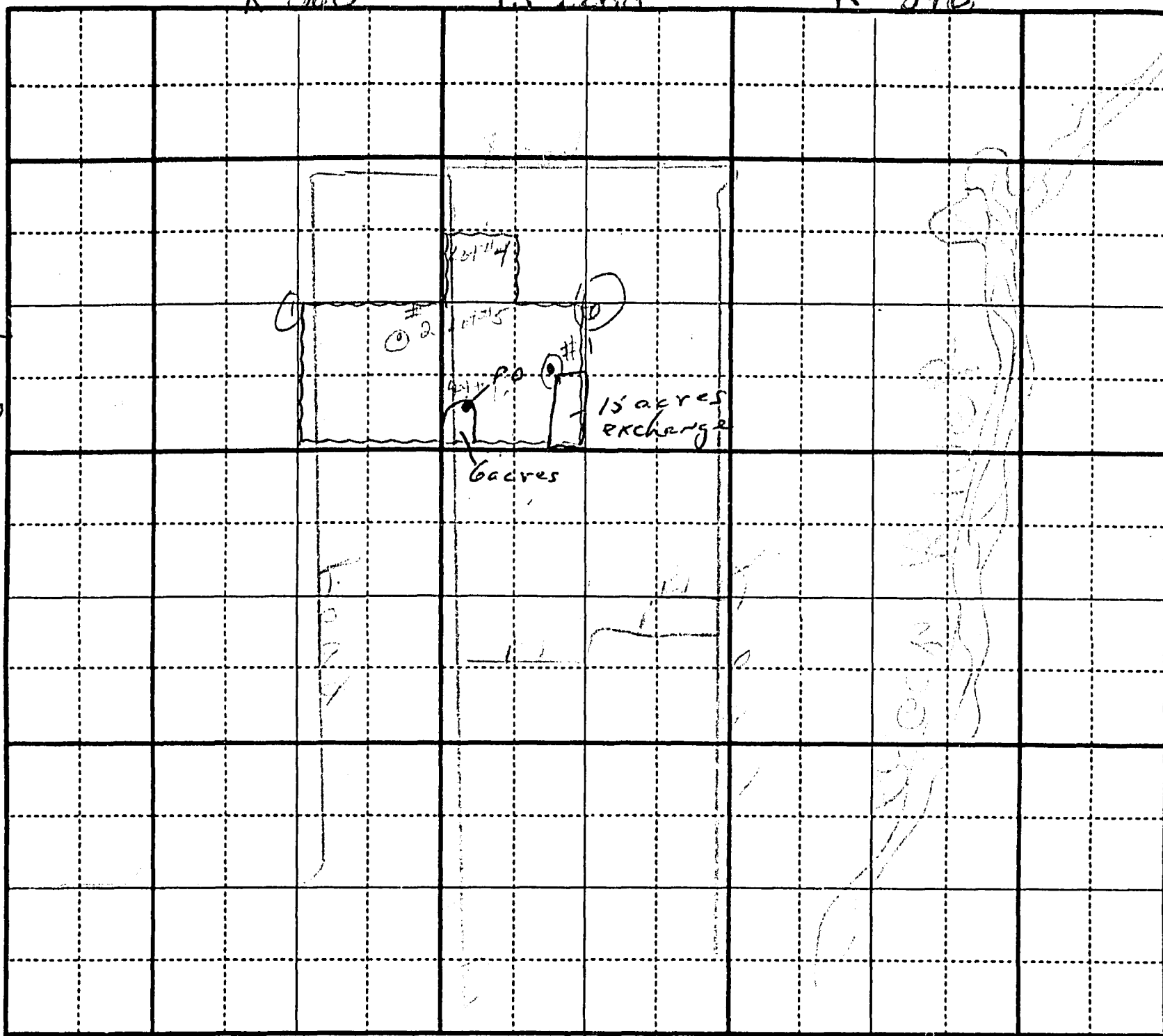


Diagram of System

UCY  
9/20/72

DATE OF EXAM Sept 20, 1972

ACREAGE

Found 21  
Recommended 21

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = 0.42 c.f.s. @ 1" / acre 63 @ 32-1/2 AF/Ann. from 4/20 to 10/1  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no X

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Exchange? yes ✓ no \_\_\_\_\_

Name source exchanged with: IRRIGATION CANAL from Bear River  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Point of injection:  
twp. 16 N/S, Rge 39 E/W, B.M., Sec. 6, Sub. 10 1/4 6 1/4 FRANKLIN County

Point of exchange:  
twp. 16 N/S, Rge 39 E/W, B.M., Sec. 6, Sub. SE 1/4 SW 1/4 FRANKLIN County

Total Q measured 0.168 cfs Method of measurement Calibrated container & stopwatch

Total Q recommended 0.17 cfs Meter No. \_\_\_\_\_ Type \_\_\_\_\_ Condition \_\_\_\_\_

5/ Total V recommended 55 A-F (0.17 cfs for 16 day season)

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None ✓ note: Renter did not remember of any stock water usage. All surrounding land is irrigated from canals. This usage is supplemental & could only take word of renter as to where it had been used.

MEASUREMENT CALCULATION:

Rough measurement - filled 2 1/2 gal bucket in 2.5 sec. from out fall of tile about 100 feet downstream from man-hole diversion point - this would be 75 gpm = 0.168 cfs - undoubtedly varies with season (higher during heavier irrig. periods).

SYSTEM DESCRIPTION:

Buried tile drains (see aerial photo for approx. location). Water can be brought to surface thru 3" dia CMP manholes by closing valves in tile mainlines. Exchange by gravity to existing irrigation ditches, only one manhole used in this method. Could pump but has not been done.

REMARKS:

System shown by Eldon Dortion (Arenter). Very limited use made of this water. Neighbor in NE 1/4 NE 1/2 Sec 12 T16S R30E uses most of time. Water causes him a problem during winters. He would object to licensing this permit if notified.

