

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32048
Permit No. G- 24259
District No.

1. Name of Applicant: CHESTER A. ELIASON
Postoffice address: Holbrook County: Oneida State: Idaho
2. Quantity of water claimed: 175 miners inches
 (a) Rate of withdrawal in cubic feet per second. 3.5 or Idaho
 Miners' inches 175 or gallons per minute.
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: artesian well, underground water.
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9
 Twp. 14 S , Rge. 32 E , B.M., County of Oneida
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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: drilled well and pump
8. Estimated cost of works: \$ 6,000.00
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 1 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 onhand: \$
 (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: Rock Springs and Twin Springs water rights insufficient for season
 - (a) ~~4.25~~ ^{2.7} (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) .80 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

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

Applicant.

By:

Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-24259

Recorded in Book 86 Page 24259 Approved July 3, 1953

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

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

Work to begin on or before September 3, 1953

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before July 3, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before July 3, 1955

Witness my hand this 3rd day of July, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 3rd
day of July, 19 53.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

By LEN JORDAN

Governor

Secretary of State.

12.

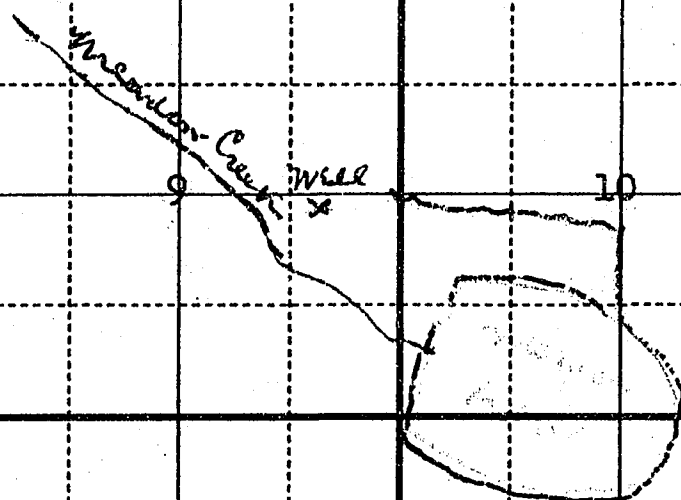
Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
14 S	32 E	10 15	10	20 10	30 20 30 40	15	135 40
Permit No. G-24259 CERTIFICATE OF COMPLETION OF WORKS							175
TO ALL WHOM IT MAY CONCERN:							
This is to certify that CHESTER A. ELIASON of Holbrook, County of Oneida, and State of Idaho, the holder of Permit No. G-24259, issued upon Application No. G-32048 bearing date of priority of July 2, 1953, and the diversion of 3.5 second feet of the waters of a well (subterranean flow) County of Oneida, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diversion and conveying to the place of intended use 1.2 second feet of the waters of said well; that the point of diversion of said waters is in the NE¼SE¼ Section 9, Township 14 South, Range 32 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW¼, SW¼SE¼ Section 10; and the NE¼NW¼, NW¼NE¼ Section 15, Township 14 South, Range 32 East, B.M.							
Witness my hand this 30th day of October, A. D. 1956.							
MARK R. KULP State Reclamation Engineer							
Proof of completion of works made June 17, 1955 Certificate of Completion of Works issued October 30, 1956.							
LICENSE ISSUED FOR 1.2 SEC. FT. Page 5849							

NAME OF APPLICANT Chester A. Eliason, Holbrook, Idaho

Form No. 0

Section

Section



Township 14 South
Range 32 East
Boise Meridian

Permit Map No. 4-24259
As Approved
JUL 3 1952
MARK R. KULP
State Reclamation Engineer

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

4-24259

July 10, 1953

RE: Permit No. G-24259

Mr. Chester A. Eliason
Holbrook
Idaho

Dear Mr. Eliason:

We enclose Permit No. G-24259 and 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-127 for the \$5.75 filing fee.

Since your check was for \$6.00, there is a refund of 25 cents due which we enclose herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.

24259

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

D E P A R T M E N T O F R E C L A M A T I O N

May 1, 1955

Mr. Chester A. Eliason
Holbrook
Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. G-24259. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than July 3, 1955.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

24259

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 9th. 1955

(P. O.) Holbrook, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Idaho Enterprise of Malad City, Idaho published in
the county in which the works are situated.

Christen Blason

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

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

Engineer.

L 24259

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. G-24259

Date: May 13, 1955

Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 17, 1955 the date set for proof, the expense of the publication to be paid by the applicant, Chester Eliason of Holbrook

Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

24259

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

Notice is hereby given that at 10-00 A M., on the 17
day of June, 1955, at Malad City, County of
Oneida, State of Idaho, before Bill Fallis, Probate Judge
Oneida County, Idaho, proof will be submitted of the completion of works for
the diversion of 3.5 cubic feet per second of the waters of 12 in.
Dug-Well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Twp. 14 S., Rge. 32 E., B.M.
and of the application to beneficial use of
said water, in accordance with the terms and conditions of Permit No.
G-24259 heretofore issued by the Department of Reclamation of the
State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are ~~XXXXXXXXXXXXXXXXXXXX~~ Chester Eliason, Holbrook, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use, in accordance with the plans accompanying the appli-
cation for such permit, is 3.5 cubic feet per second.

3. The use to which said water has been applied is agricultural
purposes, and the amount applied to beneficial
use is 3.5 cubic feet per second.

4. The place where said water is used is NE $\frac{1}{4}$ SW $\frac{1}{4}$;30A; NW $\frac{1}{4}$ SW $\frac{1}{4}$;20A; SW $\frac{1}{4}$ SW $\frac{1}{4}$;30A
SE $\frac{1}{4}$ SW $\frac{1}{4}$;40A; SW $\frac{1}{4}$ SE $\frac{1}{4}$; 15A in Sec.10 Tp.14 S.R. 32EBM;
NW $\frac{1}{4}$ NE $\frac{1}{4}$;10A; NE $\frac{1}{4}$ NW $\frac{1}{4}$;20A; NW $\frac{1}{4}$ NW $\frac{1}{4}$;10A; in Sec.15 Tp. 14 S.R. 32 EBM.

5. The date of priority which said user is prepared to establish is
July 2nd. 1953.

MARK R. KULP

State Reclamation Engineer

J 24 25 59

May 13, 1955

RE: Permit No. G-24259

Mr. Chester Eliason
Holbrook
Idaho

Dear Mr. Eliason:

We have sent to the Idaho Enterprise, notice for proof of completion of works and beneficial use to be made on your Permit No. G-24259 June 17, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Judge Fallis, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

G24259



The IDAHO ENTERPRISE

CLYDE & MARION HANSON, PUBLISHERS

PHONE 40 31 COURT ST.

MALAD CITY, IDAHO

May 14, 1955

Mrs. Jeanne L. Anderson
Chief Clerk, Dept. Recl.
Boise, Idaho

Dear Madam:-

Publication notice for Chester
Elimason received. It will be published in
our issues of May 19-26, June 2-9. Copy of
May 19 paper will be sent you.

Yours respectfully,

The Idaho Enterprise

Clyde Hanson

P24259

RECEIVED
MAY 16 1955

Department of Reclamation

June 20, 1955

RE: Permit No. G-24259

Mr. Chester A. Eliason
Holbrook
Idaho

Dear Mr. Eliason:

We return the depositions of yourself and two witnesses offered in proof of Completion of Works and Beneficial Use on Permit No. G-24259 for the following correction.

Question 4 of all the depositions should give the point of diversion or location of the well to a subdivision Section, Township, and Range.

The Affidavit of Publication should also accompany your proofs. The Idaho Enterprise was instructed to send this to you and if you have not received it we suggest that you take the matter up with them at once.

Very truly yours,

MARK R. EULF
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

24259

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 20 1955
Department of Reclamation

Permit No. G24259

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

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

Ans. Chester A. Eliason, Holbrook, Idaho, farmer and livestock raiser

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

Ans. None

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

Ans. G24259, July 3, 1953, date priority May 1, 1954

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

Ans. artesian well, underground

☒ The location of the well is the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 9, TWP. 14, S, R. 32 EEM

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

Ans. Drilled well and pump, the depth of this well is 300 feet, size of casing 12". The discharge of the pump was 500 gallons per minute. The water was measured by a gage.

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

Ans. This water is used for irrigation, TWP. 14, S. R. 32 EEM/NE $\frac{1}{4}$ 30 acres, NW $\frac{1}{4}$ 20 acres, SW $\frac{1}{4}$ 30 acres and the SE $\frac{1}{4}$ 40 acres and SW $\frac{1}{4}$ 15 acres, total acres 135
TWP. 14, S. R. 32 EEM Sec. 15, NW $\frac{1}{4}$ 10 acres, NE $\frac{1}{4}$ 20 acres, and the NW $\frac{1}{4}$ 10 acres, total 40

G24259

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

Ans. Just for Irrigation purposes

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

Ans. It is all used for irrigation

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

Ans. None

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

Ans. Water has been all used for irrigation

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

Ans. It used for irriagation to hay and corn for livestock on the land described in question No.6

(Sign) Chester A. Eliason

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

State of Idaho, on this 17th day of June, A. D. 1955.

Bill Fuller

Probate Judge

My commission expires

24259

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G24259

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. Vernal W. Nalder, age 42, Holbrook, Idaho, farmer.

Ques. 2. Are you acquainted with Yes, the holder of Permit No. G24259? How long have you known him and where does he reside?

Ans. I have known him for 25 years. He resides at Holbrook, Idaho.

Ques. 3. Have you read or heard read said Permit No. G.24259, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. artesian well, underground

☒ The location of the well is the NE $\frac{1}{4}$ OF SE $\frac{1}{4}$, Sec. 9, TWP 14, S, R. 32 EBM.

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

Ans. 175 miners inches claimed, 3.5 in cubic feet per second

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

Ans. 500 gallons per minute

G24259

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

Ans. Irrigation of hay and corn, Twp. 14 S, R. 32 EBM, Sec. 10, NE $\frac{1}{4}$ 30 acres, NW $\frac{1}{4}$ 20 acres, SW $\frac{1}{4}$ 30 acres, SE $\frac{1}{4}$ 40 acres, and the SW $\frac{1}{4}$ 15 acres, total acres 135.
TWP. 14 S, R. 32 EBM Sec. 15 NW $\frac{1}{4}$ 10 acres, NE $\frac{1}{4}$ 20 acres NW $\frac{1}{4}$ 10 acres, total acres 40.

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

Ans. No.

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

Ans. Mountain loam soil, a black soil

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

Ans. No.

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

Ans. It has been used on all the land described in question No. 7. The water is used for irrigation to grow feed for livestock.

(Signed)

Thermal W. Nelder

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City, County of Oneida, State of Idaho, on this 17th day of June, A. D. 1955.

Bill Kelly, Probate Judge
Notary Public

My commission expires

24259

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G24259

Proof of Application of Water to Beneficial Use

Deposition of Witness

and Completion of Works

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

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

Ans. Karl M. Smith, age 47, Malad City, Idaho

Ques. 2. Are you acquainted with Yes, the holder of Permit No. G24259? How long have you known him and where does he reside?

Ans. I have known him for 25 years. He resides at Holbrook, Idaho

Ques. 3. Have you read or heard read said Permit No. G.24259, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. artesian well, underground

☒ The location of the well is the NE $\frac{1}{4}$ OF SE $\frac{1}{4}$, Sec. 9 TWP. 14 S, R. 32 EBM

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

Ans. 175 miners inches

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

Ans. Five Hundred Gallons per minute

G24259

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

Ans. Irrigation of hay and corn, Twp. 14 S., R. 32 EBM, Sec. 10, NE $\frac{1}{4}$ 30 acres, NW $\frac{1}{4}$ 20 acres, SW $\frac{1}{4}$ 30 acres SE $\frac{1}{4}$ 40 acres, and the SW $\frac{1}{4}$ 15, totals 135 acres
TWP 14 S., R. 32 EBM, Sec. 15, NW $\frac{1}{4}$ 10 acres, NE $\frac{1}{4}$ 20 acres, and the NW $\frac{1}{4}$ 10 acres, total 40 acres

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

Ans. No Just irrigation

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

Ans. Mountain loam soil and black soil

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

Ans. No.