Examiner's Signature Norman C. Young, P.E. Date 9/20/72

Checked by William R. Rhoads Date Oct. 11, 1972

Approved by \_\_\_\_\_ Date \_\_\_\_\_



May 21, 1973

Beers, Inc.  
1303 Deseret Bldg.  
Salt Lake City, Utah 84111

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 32557/13-2268 and has found the following:

Quantity of water diverted: 0.17 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.17 cfs

The maximum quantity diverted shall not exceed 73 acre feet per year.

Beneficial use: Irrigation of 21 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6,  
Twp. 16S, Rge. 39E, B.M.

Point of diversion: Lot 6 of Sec. 6, Twp. 16S, Rge. 39E, B.M.

Priority date established: October 11, 1965

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR

13 2268

CONVERSATION MEMORANDUM

DATE 6/4/73

FILE 13-2268

NAME OF PARTY Mr. Watson

EMPLOYEE Bob Fleenor

RE: Licensing of Permit 13-2268 in the name of  
Beers, Inc.

Mr. Watson, attorney for permittee and from  
Salt Lake City, requested that we hold proposed  
license until applicant can have system measured.

They feel license should be for a greater Q -

He also asked that correspondence be sent to

Beers, Inc.

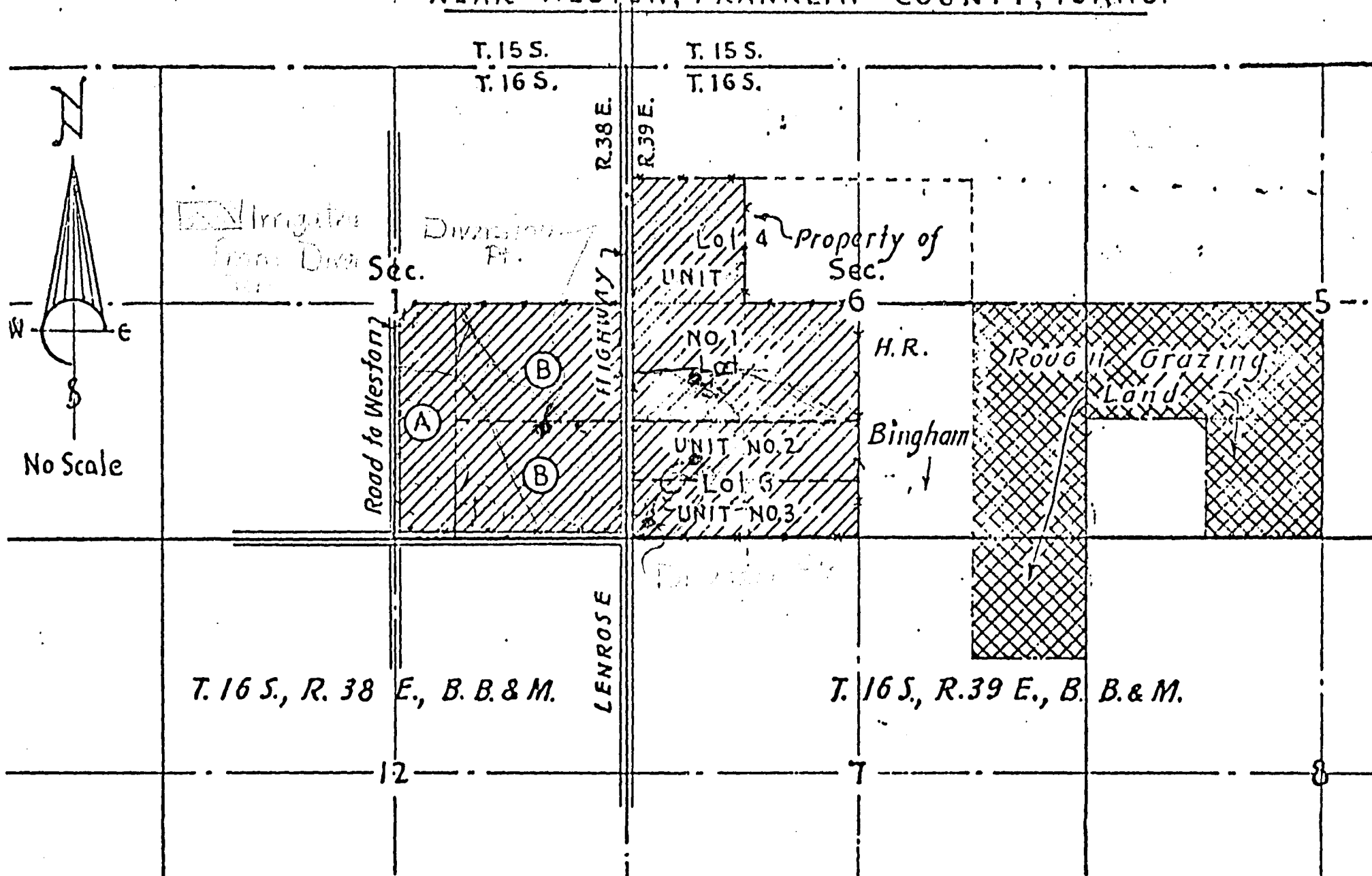
% Mrs Leonard Beers

4984 So. 938<sup>th</sup> East

Salt Lake City, Utah 84117

13-2268

**MAP SHOWING THE  
BEERS INC. RANCH  
NEAR WESTON, FRANKLIN COUNTY, IDAHO.**



**LEGEND**

| DESCRIPTION                                                     | SYMBOL | AREA        |
|-----------------------------------------------------------------|--------|-------------|
| FOLDER NO. I - S.E. 1/4, Sec. 1, T. 16 S., R. 38 E., B. B. & M. |        |             |
| Permit "A" Modesto Tomasi (Improved)                            |        | 40 Acres    |
| "B" Walter C. Burrell ( " )                                     |        | 120 "       |
| Area Total - FOLDER No. I                                       |        | 160 "       |
| FOLDER NO. II - Section 6, T. 16 S., R. 39 E., B. B. & M.       |        |             |
| Unit 1 - Thomas W. Comish (Improved - see Folder)               |        | 106.3 Acres |
| Unit 2 - H. B. Maughn ( " " )                                   |        | 37.3 "      |
| Unit 3 - John F. Reeder ( " " )                                 |        | 37.3 "      |
| Area Total - FOLDER No. II                                      |        | 180.9 "     |
| FOLDER NO. III See Details in Folder No. II                     |        | 13 2268     |