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

Ans. All for the beneficial use. To be used for the irrigation of hay and corn on the land described in question No. 7

(Signed) Karl M. Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City,
County of Oneida, State of Idaho, on this 17th day of June,
A. D. 1955.

Bill Fuller, Probate Judge
Notary Public.

My commission expires.

24259

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Sybil A. Stratton...being first duly sworn on
her oath, states: That *A.* he is *principal Clerk*
of the Idaho Enterprise, a newspaper of general circulation
in Oneida County, Idaho published weekly at Malad, in
said county, that said newspaper has been published in
said county uninterruptedly and continuously for over
seventy-eight consecutive weeks, prior to the first publi-
cation of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times
of publication of said notice a newspaper of general circula-
tion made up of at least four pages of at least five columns
each, printed from type matter or stereotyped forms of at
least seventeen and three fourths inches depth, and said
newspaper during all of the times of publication aforesaid
had more than 200 bonafide subscribers thereto living
within the county of Oneida in which said newspaper was
published at regular intervals not less frequently than once
a week.

That the annexed notice was published as per clipping
attached in the regular and entire edition of said news-
paper and not in any supplement thereof for *4* successive
weekly issues thereof the date of the first publication being
the *19th* day of *May*, 195*5*... the date of the last
publication being the *9th* day of *June*,
195*5*...

Sybil A. Stratton.....

Subscribed and sworn to before me this *11th* day of
June 195*5* *26 Ray*.....

Notary Public, residing at Malad, Idaho

My Commission expires the *14* day of *July*, 195*9*.

Costs: *53* lines at *13c* per line first insertion \$. *6.89*
10c per line each subsequent insertion \$. *15.90*

TOTAL \$. *22.79*

B24257

NOTICE OF PROOF OF COM- PLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
10:00 A.M., on the 17th day of
June, 1955, at Malad City, Coun-
ty of Oneida, State of Idaho,
before Bill Fallis, Probate Judge,
Oneida County, Idaho, proof will
be submitted of the completion
of works for the diversion of 3.5
cubic feet per second of the wat-
ers of 12 in. Dug-Well in the
NE 1/4 Sec. 9, Twp. 14 S.,
Rge. 32 E., B.M. and of the ap-
plication to beneficial use of said
water in accordance with the
terms and conditions of Permit
No. G-24259 heretofore issued by
the Department of Reclamation
of the State of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is
Chester Eliason, Holbrook, Idaho.

2. Said works of diversion will
be fully completed on the date
set for such completion, and the
amount of water which said
works are capable of conveying
to the place of use, in accord-
ance with the plans accompany-
ing the application for such per-
mit, is 3.5 cubic feet per second.

3. The use to which said water
has been applied is agricultural
purposes, and the amount applied
to beneficial use is 3.5 cubic feet
per second.

4. The place where said water
is used is NE 1/4 SW 1/4; 30A;
NW 1/4 SW 1/4; 20A; SW 1/4 SW 1/4;
30A; SE 1/4 SW 1/4; 40A; SW 1/4 SE-
1/4; 15A in Sec. 10 Tp. 14 S.R.
32 E.B.M.; NW 1/4 NE 1/4; 10A; NE 1/4-
NW 1/4; 20A; NW 1/4 NW 1/4; 10A; in
Sec. 15 Tp. 14 S.R. 32 E.B.M.

5. The date of priority which
said user is prepared to establish
is July 2nd, 1953.

MARK R. KULP
State Reclamation Engineer
5-19 6-9 t4

✓
June 27, 1955

RE: Permit No. G-84259

Mr. Chester A. Eliason
Holbrook
Idaho

Dear Mr. Eliason:

We acknowledge receipt of the corrected depositions of yourself and two witnesses also Affidavit of Publication in the Idaho Enterprise.

This completes your proof but before final action is taken the law requires that a field examination be made by an engineer from this Department.

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

J 24259

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

October 4, 1955

Re: Permit No. G-24259

To Mr. Chester A. Eliason
Holbrook, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G-24259
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works July 3, 1955

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. G-24259
is hereby held for cancellation.

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

Said Permit No. G-24259 claims the use of 3.5 cubic feet per second of the
waters of a well with point of diversion located
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Township 14 South, Range 32 East, B. M., and
was approved July 3, 1953

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

4th day of October, 1955

Mark R. Kulp
State Reclamation Engineer.

By _____ Assistant.

G-24259

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(APO)

POSTMARK OF DELIVERING
OFFICE

HOLBROOK
OCT 19 1917

Return to **STATE OF IDAHO**

Street and No.,
Post Office Box,

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REGISTERED ARTICLE
CERTIFIED MAIL

No. _____

INSURED PARCEL

No. **79120**

RETURN RECEIPT REQUESTED

BOISE,

IDAHO.

24259

DELIVERING
EMPLOYEE

☐

Deliver ONLY to addressee

☐

Show address where delivered

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

1 Charles E. Brown
(Signature or name of addressee)

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

Date of delivery Oct. 8, 1955

Form 3811
Rev. 4-54

U. S. GOVERNMENT PRINTING OFFICE 16-12621-8

154259

Ray & Scott
Attorneys
Malad City
Idaho

RECEIVED
OCT 11 1955
Department of Reclamation

October 10, 1955

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

Re: Permit No. G-24259

Dear Mr. Kulp:

Mr. Chester A. Eliason, the holder of the above permit received your notice of October 4, 1955, wherein you allege that that because the terms of said permit have not been complied with that said Permit is being held for cancellation, apparently upon the ground that the works have not been completed as of July 3, 1955.

It is difficult to understand from this notice just what you have in mind when you state that "the terms and conditions of Permit No. G-24259 . . . have not been complied with as to Completion of works July 3, 1955".

Mr. Eliason states that he has submitted final proof to your office. Another letter out of your office dated June 27, 1955 states: "This completes your proof but before final action is taken the law requires that a field examination be made by an engineer from this Department." This engineer who was to have made the field examination has not contacted Mr. Eliason, and we must presume that he has not made such an examination, and the reason that a License has not issued out of your office is the lack of such an examination.

Please advise as to the deficiency, if any, which ^{exists} ~~is lacking~~ in the final proof or otherwise.

Very truly,

Ray & Scott

By *E. L. Scott*

G-24259

✓
October 11, 1955

RE: Permit No. G-24259

Messrs. Ray & Scott
Attorneys at Law
Malad, Idaho

ATTENTION: Mr. E. L. Scott

Dear Mr. Scott:

We have your letter of October 10 in reply to registered notice sent Mr. Chester A. Eliason that the above numbered Permit was being held for cancellation.

Please accept our apologies. This notice was sent in error as you are correct in stating that the proofs have been made on this Permit and the matter is only awaiting inspection and report from our field engineer.

In sending out cancellation notices, we check from the departmental records and when no Certificate or License shows on the record the notice is sent out. In this way we overlooked the fact that these proofs had already been made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Mr. Chester A. Eliason

24259

August 30, 1956

RE: Permit No. G-24259

Mr. Chester A. Eliason
Holbrook
Idaho

Dear Mr. Eliason:

Inspection is required on any permit, for use of water, being brought to license in the state of Idaho.

I intend to make inspection in connection with your Permit on Tuesday morning, September 11, as soon as I can drive from Rupert to your place.

In as much as I am not acquainted in the area and do not know where you live, I intend to drive South through Roy and intend to stop at the farm where the well is located. I will be driving an Ivory colored 1955 Ford Car.

Please be prepared to accompany me on this inspection or have someone there to represent you.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

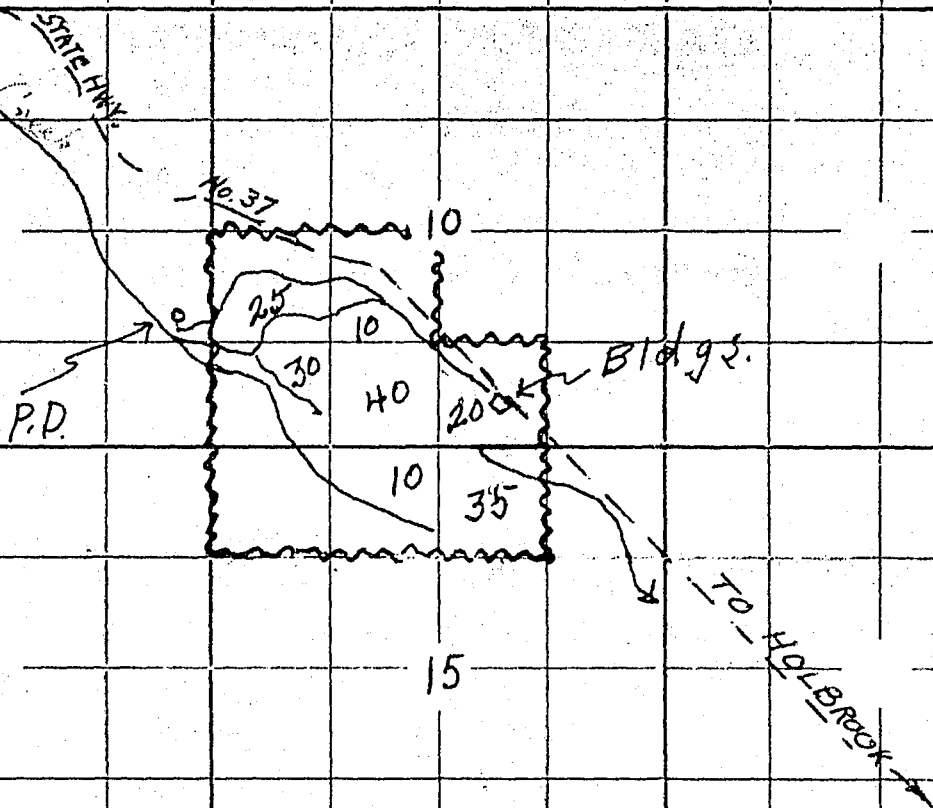
E. N. Humphrey
Deputy State Reclamation Engineer

Hshll

G-24259

R-32 E.

T.
14
S.



Subdivisions = 7

Area = 170 acres

Q = 60"

25
10
90
4
170

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-24259

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

1. Name of applicant Chester A. Eliason, Holbrook, Idaho
2. Source of water supply: A dug well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9
T. 14 S. R. 32 E. County of Oneida
4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 300' deep, cased to the bottom. 7 $\frac{1}{2}$ hp U. S. Motor, serial No. 971970. U. S. pump serial No. 18414, concrete base, no protection. Delivery through 5 3/4" pipe to the North 5' into a concrete head box, then mingles with the surface water he obtains from Twin Springs-Rock Springs Creek and to the fields by gravity. Delivery not measured but system is capable of delivering 60 inches.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10;

NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15;

Twp. 14 South, Range 32 East. B. M.

See the Map.

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

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

Remarks: Apparently this place has a use right on all waters flowing in the stream. Looking at the aerial photo the stream ends on this farm and then starts again at the lower end of it.

This examination was made on the 11 day of Aug, 19 56

(Signed) E. H. Humphrey Examiner.

G-24259



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 18, 1956

RE: Permit No. G-24259

Messrs. Ray and Scott
Attorneys at Law
Malad, Idaho

ATTENTION: Mr. E.L. Scott

Dear Mr. Scott:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. G-24259 in the name of Chester A. Eliason, which shows that his well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Township 14 South, Range 32 East, B.M., will deliver 60 inches or 1.2 second feet of water, which has been used to irrigate 170 acres of land in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, same Township and Range.