RECEIVED

SEP 4 1973

BEERS INC.  
4985 SOUTH 938 EAST  
SALT LAKE CITY, UTAH 84117  
Department of Water Administration

R. KJETIL HIGGINSON DIRECTOR  
STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
STATE HOUSE ANNEX 2  
BOISE, IDAHO 83707

Dear Sir;

I received a copy of your ruling on the application for water rights for the water developed for the property of Beers Inc. near Weston, Idaho, Permit No. 32557/13-2268.

When the drainage systems were installed a number of manholes were located along the drainage lines in order that the adjoining land could be watered by pumping for surface irrigation or by dropping stop logs into the manholes to sub-irrigate the adjoining land. Division would be made in Section 1, Center of Lot 5. Section 6, and 2 divisions in Lot 6. Section 6, T 16 S; Range 39E. Possible area to be irrigated is 140 acres.

It would appear to me that the right to use all of this water should be vested in the land that produces it.

For this reason I urge you to award up to 1 cubic foot per second requested in our application for this water.

Sincerely,

*A. Gardner Beers*

A. GARDNER BEERS, PE.  
PRESIDENT BEERS INC.

13 2268

September 18, 1973

Re: Permit No. 32557/13-2268

Beers, Inc.  
Attn: H. Gardner Beers, President  
4985 South 938 East  
Salt Lake City, Utah 84117

Dear Mr. Beers:

We received your recent letter concerning your objection to the rate of diversion in connection with the above referenced permit.

You could be correct in your statement that the right to the use of the water should be vested in the land that produces it. The difficulty here, however, is that a license can be issued only to the extent that the water has been beneficially used.

Our examiner found that you were irrigating 21 acres of land. At the rate of 1 miners inch of water per acre, which is the maximum allowable rate of diversion, a license could be issued for 0.42 cubic feet per second of water.

If you intend to continue to develop more land, upon which the water can be used, you must file for an additional permit.

Please let us know if you agree with our proposed license with a rate of diversion of 0.42 cubic feet of water per second, so a water right license may be issued.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:jc

13 2268

Identification No. \_\_\_\_\_  
Permit No. 9-32557/13-2268

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

NOV 10 1965

1. a) Name of Permit Holder W. D. Beers (owner) held as trustee for Beers, Inc.  
b) Post Office Address 1303 Desert Building - Salt Lake City, Utah 84111  
2. Permit Number 9-32557/13-2268  
3. Date of Priority that you are prepared to establish October 11, 1965  
4. a) Source from which water was appropriated Pat 6  
b) Location of the point of diversion: East 1/4 B.W 1/4, Section 6  
16 E, Range 39 E Boise Meridian, Other points of diversion: \_\_\_\_\_

5. a) The amount of water and use to which the water has been applied:  
amount 0.211 for Irrigation purposes from April 20 to October 1 incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
amount 0.211 for Stock water purposes from October 1 to December 30 incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

- b) Total amount appropriated 1.0 cfs and/or acre feet per annum  
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: See letter attached from Wendell H Smith - Consulting Engineer.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

- a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Not applicable owned by permit holder.  
in middle of field  
b) Describe the agreement or understanding by which you take water from the works: Not applicable

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) comes from subterranean  
tile drain brought to surface and conveyed by irrigation ditch  
irrigation ditch and sprinkler pipe.

- b) Describe the type and size of measuring device which you have installed at your point of diversion: over a 90° V notch weir

- c) Give well drillers name and address and date the well was completed Tile drain was  
installed by Douglas Stewart of the Sumner G. Margella  
& Company, Inc. - work was completed in 1965. See attached  
affidavit of Publication. In 1956, the Margella Co, Inc. dug a  
drain trench of 1700 ft and installed a six inch drain tile over West Field.  
In 1965, the same company dug a drain trench of 6821 feet over East Field  
and installed 2400 ft of eight inch drain tile and 4421 feet of six  
inch drain tile. The complete drainage system is capable of developing  
one second foot of water at the height of the irrigation season.

13 2268

(Eisen) 1-29-31 C.M.

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Stock water - spring & fall:

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

| 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 |        |
| 16   | 39    | 6    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       | 1    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated Approximately 10 acres.

10. Remarks:

W. D. Beers transferred land and all rights related to land, including use of surface water to Beers, Inc. in exchange for the stock of that company. See letter & deed attached.

The above information is a true statement of the extent to which the above numbered permit has been developed.

11-9-70  
(Date)

W. D. Beers  
(Signature)  
Pres. Beers Inc.

State of Utah  
County of Salt Lake ss.

On this Ninth day of November, 1970, personally appeared before me the signor(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Grace G. Cross  
Notary Public residing at  
Salt Lake City, Utah

My commission expires May 10, 1973

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

I, W. D. Beers, hereby assign to Beers, Inc.  
of 1303 Desert Bldg Salt Lake City Utah  
Address 84111

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. G-3257/13-2268  
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and  
to Permit No. G-3257/13-2268 to appropriate the public waters of the State  
of Idaho. (Give that portion of the permit being assigned by describing  
the land list and the point of diversion - describe by acreage within  
each 40-acre subdivision.)

Made this 24 day of November, 1970.

W. D. Beers by:  
W. D. Beers (incorporated)  
Permit Holder

Deceased  
Wife of Permit Holder

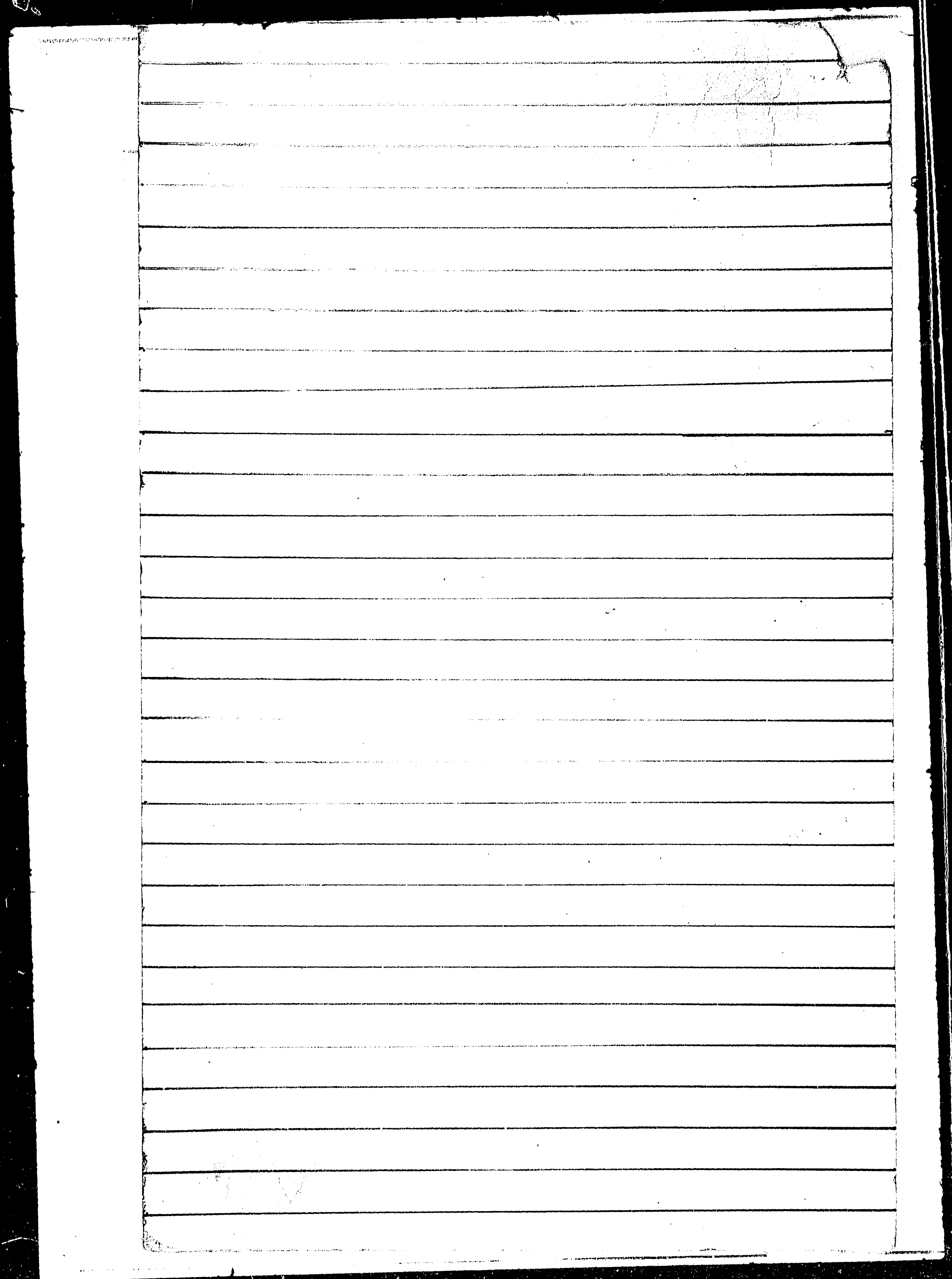
State of Utah )  
County of Salt Lake ) ss.

On this 24th day of November, 1970, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.

Gran. G. Cline  
Notary Public residing at Salt  
Lake City, Utah

My commission expires May 10, 1973

13 2268



Beers., Inc.  
4984 South 938 East  
Salt Lake City, Utah 84117  
7 December 1973

Mr. R. Keith Higginson, Director  
Dept. of Water Administration  
Statehouse- Annex 2  
Boise, Idaho 83720

Re: Permit No. 32557/13-2268

Dear Sir,

It is requested that you issue a water right license with a rate of diversion of 0.42 cubic feet of water per second.

At such time as we can develop additional land for irrigation, we will file for an additional permit.

We appreciate your interest and patience.

Sincerely,

*H. Gardner Beers*

H. Gardner Beers,

PE

President Beers Inc.