A Certificate of Completion of Works and License can, therefore be issued for 1.2 second feet of water upon receipt of the statutory fees amounting to \$5.00 for completion of works and \$14.00 license fee, the latter being at the rate of \$2.00 for each 40 acre subdivision irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

24259

Edna O. Furlledge
Chief Clerk

RECEIVED
OCT 20 1956
Department of Reclamation

24-24259
RECEIVED
OCT 23 1956

Department of Reclamation + Holbrook Idaho.

Oct 20, 1956

Dear Mr Kulp:

When you were ^{here} and made
the Examination of my well:

They have put in this letter that
I Irrigate 170 acres. That's
with all the water in the Creek
and the well to. I cant water
any more than 40 Acres at the
most. So please get them
straight on that. You remember
I mentioned that to you over
the Phone.

Resp yours.

Chuster Elason

24259

October 24, 1956

RE: Permit No. G-242 59

Mr. Chester Eliason
Holbrook
Idaho

Dear Mr. Eliason:

This is in reply to your letter of October 20th.

I do remember that you said your well would not irrigate more than 40 acres but you will recall we agreed upon 60 inches as probably being an average output from the well. But if you desire this water made appurtenant to only one 40 acre subdivision, it will be necessary to cut the quantity permissible on the permit down from 60 inches to 40 inches because under State Law one inch per acre is considered sufficient for irrigation purposes.

As a general rule, anyone owning land and using water to irrigate that land always wants the water appurtenant to as much of the land as can be covered by the water and this can be easily understood because it makes it possible to mingle the water from the well and the creek and irrigate anywhere on your farm without there being any question regarding the legality of your operation.

The report was made as it was and turned in that way because we felt it was to your best interest and in a procedure that is common practice.

However, if you desire that this water be made appurtenant to one individual 40, please specify which 40 acre subdivision you want it appurtenant to and I will be glad to change the report to suit you. It will also reduce your fees on that portion from \$14.00 down to \$2.00 making a total of \$7.00 that you will owe in this case.

24259

Mr. Chester Eliason

-2-

October 24, 1956

If this does not clarify the matter for you, please feel free to write us again as we do not wish to issue a license until you fully understand and are satisfied that it has been done to your best interests.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

24259

November 1, 1956

RE: Permit No. G-24259

Messrs. Ray & Scott
Attorneys at Law
Malad, Idaho

ATTENTION: Mr. E. L. Scott

Dear Mr. Scott:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. G-24259 in the name of Chester A. Eliason, confirming his right to the use of 1.2 second feet of the waters of a well, subterranean flow, located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Township 14 South, Range 32 East, B.M., with priority of July 2, 1953, for irrigation of land in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, same Township and Range.

We also enclose Departmental Receipt No. G-2213 for the \$19.00 completion of works and license fees.

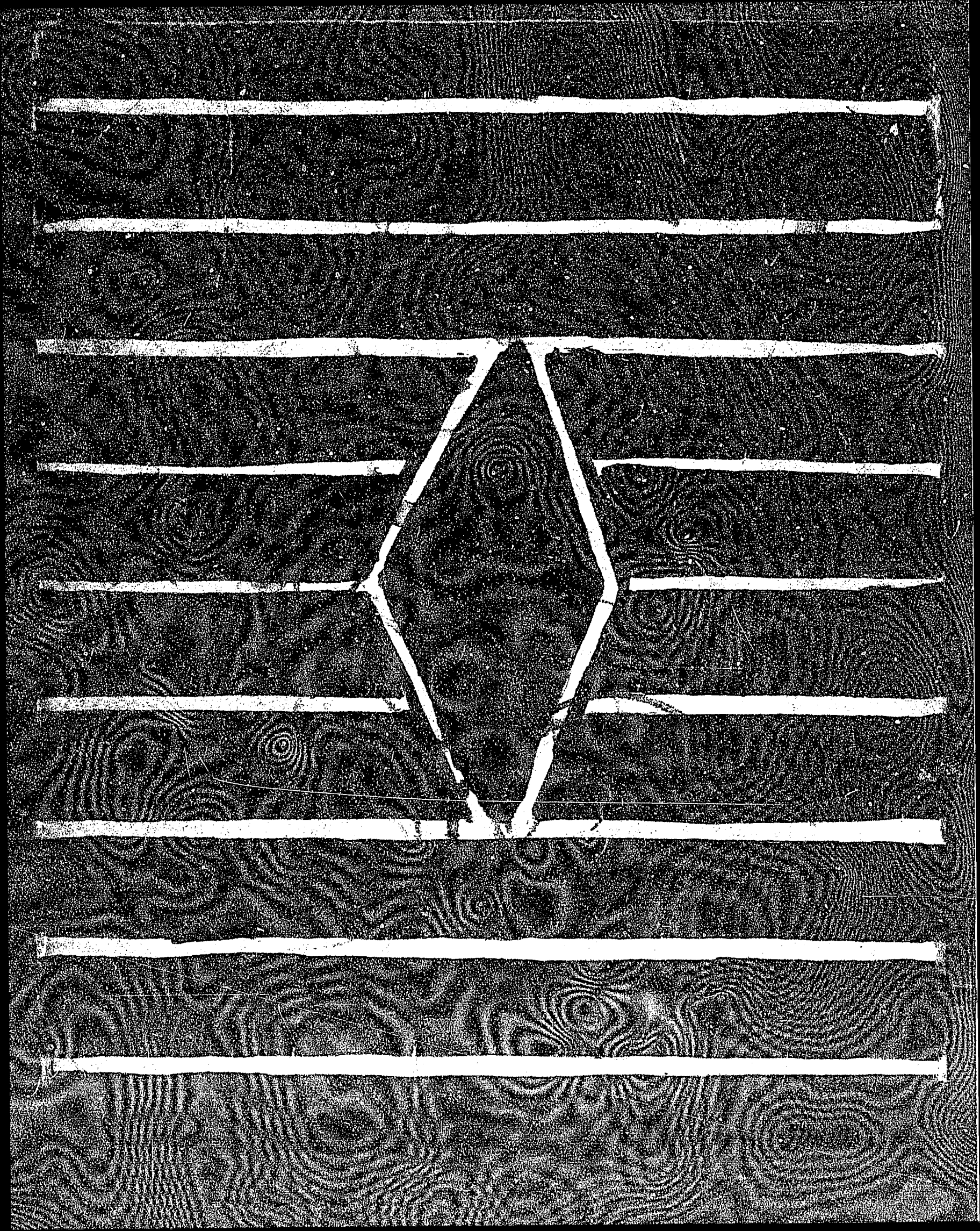
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

24259



State of Idaho

License and Certificate of Water Right

Water License No. G-24259

Amount 1.2 second feet

Water District No.

Priority July 2, 1953

THIS IS TO CERTIFY that CHESTER A. ELIASON
of Holbrook, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 2, 1953; that Permit No. G-24259
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.2 second feet, was issued thereunder on October 30, 1956, showing that said works
were completed on the 17th day of June, 1955; and that on the 17th
day of June, 1955,

CHESTER A. ELIASON
of Holbrook, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
x ~~subterranean~~ (subterranean flow), for the purpose of irrigation
, under Use Permit No. of the
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5849, on the 30th day of October, 1956;
The right hereby confirmed dates from July 2, 1953;

The Point of Diversion is located
In the NE 1/4 SE 1/4, Sec. 9, Tp. 14 S, R. 32 E., B. M. Oneida County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14S.	32E.	10	NE 1/4 SW 1/4	30	10
			NW 1/4 SW 1/4	20	25
			SW 1/4 SW 1/4	30	30
			SE 1/4 SW 1/4	40	40
			SW 1/4 SE 1/4	15	20
		15	NW 1/4 NE 1/4	10	35
			NE 1/4 NW 1/4	20	10
			NW 1/4 NW 1/4	10	—
		Total Number of Acres Actually Irrigated			170

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

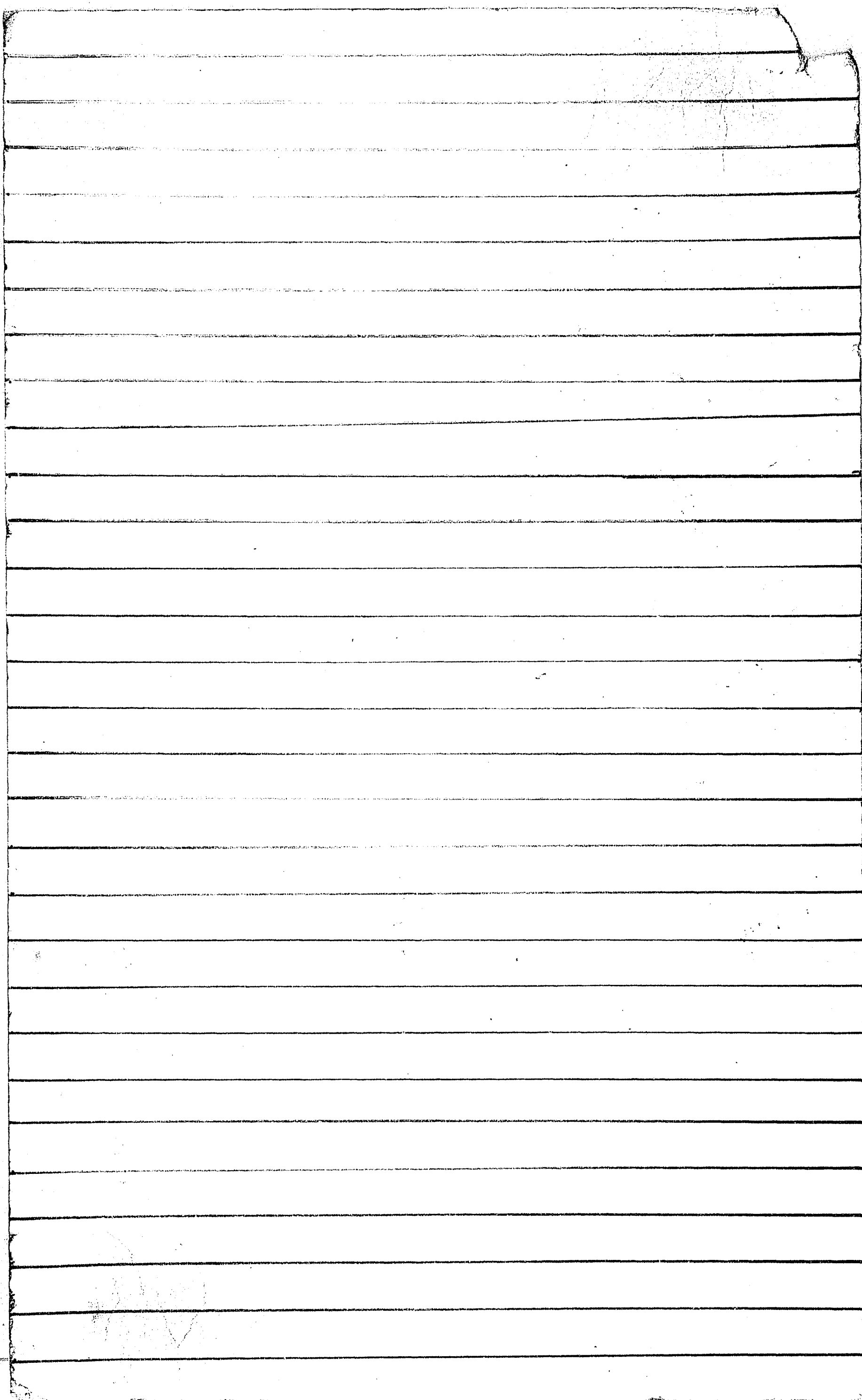
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
30th day of October, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

17-2625



-222 November 30, 1999

1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70958

#290

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Elinson Livestock LLC Phone 208-698-3341

Office address 23370 W OLD HWY 37 Holbrook 83252

PURPOSE OF TRANSFER 23005 W OLD

RECEIVED

FEB 17 2004

☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____ Department of Water Resources

Describe the reason for the proposed changes re-arrange acres for these two wells into a PPU and change the POU to reflect current use.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
17-2027	1953	1.20	IRR	4/1 to 10/31
17-2044	1959	.53	IRR	4/1 to 11/15
				to
				to

1. Total amount of water being transferred 1.73 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GW tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	9	14s	32E	Oneida	well
		NE	SE	9	14s	32E	Oneida	well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14s	32E	9				4									19			1	24
14s	32E	10									15	31	25	40			20		131
14s	32E	15	6	12			15	1											34

T70958

2027- 170 AC - KOG

2044- 123 AC - KOG

SCANNED

DEC 16 2003

Total Acres 189

2 of 7

PART 1

TRANSFER NO.