RECEIVED  
DEC 10 1973  
Department of Water Administration

13-2268

December 14, 1973

Re: Permit No. 32557/13-2268

Beers, Inc.  
Attn: H. Gardner Beers, President  
4985 South 938 East  
Salt Lake City, UT 84117

Dear Mr. Beers;

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

Pjr

13 - 2268

State of Idaho  
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 32557/13-2268 Priority Oct. 11, 1965 Amount 0.42 cfs

THIS IS TO CERTIFY, that BEERS, INC.  
of Salt Lake City, Utah, has complied with the terms and conditions of Permit  
No. 32557/13-2268 issued pursuant to Application for Permit dated October 11, 1965,  
and has submitted proof to the Department of Water Administration on November 16, 1970,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.42 cfs of water from a ground water source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use &  
established a right to use water as follows:

| Beneficial Use    | Period of Use                        | Rate of Diversion      | Annual Volume            |
|-------------------|--------------------------------------|------------------------|--------------------------|
| <u>Irrigation</u> | from <u>April 1</u> to <u>Nov. 1</u> | at <u>0.42</u> cfs and | <u>73.5 acre feet or</u> |
|                   | from _____ to _____                  | at _____ cfs and       | <u>3.5 af per acre</u>   |
|                   | from _____ to _____                  | at _____ cfs and       | _____                    |

(both dates inclusive)

Subject, however, to the condition that no more than 0.42 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
73.5 acre feet per year, said waters to be diverted within ~~the~~ Lot # 6 of Sec. 6,  
Twp. 16 S, Rge. 39 E, B.M. in the County of Franklin

Description and location of place of use:

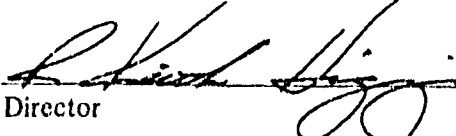
| Twp. | Range | Sec. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |            |     | SE¼ |     |     |     | Totals |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼        | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 16 S | 39 E  | 6    |     |     |     |     |     |     |     |     |     |     | 6          | 15  |     |     |     |     | 21     |
|      |       |      |     |     |     |     |     |     |     |     |     |     | (lot<br>6) |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |            |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |            |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |            |     |     |     |     |     |        |

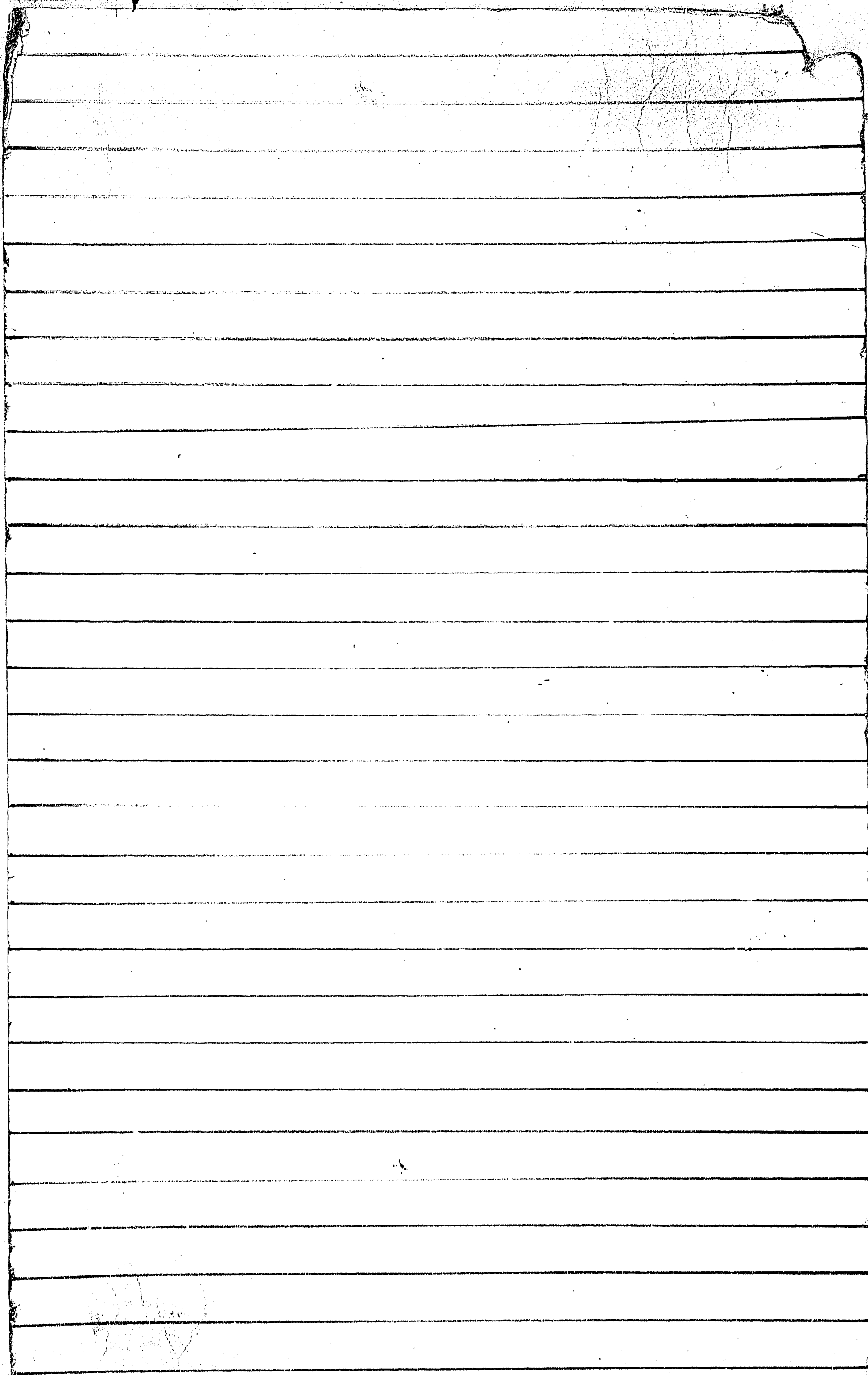
Total number of acres irrigated 21

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11<sup>th</sup> day of  
December, 19 73.

  
Director 13-2268



#100 fee

RECEIVED  
APPLICATION FOR TRANSFER OF WATER RIGHT  
DEC 17 1999 PART 1

Department of Water Resources  
Name of applicant Dunes Dairy c/o Melvin Roberts Phone 208-852-2514  
Post Office address 1539 W. Hyway 36 Preston, ID 83263

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes We are building a dairy and want to transfer a portion of our water right to cover that use and also to irrigate 6.9 adjacent acres.

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

1. Right Number 13-02268 Priority 10/11/1965 Amount (cfs/ac-ft) 0.28cfs Nature of Use Commercial Period of Use 1-1 to 12-31  
0.28cfs Stockwater 1-1 to 12-31  
0.14cfs Irrigation 4-01 to 11-01
2. Total amount of water being transferred 0.42 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County   | Local name for diversion |
|-----|-----|-----|-----|------|------|------|----------|--------------------------|
|     |     | NW  | SW  | 5    | 16S  | 39E  | Franklin |                          |
|     |     |     |     |      |      |      |          |                          |
|     |     |     |     |      |      |      |          |                          |
|     |     |     |     |      |      |      |          |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 16S  | 39E  | 5    |        |        |        |        |        |        |        |        |        | C/S    |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        | 6.9    |        |        |        |        |        |        | 6.9    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

T5587

Total acres 6.9

PART 1

RECEIVED

6. General Information:

a. Description of diversion system well pump to 850 cow dairy and DEC  
irrigation of 6.9 acres adjacent

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

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

d. Remarks:  
See dairy worksheet where 35.2 of diversion volume is  
required. For the Proton area this requires 14.1 acres of irrigated  
ground to be sacrificed to fill this need.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 13-02268

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01       | 0.42 CFS              | 73.5 AF              |

SOURCE

GROUNDWATER

Priority: 10/11/1965

LOCATION OF POINT(S) OF DIVERSION: Lot 6 ( SWSW), Sec. 6, Township 16S, Range 39E  
FRANKLIN County

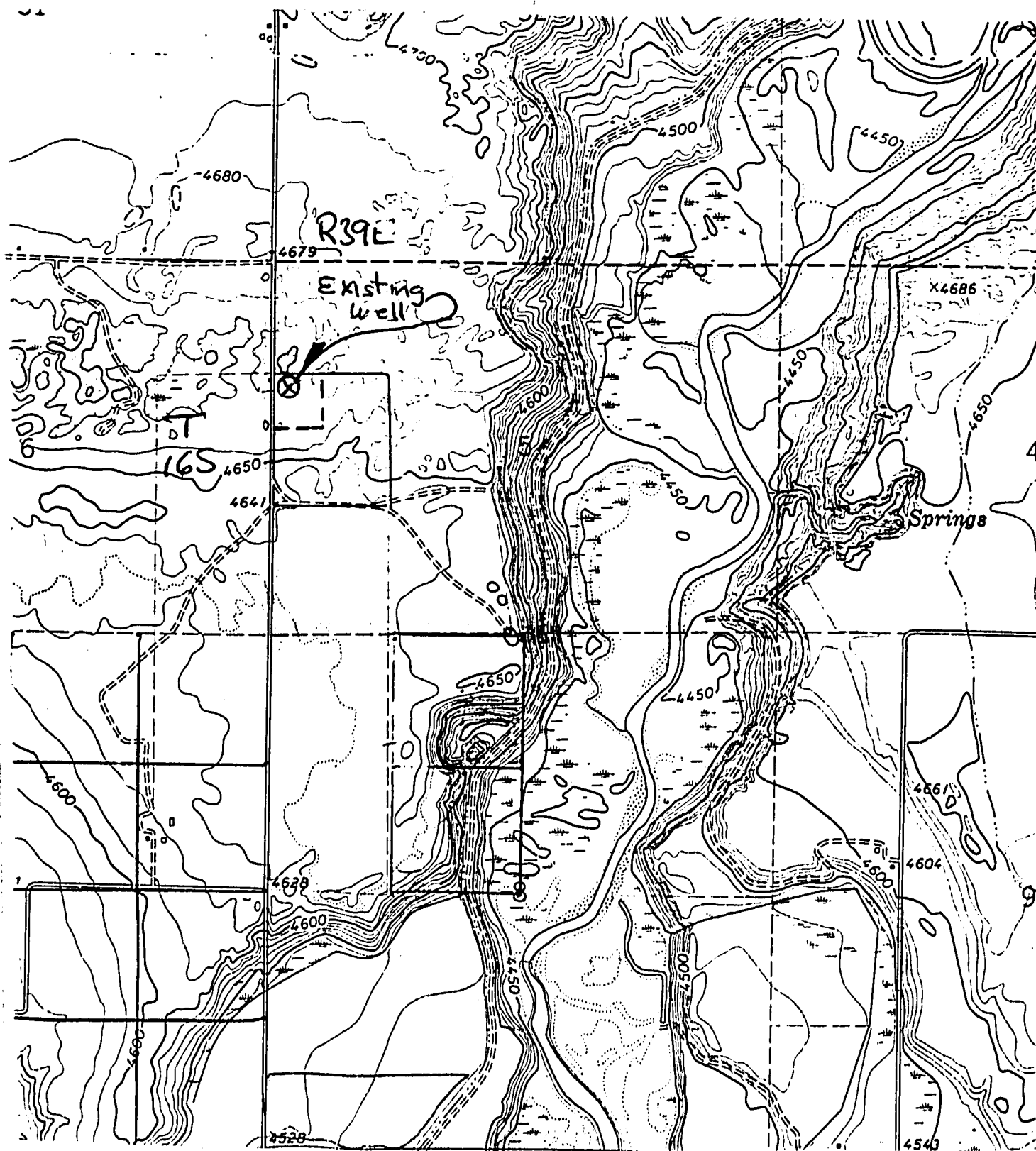
PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 16S                              | 39E        | 6          | Lot 6 (SWSW) | 6            | SESW 15      | 21           |
| Total number of acres irrigated: |            |            |              |              |              | 21           |

CONDITIONS/REMARKS:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use       | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use              |
|---|-------------------------|-----------------------|-----------------|----------------------------|
|   | <u>Commercial/Dairy</u> | <u>0.28 cfs</u>       |                 | <u>1-1</u> to <u>12-31</u> |
|   |                         |                       |                 | to                         |

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

See attached dairy sheet

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

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

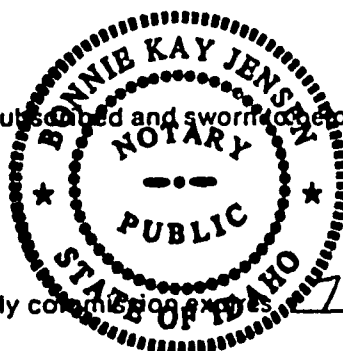
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28th day of October, 1999.