T70958

General Information:

a. Description of diversion system

WELL/PUMP TO SPRINKLERS AND FLOOD IRR

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:

It will be Dry.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

T70958

SCANNED

DEC 16 2003

page 3 of 7

T70958

Page 1

01/30/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 17-2027

WATER RIGHT NUMBER: 17-2027

Owner Type Name and Address
Current Owner CHESTER A ELIASON
 HOLBROOK, ID

Priority Date: 07/02/1953
Basis: License
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion
GROUND WATER NE1/4SE1/4 Sec. 9, Twp 14S, Rge 32E, B.M.
 ONEIDA County

Place of Use
IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 32E 10									10.0	25.0	30.0	40.0			20.0		125.0
14S 32E 15			35.0		10.0												45.0

Total Acres: 170

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

T70958

SCANNED
DEC 16 2003

page 4 of 7

T70958

Page 1

01/30/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 17-2044

WATER RIGHT NUMBER: 17-2044

Owner Type Name and Address
Current Owner CHESTER A ELIASON
 HOLBROOK, ID

Priority Date: 08/24/1959
Basis: License
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/15	0.530 CFS	225.00 AF
	<u>Total Diversion:</u>	0.530 CFS	225.00 AF

Location of Point(s) of Diversion
GROUND WATER NE1/4SE1/4 Sec. 9, Twp 14S, Rge 32E, B.M.
 ONEIDA County

Place of Use
IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 32E 10									15.0	30.0	26.0	25.0			10.0		106.0
14S 32E 15			1.0		14.0	2.0											17.0

Total Acres: 123

Conditions of Approval:

Remarks:

Comments:

240 AF/A

232.

Dates and Other Information:

T70958 214+
 15
 229

SCANNED
DEC 16 2003

NOT TO SCALE
ONTARIO COUNTY
FSA OFFICE

410
2082

Improved

1567

(18)

Sagebrush

1722 a

(2) 21.5

Improved

34.6

Grass / quaking

POD

T70958

page 5 of 7

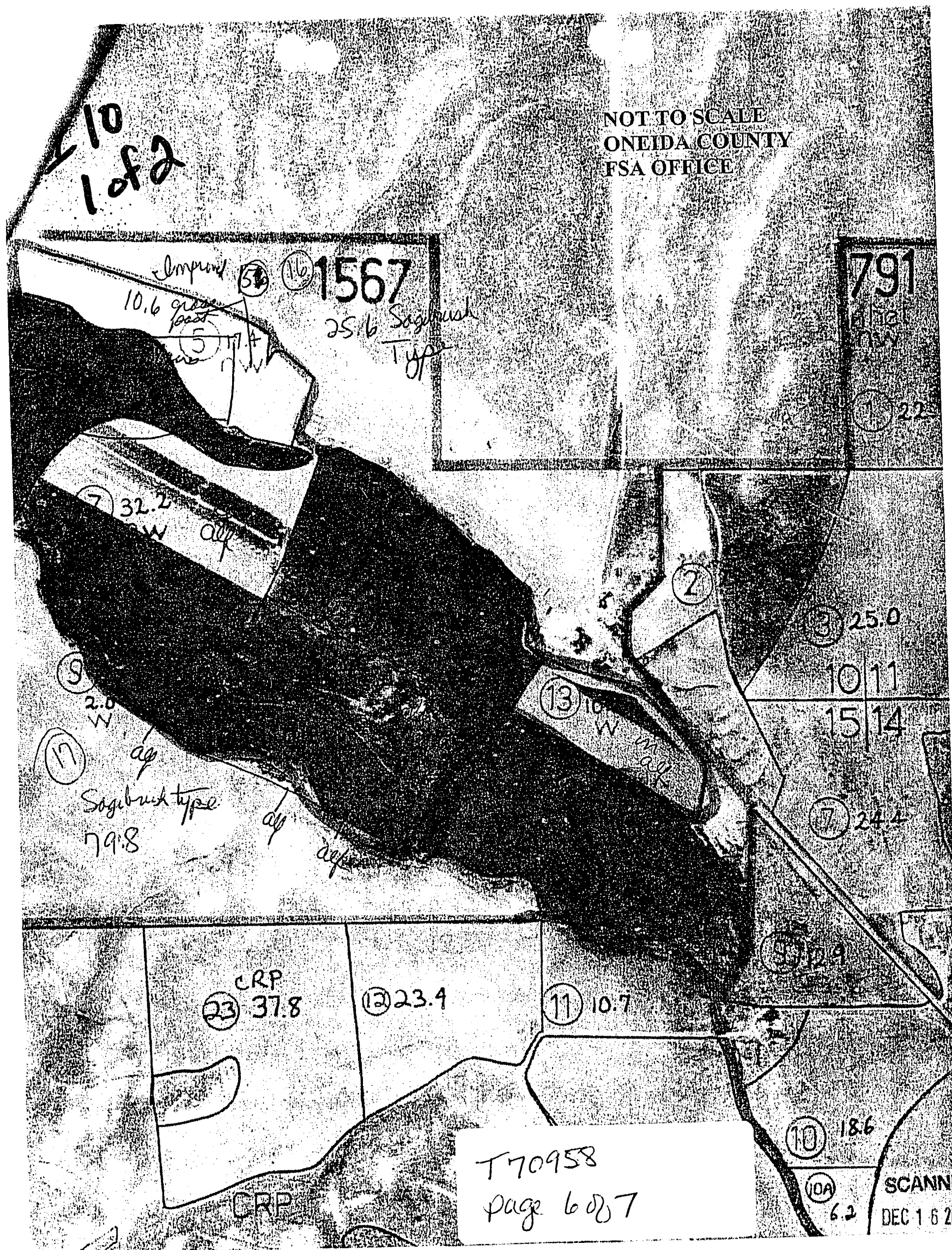
SCANNED

DEC 16 2003

9/1

10
1 of 2

NOT TO SCALE
ONEIDA COUNTY
FSA OFFICE



7 of 7

Transfer No. T70958

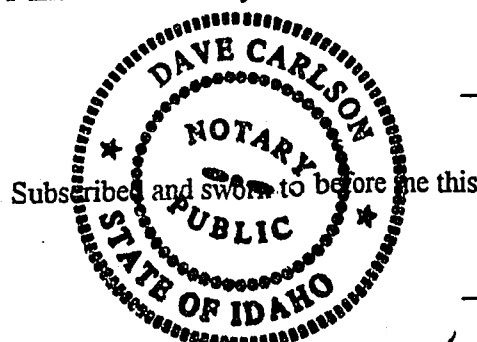
PART 3

CHANGES IN NATURE OF USE

- | 1. | New Nature of Use | Amount(cfs/af-ft) | Hours/days/year | Period of Use |
|----|-------------------|-------------------|-----------------|---------------|
| | | | | to |
| | | | | to |
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on other water uses resulting from the proposed change:

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

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



Ken Eliason - VP
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of Dec, 2003.

Dave Carlson
(Notary Public)

My commission expires 2/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and attachments

Received by DC	Date 12/5/2003	Protest filed by
Prelim. Check by DC	Fee \$290	E029399
Received by DC	Date 12/5/2003	
Published in Idaho Enterprise	Copies of protest forwarded by	
Pub. Dates Jan. 15 & 22, 2004	Hearing held by	Date
Watermaster recommendations requested on	Recommended for	☐ approval ☐ denial

received by

Copy of transfer sent to lien holder

T70958

SCANNED
DEC 16 2003



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for ELIASON LIVESTOCK, L.L.C.](#)]

ELIASON LIVESTOCK, L.L.C.

23005 WEST OLD HWY 37
HOLBROOK, ID 83252

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Oct 2003

State of Origin: IDAHO

Date of 20 Dec 1999

Origination/Authorization:

Current Registered Agent: DON C ELIASON
23005 WEST OLD WHY 37
HOLBROOK, ID 83252

File Number: W10516

Date of Last Annual Report: 02 Jan 2002

Amendments:

Amendment 0 filed 20 Dec ARTICLES OF
1999 ORGANIZATION

[View Document](#)
[Online](#)
[Download \(TIFF](#)
[format\)](#)

Annual Reports:

Report for year 2001 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

Report for year 2002 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

SCANNED

DEC 16 2003

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

RECEIVED
OCT 22 2003

Department of Water Resources
Eastern Region

Date: October 17, 2003

To: Ken Eliason
Eliason Livestock LLC
23370 W Old Hwy 37
Holbrook, ID 83252

From: Laurel Walker *for* Tim Luke
Water Distribution
lwalker@idwr.state.id.us
327-7907

Enclosed is a receipt for payment of your water right enforcement fine and a fully signed copy of the Consent Order and Agreement for your files.

Should you have any questions you may reach Tim Luke at 208-327-7864.

Thank you.

Laurel Walker

Cc: Dave Carlson, IDWR Eastern Region Office
John Homan, Idaho Attorney General's Office

SCANNED
DEC 16 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

CONSENT ORDER AND AGREEMENT

RECEIVED

OCT 17 2003
0071273
Department of Water Resources

In the matter of Notice of Violation and Cease and Desist Order dated September 9, 2003, issued to Ken Eliason pursuant to Section 42-1701B, Idaho Code.

Findings of Fact

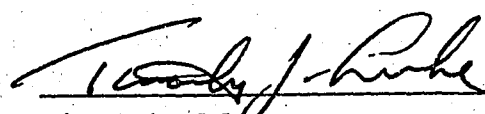
- 1) Eliason Livestock, LLC, (Eliason) is the owner of property situated in Sections 9, 10 and 15, T14S, R32E. Eliason diverts water from Rock Creek and two ground water wells to irrigate up to about 130 acres within the sections described above. Eliason has explained to the Idaho Department of Water Resources (Department) that the ground water and Rock Creek sources are commingled in a common mainline system. Licensed ground water rights 17-2027 and 17-2044 authorize irrigation of up to 170 acres of land within Sections 10 and 15. Right 17-4053, from Rock Creek, is a beneficial use claim that describes irrigation of 96 acres in Sections 9, 10 and 15. The claim includes 30 acres in the NW1/4 of Section 9 that are no longer irrigated.
- 2) It has been documented by the Department that Eliason has been irrigating about 19 acres in the NESE and SESE of Section 9, T14S, R32E. These 19 acres are not described as a place of use under any valid water rights. Eliason informally changed a portion of the place of use of the Rock Creek beneficial use claim 17-4053, to the current 130-acre place of use that is also irrigated by ground water rights 17-2027 and 2044. The beneficial use claim from Rock Creek however is limited to 96 acres.
- 3) The Department sent notice to Eliason on December 30, 2002 concerning the irrigation of the 19 acres in the SE1/4 of Section 9, T14S, R32E, without a valid water right. The Department sent a second notice to Eliason on January 30, 2003 advising Eliason not to irrigate the 19 acres in the SE1/4 of Section 9 until a valid water right was acquired for this land and/or a water right transfer was approved to correct the place of use under Eliason's water rights.
- 4) Department staff conducted a field inspection of the 19 acres in the SE1/4, Section 9, T14S, R19E, on September 4, 2003. Staff observed that the 19 acres were being irrigated on that date and confirmed that an alfalfa crop had been planted and harvested during 2003.

The Department held a compliance conference with Eliason on September 30, 2003. It is hereby ordered and agreed that:

Terms of Agreement

- 1) Eliason agrees to cease and desist from further diversion of water from either Rock Creek or ground water until valid water rights are obtained for or transferred to this land, and upon receiving authorization from the Department.
- 2) Payment of an agreed civil penalty in the amount of \$250 is payable to the Idaho Department of Water Resources within ten (10) days of the execution of this agreement, for the violation identified in the Notice of Violation dated September 9, 2003.
- 3) The Department suspends payment of \$5,450 of the originally proposed civil penalty. This penalty or any portion may be re-imposed for Eliason's failure to fully comply with this agreement, including continuing unauthorized irrigation of the 19 acres located within the SE1/4 of Section 9, T14S, R32E, prior to the acquisition of valid water rights.
- 4) This agreement does not limit the Department to seek future compliance or regulation of said water use for other issues not directly related to the unauthorized uses that occurred this year.

Dated this 17th day of October, 2003.



Tim Luke, Manager
Water Distribution Section
Idaho Department of Water Resources

CONSENT

Respondent Eliason acknowledges, in general, the facts set forth during the conference and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Signed this 13 day of Oct, 2003.

Ken Eliason
Ken Eliason, Vice-President
Eliason Livestock, LLC.

Idaho Department of Water Resources Receipt

Receipt ID C071293

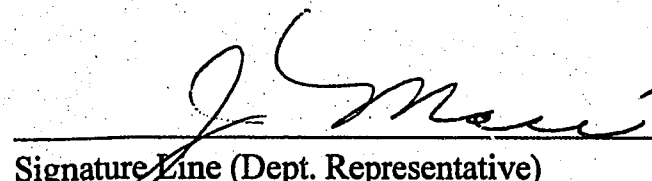
Payment Amount \$250.00 Date Received 10/17/2003 9:21:54 AM Region State Status
Payment Type Check Check Number 2151

Payer ELIASON LIVESTOCK LLC

Comment CONSENT ORDER AND AGREEMENT NOTICE OF VIOLATION CEASE AND
DESIST ORDER SEPT 9 2003

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$250.00	WATER RIGHT ENFORCEMENT	0229	22	55506	1315


Signature Line (Dept. Representative)

SCANNED

DEC 16 2003

10/17/2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 30, 2002

CERTIFIED MAIL

Don Eliason
23005 W Old Hwy 37
Holbrook, ID 83252

RE: Potential Unauthorized Water Use

Dear Mr. Eliason:

The Department of Water Resources frequently monitors irrigated fields to verify that water usage and application occur with valid water rights. Our office has become aware of a potential water development that may not be authorized by any valid water right. The development in question involves irrigation of about 19 acres located in Section 9, Twp. 14S, Rge. 32E, B.M., in Oneida County. Irrigation was detected upon review of satellite images from year 2000. Please see the attached image showing this development.

I have researched the records of the department and can not find any other valid water rights that authorize the above referenced irrigation development. I am requesting your cooperation in providing information as to whether the land above was irrigated in 2002 and in identifying what water right may cover your development if our records are not correct. Please respond by February 1, 2003.

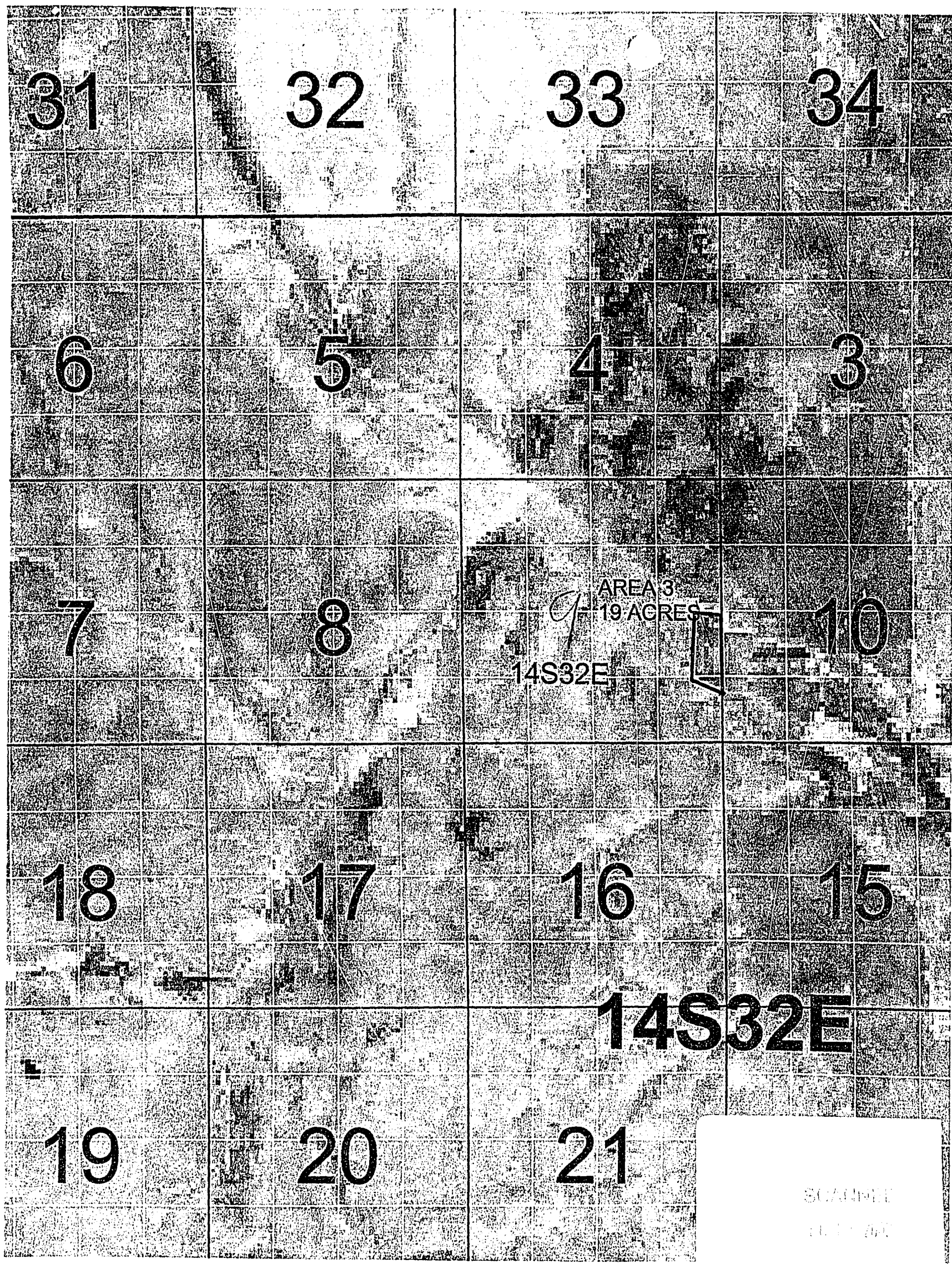
If you have questions regarding this matter please feel free to contact me at 208-327-7956.

Sincerely, —

Mike Piechowski, P.E.
Staff Engineer, Water Distribution Section

ATT: Area 3
CC: Harold Jones, Eastern Regional Office

SCANNED
DEC 16 2003



WARRANTY DEED

Enterprise Press, Malad

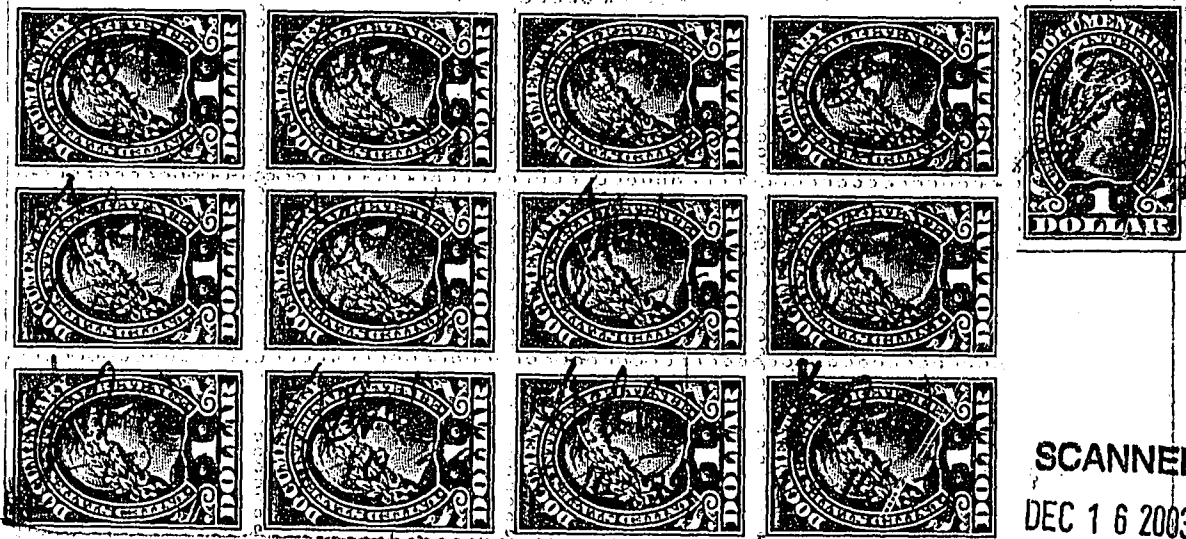
THIS INDENTURE, Made the 18th day of July 1938, between
David B. Dille and wife, Edwene Dille

of Malad, County of Oneida
State of Idaho, the parties of the first part, and Chester Eliason
of Stone, County of Oneida
State of Idaho, the party of the second part

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
Thirteen thousand -- DOLLARS,
lawful money of the United States of America, to them in hand paid by the said party
of the second part, the receipt whereof is hereby acknowledged, have granted bargained, sold and
conveyed, and by these presents do grant bargain, sell and convey unto the said party of the
second part, and to his heirs and assigns, forever, all these certain lots pieces or
parcels of land, situated, lying and being in the County of Oneida,
and State of Idaho, and particularly described as follows, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 10; SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, Tp. 14 S. R. 32 EBM; less the following tract:
Commencing at a point in the center of Meadow Brook Creek 12 rods
East of the Northwest corner of the Southeast quarter of the North-
west quarter of Section 9, Tp. 14 S. R. 32 EBM, thence running East
68 rods, thence South 32 rods to the center of said creek, thence
following the bed of said creek in its meandering course in a North-
westly direction 75.15 rods, more or less, to the place of be-
ginning, containing 7 acres; also (hereby conveyed) the following
described tract: Commencing at the Northeast corner of the Southeast
quarter of Section 9, Tp. 14 S. R. 32 EBM, thence running West 16
rods to post on highway for the point of beginning; thence running
West 64 rods, thence North 26 rods to highway fence, thence 72 rods
in a Southeasterly direction to the point of commencement.

Together with all water rights appurtenant to said property or
any part thereof.



SCANNED
DEC 16 2003

Fax to: Dave Carlson
525-7177

from: Oneida County
Dixie
phone - 208-766-4116 X109

If you have any questions
on ownership on this please
call me.