Melvin S. Roberts  
(Signature of Applicant)

Bonnie Kay Jensen  
(Notary Public)

My commission expires 7-7-2000



FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and \_\_\_\_\_ attachments

Received by Hwj Date 11-2-99 Protest filed by \_\_\_\_\_

Prelim. check by Hwj Fee \$100

Received by Hwj #E025437 Date 11-3-99

Published in Preston Citizen Copies of protest forwarded by \_\_\_\_\_

Pub. dates 11-11-99 & 11-18-99 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by BOL

Copy of transfer sent to lien holder \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5587  
WATER RIGHT NO. 13-02268

This is to certify that: DUNES DAIRY  
C/O MELVIN ROBERTS  
1539 W HWY 36  
PRESTON ID 83263

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01       | 0.14 CFS              | 24.2 AF              |
| STOCKWATER            | 01/01 to 12/31       | 0.28 CFS              | 35.2 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.28 CFS              | 35.2 AF              |
|                       | Totals               | 0.42 CFS              | 59.4 AF              |

SOURCE  
GROUNDWATER

Priority: 10/11/1965

LOCATION OF POINT(S) OF DIVERSION:

NWSW, Sec. 5, Township 16S, Range 39E  
FRANKLIN County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 16S                              | 39E        | 5          | NWSW         | 6.9          |              | 6.9          |
| Total number of acres irrigated: |            |            |              |              |              | 6.9          |

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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TRANSFER NO. 5587  
WATER RIGHT NO. 13-02268

CONDITIONS OF APPROVAL AND REMARKS

3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Commercial use is for a dairy.

Dated this 19<sup>th</sup> day of

April

, 2000.

J. Glen Saylor  
Chief, Water Allocation Bureau

WR



**Farm Credit Services**

RECEIVED

NOV 01 1999

Department of Water Resources  
Eastern Region

102 North State  
P.O. Box 386  
Preston, Idaho 83263  
208/852-2145  
FAX 208/852-2149

October 29, 1999

Mr. Harold W. Jones  
IDWR  
900 N Skyline Dr., Ste. A  
Idaho Falls, ID 83402-1718

Dear Mr. Jones:

Farm Credit Services currently has a lien against the property in question for the transfer of water Melvin Roberts is requesting. We are aware of the transfer request and agree with the proposed change.

If you have any questions, please feel free to contact us at the number above.

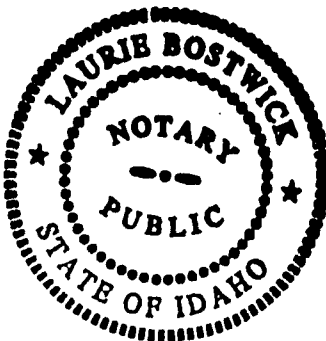
Sincerely,

*Christine Larsen*

Christine Larsen  
Financial Specialist

STATE OF IDAHO )  
 )ss.  
County of Franklin )

On October 29, 1999, before me personally appeared Christine Larsen, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that she was authorized to execute said instrument.



*Laurie Bostwick*

Notary Public for the State of Idaho  
Residing at ~~Western Idaho~~ PRESTON, IDAHO  
My commission expires ~~1/13/2001~~ 12/16/2002

NOV-3-1999 11:17A FROM:FARM CREDIT-PRESTON 208 852 2149

TO:5257177

P:2/2

RICHARD L UMBEL  
FRANKLIN COUNTY ASSESSOR  
39 W ONBIDA  
PRESTON ID 83263

ASSESSMENT NOTICE

2651.00

RETURN SERVICE REQUESTED

Tax Code 22  
LOTS/ACRES

MARKET VALUE

CATEGORY DESCRIPTION

05 DRY GRAZING 23.43  
19 WASTE 4.00  
01 IRRGTD AGRICUL 233.20  
TOTALS 260.63\*

937

157,410  
158,347\*PARCEL #

1999

Taxes are based on the  
valuation listed on this statement

FOR ANY QUESTIONS  
PLEASE NOTIFY THE  
ASSESSOR'S OFFICE BEFORE

JUN 28, 1999

2651.00

E28E4, E28W4, LOTS 4, 5, 6

6-16-39  
INST # 177399

PROPERTY ADDRESS

PRIOR YEAR

CURRENT YEAR

Mail To:

VALUE:

158,347

158,347

FEDERAL LAND BANK  
% ROBERTS, MELVIN S.  
1539 WEST HIWAY 36  
PRESTON, ID 83263-5170

TAX:

1,968.06

1,968.05

DO NOT PAY ESTIMATE

See back for details.

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT  
NO. T5587**

Notice is hereby given that Dunes Dairy, % Melvin Roberts, 1539 W Highway 36, Preston ID 83263, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to change the nature of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 13-02268                      Source: Groundwater  
Amount: 0.42 cfs                      Priority: 10/11/1965  
Point(s) of Diversion: SWSW (Lot 6) SEC 6 T16S R39E, FRANKLIN COUNTY  
The water is used for irrigation of 21 acres within SEC 6 T16S R39E, B.M.

**TO BE CHANGED AS FOLLOWS:**

The applicant intends to dry up 14.1 acres of irrigated ground to supply water for an 850 cow dairy. He will also irrigate the remaining 6.9 acres adjacent to the dairy in the NWSW SEC 5 T16S R39E from an existing well at that location.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 22, 1999. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER**  
Director

Published in the Preston Citizen on November 11 and 18, 1999.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**EASTERN REGION**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

**November 3, 1999**

**PRESTON CITIZEN  
PO BOX 472  
PRESTON ID 83263**

**Dear Publisher:**

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

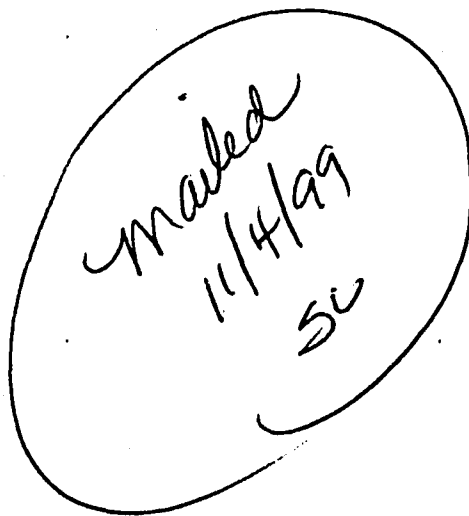
**An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.**

**Please send the affidavit of publication and publication billing to this office before November 29, 1999.**

**Respectfully submitted,**

**Sharla Cox  
Administrative Assistant**

**Enc.**





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 3, 1999

JODY L WILLIAMS ESQ  
KRUSE LANDA & MAYCOCK LLC  
50 W BROADWAY 8<sup>TH</sup> FLOOR  
SALT LAKE CITY UT 84101

RE: Applications for Transfer #5587

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Nov 29, 1999, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

  
Harold W. Jones  
Water Right Supervisor

HWJ: sc

Enc.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**EASTERN REGION**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

**November 3, 1999**

**DUNES DAIRY  
% MELVIN ROBERTS  
1539 W HIGHWAY 36  
PRESTON ID 83263**

**RE: Application for Transfer #5587**

**Dear Applicant:**

**This office is currently in the process of advertising the application in the Preston Citizen on November 11 and 18, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.**

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

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

**Sincerely,**

*Harold W. Jones*  
**Harold W. Jones  
Water Right Supervisor**

**HWJ::sc**

*~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~*

875  
No 4907

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Franklin } ss.

Robert W. Marshall

being duly sworn,

deposes and says:

That he is the Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

11/10, 1999, and ending

with the issue of 11/17, 1999

Fee \$ 54.55

Subscribed and sworn to before me this 17 day

of Nov 17, 1999.

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/17, 192001.

### NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5587

Notice is hereby given that Dunes Dairy, % Melvin Roberts, 1539 W Highway 36, Preston ID 83263, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to

change the nature of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 13-02268

Source: Groundwater

Amount: 0.42 cfs

Priority: 10/11/1965

Point(s) of Diversion: SWSW  
(Lot 6) SEC 6 T16S R39E,  
FRANKLIN COUNTY

The water is used for irrigation of 21 acres within SEC 6 T16S R39E, B.M.

#### TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up 14.1 acres of irrigated ground to supply water for an 850 cow dairy. He will also irrigate the remaining 6.9 acres adjacent to the dairy in the NWSW SEC 5 T16S R39E from an existing well at that location.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Legal No. 4907 - Publish Nov 10 and 17, 1999.

**Change in Nature of Use Evaluation  
Transfer 5587/Dunes Dairy**

**Pam Skaggs**

**04-19-2000**

**Water Right 13-02268**

|                        | Rate            | Acres                  | Div. Vol.       | C.U. Vol.       |
|------------------------|-----------------|------------------------|-----------------|-----------------|
| <b>Before Transfer</b> | <b>0.42 cfs</b> | <b>21.0</b>            | <b>73.5 afa</b> | <b>52.5 afa</b> |
|                        |                 |                        |                 |                 |
| <b>After Transfer</b>  | <b>0.14 cfs</b> | <b>6.9</b>             | <b>24.2 afa</b> | <b>17.3 afa</b> |
|                        | <b>0.28 cfs</b> | <b>14.1 out/dairy</b>  | <b>35.2 afa</b> | <b>35.2 afa</b> |
| <b>Totals</b>          | <b>0.42 cfs</b> | <b>6.9 &amp; dairy</b> | <b>59.4 afa</b> | <b>52.5 afa</b> |

No expansion occurs through this transfer. A reduction of diversion volume occurs through the change in nature of use.

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

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

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

### **CERTIFICATE OF SERVICE**

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

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

### **ORAL ARGUMENT**

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

### **FINAL ORDER**

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

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

### **RIGHT TO HEARING**

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

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

April 20, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DUNES DAIRY  
C/O MELVIN ROBERTS  
1539 W HWY 36  
PRESTON ID 83263

RE: Water Right 13-02268 (Transfer 5587)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5587). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a preliminary order of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to Preliminary Orders if you are in disagreement with the approved transfer.

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

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

Sincerely,

*Camela S. Skaggs*  
for Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

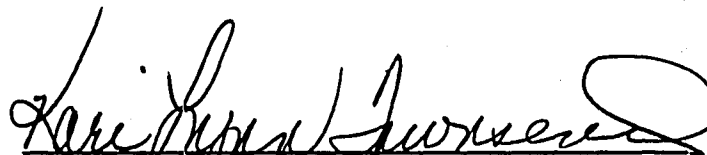
Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the 20<sup>th</sup> day of April, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: WATER RIGHT 13-02268 (Transfer 5587)**

**DUNES DAIRY  
C/O MELVIN ROBERTS  
1539 W HWY 36  
PRESTON ID 83263**

  
**Kari Lynn Townsend  
Secretary**