Dixie ☺

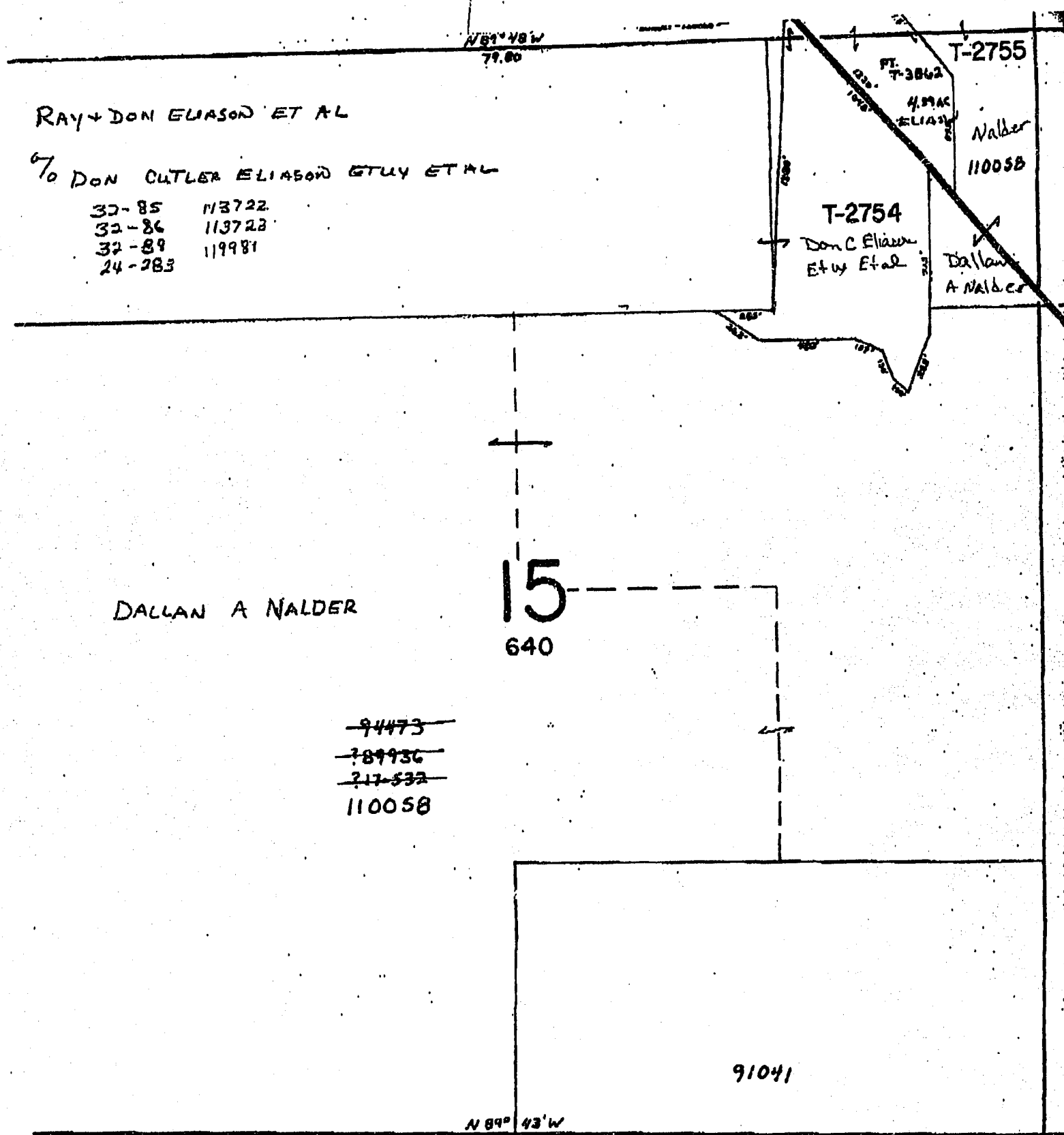
SCANNED

DEC 16 2003

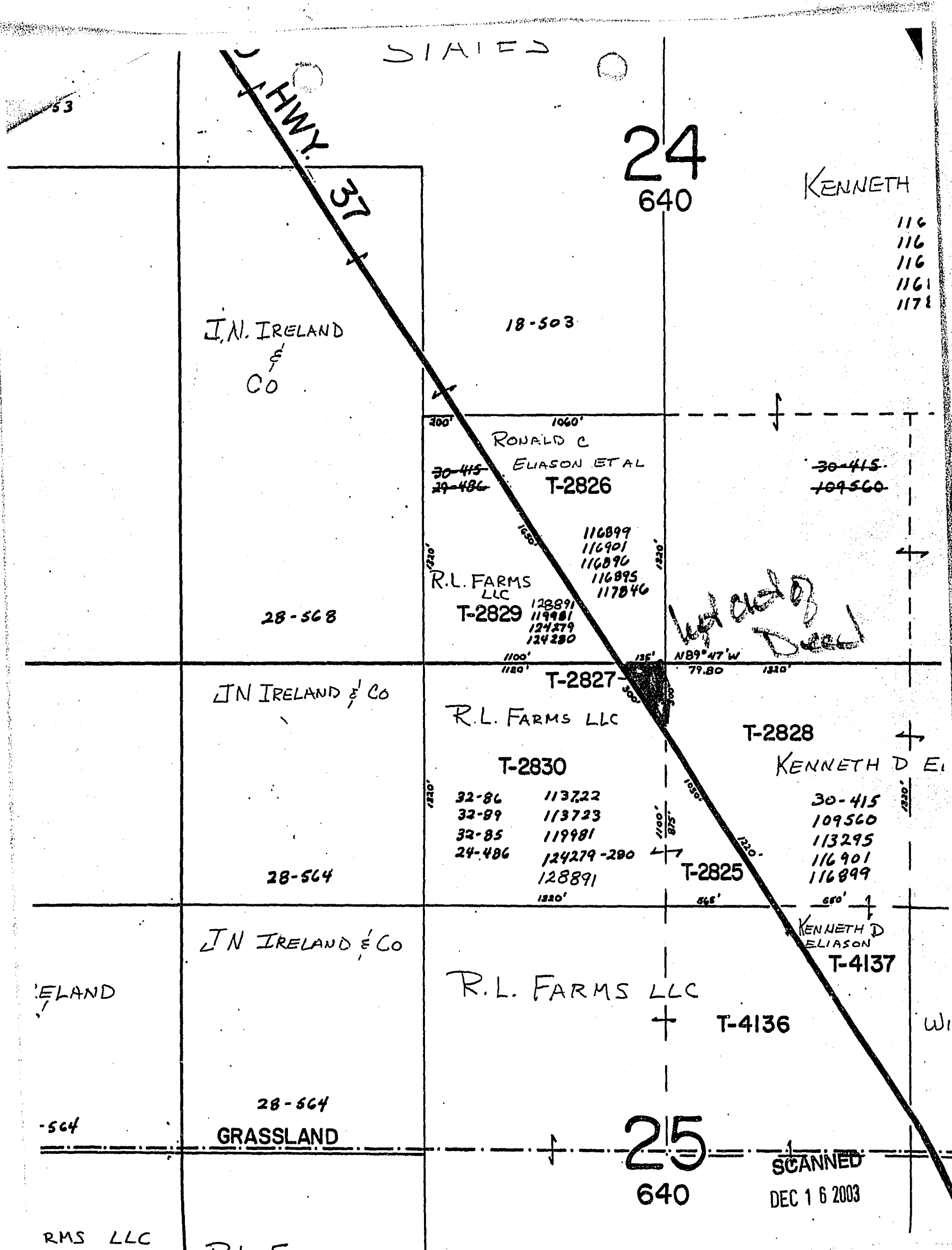
FROM: ONEIDA COUNTY ASSESSOR

FAX NO.: 208 766 2983

Dec. 05 2003 04:15PM P1



SCANNED
 DEC 16 2003



STATED

24
640

KENNETH

116
116
116
116
117

J.N. IRELAND
&
CO

18-503

RONALD C
ELIASON ET AL
T-2826

30-415
109560

R.L. FARMS
LLC
T-2829
128891
119981
124279
124280

116899
116901
116896
116895
117046

left side of
road

28-568

J.N. IRELAND & CO

T-2827

R.L. FARMS LLC

T-2828

KENNETH D. ELIASON

T-2830

32-86 113722
32-89 113723
32-85 119981
24-486 124279-280
128891

30-415
109560
113295
116901
116899

28-564

J.N. IRELAND & CO

R.L. FARMS LLC

T-4136

KENNETH D.
ELIASON
T-4137

ELAND

28-564

GRASSLAND

25
640

SCANNED
DEC 16 2003

RMS LLC

D. I. E.

QUITCLAIM DEED

FOR VALUE RECEIVED

DON C. ELIASON and CAROL I. ELIASON, husband and wife; KENNETH DON ELIASON and KRISTY ELIASON, husband and wife and RONALD CHESTER ELIASON and SHELLIE ELIASON, husband and wife,

do hereby convey, release, remise and forever quit claim unto

ELIASON LIVESTOCK, L.L.C., an Idaho Limited Liability Company,

whose current address is: 23005 West Old Hwy 37, Holbrook, ID 83252

the following described premises, in Oneida County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

DATED: February 14th, 2000.

Don C. Elison
DON C. ELIASON

Carol I. Elison
CAROL I. ELIASON

Kenneth Don Elison
KENNETH DON ELIASON

Kristy Elison
KRISTY ELIASON

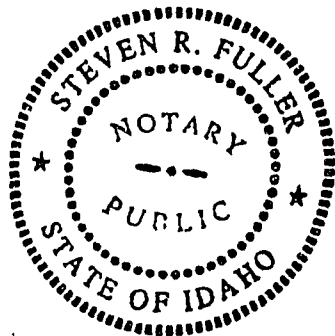
Ronald Chester Elison
RONALD CHESTER ELIASON

Shellie Elison
SHELLIE ELIASON

STATE OF IDAHO)

County of Franklin)

On this 14th day of February, 2000, before, me the undersigned, a Notary Public in and for said State, personally appeared DON C. ELIASON and CAROL I. ELIASON, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, ID
Comm. Expires: 2/19/05

Microfilm No. 128982
25 February 2000
At 3:00 O'clock P.M.
Shirley Blaisdell
Oneida Co. Recorder
Fee \$ 18.00
Recorded at Request of
E. L. Smith Deputy

RECEIVED

OCT 24 2003

Department of Water Resources
Eastern Region

SCANNED

DEC 16 2003

128982

EXHIBIT "A"

Quaking Asp Spring

Township 13 South, Range 31 East, Boise Meridian:

Section 34: Lot 1 RP: 0108000 ✓

Township 14 South, Range 31 East, Boise Meridian:

Section 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$ RP: 0108200 ✓

Section 3: LOTS 1, 2 AND 3; S $\frac{1}{2}$ N $\frac{1}{2}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ RP: 0108300 ✓

Section 4: LOTS 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ RP: 0108400 ✓

Base Ranch

Township 14 South, Range 32 East, Boise Meridian:

Section 9: SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ T-1102

RP: 0113903

EXCEPTING THEREFROM: Commencing at a point in the center of the Meadow Brook Creek, 12 rods East of the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 14 South, Range 32 East, Boise Meridian; and running thence East 68 rods; thence South 32 rods to the center of said creek; thence following the bed of said creek in its meandering course in a Northwesterly direction 75.15 rods, more or less to the point of beginning.

Section 10: SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ RP: 0114002

Don Eliason Home).

RP: 0114006

EXCEPTING THEREFROM: Commencing at the Southeast corner of said Section 10 which is marked with a BLM aluminum cap; thence, North 89°14'00" West along the South line of said Section, 1018.36 feet to a point which intersects the Northeasterly right-of-way of a County road, formerly State Hwy 37; thence North 42°00'28" West along said right-of-way, 656.15 feet to a point of intersection with the Easterly right-of-way of South Bull Canyon Road and marked with a $\frac{1}{2}$ " rebar and plastic cap PLS 843 the TRUE POINT OF BEGINNING; thence North 77°59'26" East, 188.81 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence North 44°03'24" East 118.23 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence South 04°27'03" West 388.30 feet to a point of the Northeasterly right-of-way of said former Hwy. 37 and marked with a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence North 42°00'27" West along said Northeasterly right-of-way, 353.78 feet to the TRUE POINT OF BEGINNING and containing 1.00 acre, more or less.

SCANNED

DEC 16 2003

HECK PAYABLE TO:

2002 TAX BILL/RECEIPT

PARCEL NUMBER

B. PETT

COUNTY TAX COLLECTOR

BILL#

1738

CODE AREA

8-00

L

RP0113905

1,92

RT STREET

IDAHO 83252

T HALF DUE

11.34

2ND HALF DUE

11.34

FULL DUE

22.68

TOT MV

1,92

TAX

LATE

INT

COST

TOT

TAX

LATE

INT

COST

TOT

TOT ACS

20.26

ELIASON RAY C
ELIASON DON C & CAROL I
23005 WEST OLD HWY 37
MALAD ID 8325

TAXING DISTRICT

RATE

AMOUN

STATE

.000000000

9.3

COUNTY

.004840608

11.5

SCH DIST #351

.006000138

.1

HOLBROOK CEM

.000074808

.6

MALAD FIRE DIST

.000339296

.8

ONEIDA FREE LIB

.000434660

.1

HOLBROOK REC

.000086391

22.6

AMOUNT DUE

.011775901

22.6

LOTS 2, 6, 7 (T-396)
9-14-32

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

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

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

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ANCELLED CHECK IS YOUR RECEIPT

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

IN, RAY C

2002
1738

2ND HALF

AMOUNT DUE

11.34

COUNTY

905

A

0

LATE

INT

COST

TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
BY

CHECK #
CASH

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

ELIASON, RAY

2002
1738

1ST HALF

FULL

AMOUNT DUE

11.34

22.68

ONEIDA COUNTY

RP0113905

A

16-00

LATE

INT

COST

TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2002

DATE PAID
PAID BY

CHECK #
CASH

SCANNED
DEC 16 2003

HECK PAYABLE TO:

B. PETT
COUNTY TAX COLLECTOR
RT STREET
IDAHO 83252

2002 TAX BILL/RECEIPT

BILL#

1736

CODE AREA

16-00

L

PARCEL NUMBER

RP0113903

A

32,437

T HALF DUE
190.97

2ND HALF DUE
190.97

FULL DUE
381.94

TOT MV 32,437

TAX
LATE
INT
COST
TOT

TAX
LATE
INT
COST
TOT

WAC 4.460
TOT ACS 327.000

ELIASON DON
ELIASON RAY ET-AL
% ELIASON DON C ET-AL
23005 W OLD HWY 37
HOLBROOK ID 83252

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004840608	157.00
SCH DIST #351	.006000138	194.62
HOLBROOK CEM	.000074808	2.42
MALAD FIRE DIST	.000339296	11.00
ONEIDA FREE LIB	.000434660	14.10
HOLBROOK REC	.000086391	2.80
AMOUNT DUE	.011775901	381.94

T-1102 PT SWNE E2SW SE
9-14-32

9-14-32

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ASON, DON C ET-AL

2002
1736

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

% ELIASON, DON C ET-AL

2002
1736

2ND HALF

AMOUNT DUE 190.97

A COUNTY
3903 A
00

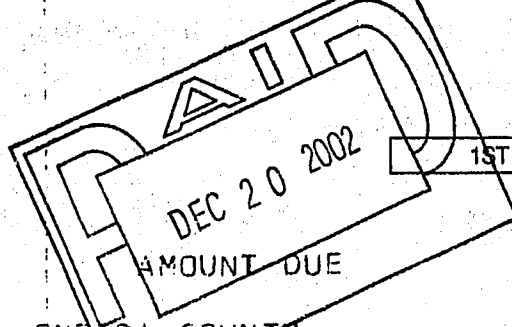
LATE
INT
COST
TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
BY

CHECK #
CASH



1ST HALF

FULL

AMOUNT DUE 190.97 381.94

ONEIDA COUNTY
RP0113903 A
16-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
PAID BY

DECEMBER 20, 2002

CHECK #
CASH

SCANNED
DEC 16 2003

HECK PAYABLE TO:

2002 TAX BILL/RECEIPT

PARCEL NUMBER

B. PETT

COUNTY TAX COLLECTOR

8-00

1754

CODE AREA

8-00

L

RP0114502

A

159

RT STREET

IDAHO 83252

T HALF DUE

.90

2ND HALF DUE

.90

FULL DUE

1.80

TOT MV

159

TAX

LATE

INT

COST

TOT

TAX

LATE

INT

COST

TOT

TOT ACS

4.290

ELIASON DON C

23005 W OLD HWY 37

HOLBROOK

ID 83252

TAXING DISTRICT

RATE

AMOUNT

STATE

.000000000

COUNTY

.004840608

.76

SCH DIST #351

.006000138

.94

HOLBROOK CEM

.000074808

MALAD FIRE DIST

.000339296

.04

ONEIDA FREE LIB

.000434660

.06

HOLBROOK REC

.000086391

AMOUNT DUE

.011775901

1.80

PT-T-3862

15-14-32

PURCHASED FROM DALAN NALDER

15-14-32

*** IMPORTANT ***
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CANCELLED CHECK IS YOUR RECEIPT

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

JN, DON C

2002
1754

ELIASON, DON C

2002
1754

2ND HALF

1ST HALF

FULL

AMOUNT DUE

.90

AMOUNT DUE

.90

1.80

A COUNTY
+502 A
00

LATE
INT
COST
TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
BY

CHECK #
CASH

ONEIDA COUNTY
RP0114502
16-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2003

DATE PAID
PAID BY

CHECK #
CASH

SCANNED
DEC 16 2003

CHECK PAYABLE TO:

B. PETT

COUNTY TAX COLLECTOR

RT STREET

IDAHO 83252

T HALF DUE

.55

2ND HALF DUE

.55

TAX
LATE
INT
COST
TOT

FULL DUE

1.10

TAX
LATE
INT
COST
TOT

TOT MV

97

TOT ACS

.900

UNITED STATES OF AMERICA
C/O ELIASON DON ET-UX
23005 W OLD HWY 37
MALAD ID 83252

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004840608	.46
SCH DIST #351	.006000138	.58
MALAD FIRE DIST	.000339296	.02
ONEIDA FREE LIB	.000434660	.04
AMOUNT DUE	.011614702	1.10

LOT 2
10-14-32

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
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PERSONAL CHECKS ARE YOUR RECEIPT
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CANCELLED CHECK IS YOUR RECEIPT

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

UNITED STATES OF AMERICA

2002
1749

2ND HALF

AMOUNT DUE

.55

COUNTY

104

A

IC

LATE
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IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
BY

CHECK #
CASH

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

UNITED STATES OF AMERICA

2002
1749

1ST HALF

FULL

AMOUNT DUE

.55

1.10

ONEIDA COUNTY

RP0114104

A

2-00

LATE
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COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2002

DATE PAID
PAID BY

CHECK #
CASH

SCANNED
DEC 16 2003

CHECK PAYABLE TO:

B. PETT
COUNTY TAX COLLECTOR
RT STREET
IDAHO 83252

2002 TAX BILL/RECEIPT

1748 CODE AREA 15-00 L

PARCEL NUMBER

RP0114103 A 400

T HALF DUE 2.27
TAX 2.27
LATE
INT
COST
TOT

2ND HALF DUE

FULL DUE 4.54
TAX 4.54
LATE
INT
COST
TOT

TOT MV 400

TOT ACS 3.700

UNITED STATES OF AMERICA
C/O ELIASON DON ET-UX
23005 W OLD HWY 37
HOLBROOK ID 83252

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004840608	1.94
SCH DIST #351	.006000138	2.40
HOLBROOK CEN	.000074808	.02
ONEIDA FREE LIB	.000434660	.16
HOLBROOK REC	.000086391	.02
AMOUNT DUE	.011436605	4.54

LOTS 4 & 5
10-14-32

*** IMPORTANT ***
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CANCELLED CHECK IS YOUR RECEIPT

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

UNITED STATES OF AMERICA

2002
1748

2ND HALF

AMOUNT DUE 2.27

COUNTY
103 A
ID

LATE
INT
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TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
BY

CHECK #
CASH

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

UNITED STATES OF AMERICA

2002
1748

1ST HALF

FULL

AMOUNT DUE 2.27 4.54

ONEIDA COUNTY
RP0114103 A
15-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2002

DATE PAID
PAID BY

CHECK #
CASH

SCANNED
DEC 16 2003

HECK PAYABLE TO: 2002 TAX BILL/RECEIPT PARCEL NUMBER
 B. PETT RP0114007 A
 COUNTY TAX COLLECTOR BILL# 1743 CODE AREA 16-00 L 7,500
 RT STREET I 51,950
 IDAHO 83252
 T HALF DUE 2ND HALF DUE FULL DUE TOT MV 59,450
 197.08 TAX 197.08 TAX 394.16 HM- 25,975
 LATE LATE
 INT INT NET MV 33,475
 COST COST
 TOT TOT TOT ACS 1.000

ELIASON DON ET-UX
 23005 W OLD HWY 37
 HOLBROOK ID 83252

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004840608	162.04
SCH DIST #351	.006000138	200.84
HOLBROOK CEM	.000074808	2.50
MALAD FIRE DIST	.000339296	11.36
ONEIDA FREE LIB	.000434660	14.54
HOLBROOK REC	.000086391	2.88
AMOUNT DUE	.011775901	394.16

T-5185
 10-14-32

23005 W OLD HWY 37 83243

*** IMPORTANT ***
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CANCELLED CHECK IS YOUR RECEIPT

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

JN, DON ET-UX

2002
 1743

ELIASON, DON ET-UX

2002
 1743

2ND HALF

AMOUNT DUE 197.08

A COUNTY
 1007 A
 30

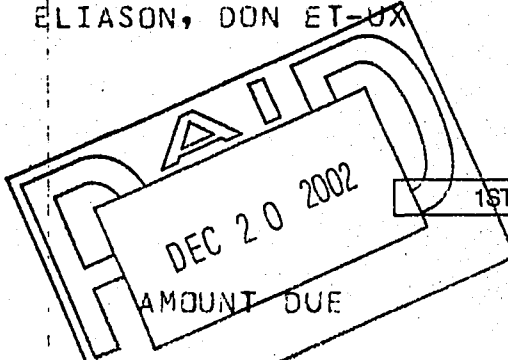
LATE
 INT
 COST
 TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
 BY

CHECK #
 CASH



1ST HALF

FULL

AMOUNT DUE 197.08 394.16

ONEIDA COUNTY
 RP0114007 A
 16-00

LATE
 INT
 COST
 TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2002

DATE PAID
 PAID BY

CHECK #
 CASH

SCANNED
 DEC 16 2003

HECK PAYABLE TO: 2002 TAX BILL/RECEIPT PARCEL NUMBER
 B. PETT RP0114005
 COUNTY TAX COLLECTOR L# 1741 CODE AREA 15-00 L 17
 RT STREET
 IDAHO 83252
 1ST HALF DUE 2ND HALF DUE FULL DUE TOT MV 17
 .95 TAX .95 TAX 1.90
 LATE LATE
 INT INT
 COST COST
 TOT TOT TOT ACS 4.60

ELIASON RAY C
 ELIASON DON C & CAROL I
 23005 WEST OLD HWY 37
 MALAD ID 83252

TAXING DISTRICT RATE AMOUN
 STATE .000000000
 COUNTY .004840608 .8
 SCH DIST #351 .006000138 1.0
 HOLBROOK CEM .000074808
 ONEIDA FREE LIB .000434660 .0
 HOLBROOK REC .000086391
 AMOUNT DUE .011436605 1.9

LOTS 2, 4, 5
 10-14-32

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK
 *** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

CANCELLED CHECK IS YOUR RECEIPT

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

IN, RAY C

2002
 1741

ELIASON, RAY C

2002
 1741

2ND HALF

1ST HALF

FULL

AMOUNT DUE

.95

AMOUNT DUE

.95

1.90

COUNTY
 1005 A
 00

LATE
 INT
 COST
 TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 2003

PAID
 BY

CHECK #
 CASH

ONEIDA COUNTY
 RP0114005 A
 15-00

LATE
 INT
 COST
 TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
 PAID BY

DECEMBER 20, 2002

CHECK #
 CASH

SCANNED

DEC 16 2003

128982

128982

(Donald Eliason Home)

ALSO EXCEPTING: Commencing at the Southeast corner of said Section 10 which is marked with a BLM aluminum cap; thence North $89^{\circ}14'00''$ West along the South line of said Section, 1018.36 feet to a point which intersects the Northeasterly right-of-way of a County road, formerly State Hwy. 37; thence North $42^{\circ}00'28''$ West along said right-of-way 656.15 feet to a point of intersection with the Easterly right-of-way of South Bull Canyon Road and marked with a $\frac{1}{2}$ " rebar and plastic cap PLS 843 the TRUE POINT OF BEGINNING; thence North $12^{\circ}53'50''$ East along said Easterly right-of-way, 321.23 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence South $45^{\circ}56'36''$ East 271.61 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence South $44^{\circ}03'24''$ West 118.23 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence South $77^{\circ}59'26''$ West 188.81 feet to the TRUE POINT OF BEGINNING and containing 1.00 acre, more or less.

(Kenneth Eliason Home)

ALSO EXCEPTING: Commencing at the Southeast corner of said Section 10 which is marked with a BLM aluminum cap; thence North $89^{\circ}14'00''$ West along the South line of said Section, 1108.27 feet to a point which intersects the Southwesterly right-of-way of a County road, formerly State Hwy. 37; thence North $42^{\circ}00'28''$ West along said right-of-way, 432.98 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843 the TRUE POINT OF BEGINNING; thence South $44^{\circ}38'14''$ West, 223.23 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence North $64^{\circ}31'59''$ West 179.02 feet to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence North $44^{\circ}38'14''$ East 291.93 feet to a point on said Southwesterly right-of-way to a $\frac{1}{2}$ " rebar and plastic cap PLS 843; thence South $42^{\circ}00'28''$ East along said Southwesterly right-of-way, 169.38 feet to the TRUE POINT OF BEGINNING and containing 1.00 acre, more or less.

Section 15 NW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$ RP:0114600

T-2754

RP:0114502

ALSO, Beginning at the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 14 South, Range 32 East, Boise Meridian; thence running West 285 feet; thence South $54^{\circ}47'$ East 262 feet; thence East 480 feet; thence South $67^{\circ}25'$ East 157 feet; thence South $24^{\circ}20'$ East 130 feet; thence South $52^{\circ}20'$ East 100 feet; thence North $21^{\circ}46'$ East 285 feet; thence North $0^{\circ}50'$ East 712 feet; thence North $42^{\circ}02'$ West 1048 feet; thence South $3^{\circ}00'$ East 1380 feet to the point of beginning.

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DEC 16 2003

128982

Township 16 South, Range 32 East, Boise Meridian

Section 10: ~~SE $\frac{1}{4}$~~ . RP: 0121500 ✓

EXCEPTING THEREFROM: That portion deeded to the United States of American, Bureau of Land Management:

Township 14 South, Range 32 East, Boise Meridian:

Section 9: LOTS 3 and 4

Section 10: LOT 6

Wells Willie Place

Township 14 South, Range 33 East, Boise Meridian

Section 30: ~~SE $\frac{1}{4}$~~ . RP: 0154001

Township 14 South, Range 32 East, Boise Meridian

Section 24: ~~S $\frac{1}{2}$ NE $\frac{1}{4}$~~ ; SE $\frac{1}{4}$. RP: 0115503 ✓

Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$. All that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Lying East of the State Highway; ALSO, Commencing at the Northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25; and running thence South 300 feet, more or less, to the North line of State Highway; thence South 33°02' East along the North boundary line of Highway 1220 feet, more or less, to 40-acre subdivision line; thence East 650 feet, more or less to 40-acre subdivision line; thence North 1320 feet; thence West 1320 feet to the point of beginning, which is that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying East of the State Highway T-2828.

EXCEPTING THEREFROM: Part of the SE $\frac{1}{4}$ of Section 30, Township 14 South, Range 33 East, Boise Meridian, Oneida County, Idaho, described as follows: Commencing at the Southeast Corner of Section 30; and running North 00°18'18" West 40.00 feet along the East line of the SE $\frac{1}{4}$ of said Section; thence North 89°32'07" West 384.64 feet to the True Point of Beginning; running thence North 89°32'07" East 248.41 feet along the North line of State Highway 38; thence North 00°16'07" West 394.62 feet along an existing fence; thence South 89°32'07" West 248.41 feet; thence South 00°16'07" East 394.62 feet to the said North line and the True Point of Beginning.

ALSO EXCEPTING: Commencing at the Southeast Corner of Section 30; and running North 00°18'18" West 40.00 feet along the East line of the SE $\frac{1}{4}$ of said Section; thence North 89°32'07" West 25.88 feet to the True Point of Beginning; running thence North 89°32'07" West 358.76 feet along the North line of

SCANNED
DEC 16 2003

State Highway 38; thence North 00°16'07" West 394.62 feet; thence South 89°32'07" East 359.38 feet to the West line of 20000 West Street; thence South 00°18'18" East 394.63 feet along said West line to the True Point of Beginning.

Township 14 South, Range 32 East, Boise Meridian

Section 24 ~~to~~ Commencing at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 1,060 feet to the North boundary line of State Highway; thence South 33°02' East along the North boundary line of Highway to 40-acre subdivision line; thence East approximately 135 feet to the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 1320 feet to the point of beginning.

Township 14 South, Range 33 East, Boise Meridian

Section 30, LOT 4, RP: 6154106
Error - Section 32, NE 1/4 NW 1/4, Less 1.03 acres for Highway purposes.
USA, BLM Parcel 31 Should be Section 31

Township 14 South, Range 32 East, Boise Meridian

Section 9: ~~04~~ LOTS 2, 6 AND 7 RP: 0113905
Section 10: ~~04~~ LOTS 2, 4 AND 5 RP: 0114005

Nalders

Beginning at the Northwest corner of the SE¼SE¼ of Section 10, Township 14 South, Range 32 East, Boise Meridian; thence running East 33 rods; thence South 65 rods; thence South 40°00' East 35 rods; thence South 30 rods, more or less to the North right-of-way line of State Highway #37; thence Northwesterly along said Highway right-of-way line 80 rods, more or less, to the West line of the SE¼SE¼; thence North 60 rods, more or less, to the point of beginning. T

Left out
T-2827.

lot 344 Sec 9 T. 14S R. 3E
lot 6 Sec 5 T. 14S R. 3E
An owner of USA 7104
A contact for shawna 7227

T. 2827 left egg 9 Dec 6

last Page - Ireland Bank Pa
See 22 - Should be See 23



Call Steve
7-7-80
We will call

10203
SCANNED

DEC 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70958

This is to certify that: ELIASON LIVESTOCK LLC
23370 W OLD HWY 37
HOLBROOK ID 83252

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
17-2027	WR/License	07/02/1953	1.20 cfs	N/A	N/A	170.0	GROUND WATER
17-2044	WR/License	08/24/1959	0.53 cfs	225.0 af	N/A	123.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
17-2027	NO	YES	YES	NO	NO	NO
17-2044	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
17-2027	17-2027	1.20 cfs	510.0 af	170.0	189.0		N/A	N/A	N/A	N/A
17-2044	17-2044	0.53 cfs	225.0 af	123.0	189.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.73 cfs	661.5 af	189.0	189.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of February, 2004



Chief, Water Allocation Bureau

SCANNED
FEB 19 2004

WATER RIGHT NO. 17-2044
As Modified by Transfer No. 70958

In accordance with the approval of Transfer No. 70958, Water Right No. 17-2044 is now described as follows.

Right Holder: ELIASON LIVESTOCK LLC
 23005 W OLD HWY 37
 HOLBROOK ID 83252

Priority Date: August 24, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/15	0.53 CFS	225.0 AF
			0.53 CFS	225.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 9 Twp 14S Rge 32E ONEIDA County
 GROUND WATER NESE Sec. 9 Twp 14S Rge 32E ONEIDA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 32E 9				4.0									19.0			1.0	24.0
14S 32E 10									15.0	31.0	25.0	40.0			20.0		131.0
14S 32E 15	6.0	12.0			15.0	1.0											34.0

Total Acres: 189

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 17-2027 and 17-02044 shall not exceed 1.73 cfs, nor a total combined annual volume of 661.5 af.
2. Rights 17-2027 and 17-2044 when combined shall not exceed a total irrigation of 189 acres.
3. This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion 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.
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.

SCANNED
 FEB 14 2004

WATER RIGHT NO. 17-2044
As Modified by Transfer No. 70958

CONDITIONS OF APPROVAL

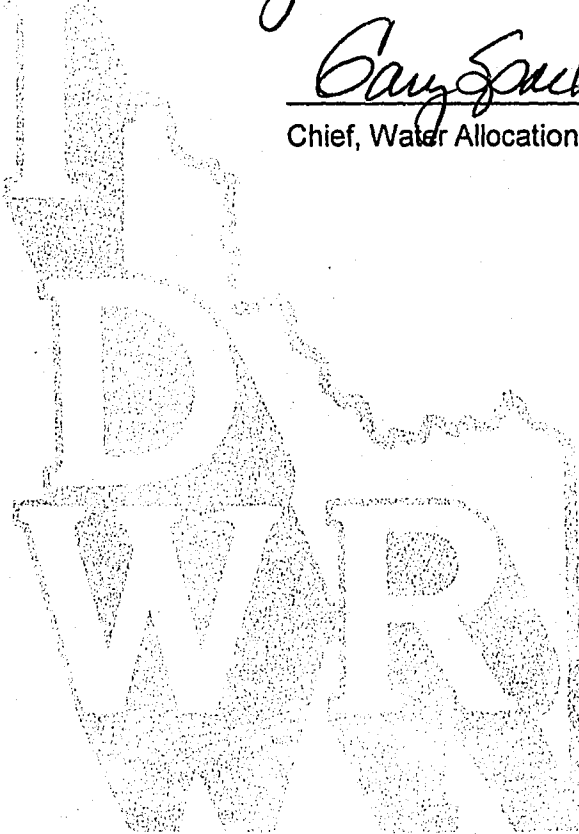
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of February, 2004



Chief, Water Allocation Bureau



SCANNED
FEB 14 2004

WATER RIGHT NO. 17-2027
As Modified by Transfer No. 70958

In accordance with the approval of Transfer No. 70958, Water Right No. 17-2027 is now described as follows.

Right Holder: ELIASON LIVESTOCK LLC
23005 W OLD HWY 37
HOLBROOK ID 83252

Priority Date: July 02, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.20 CFS	510.0 AF
			1.20 CFS	510.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 9 Twp 14S Rge 32E ONEIDA County
GROUND WATER NESE Sec. 9 Twp 14S Rge 32E ONEIDA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 32E 9				4.0									19.0			1.0	24.0
14S 32E 10									15.0	31.0	25.0	40.0			20.0		131.0
14S 32E 15	6.0	12.0			15.0	1.0											34.0

Total Acres: 189

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 17-2027 and 17-02044 shall not exceed 1.73 cfs, nor a total combined annual volume of 661.5 af.
2. Rights 17-2027 and 17-2044 when combined shall not exceed a total irrigation of 189 acres.
3. This right is limited to the irrigation of 123 acres within the place of use described above in a single irrigation season.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion 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.
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.

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FEB 19 2004

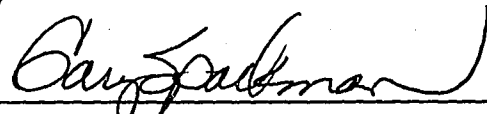
WATER RIGHT NO. 17-2027
As Modified by Transfer No. 70958

CONDITIONS OF APPROVAL

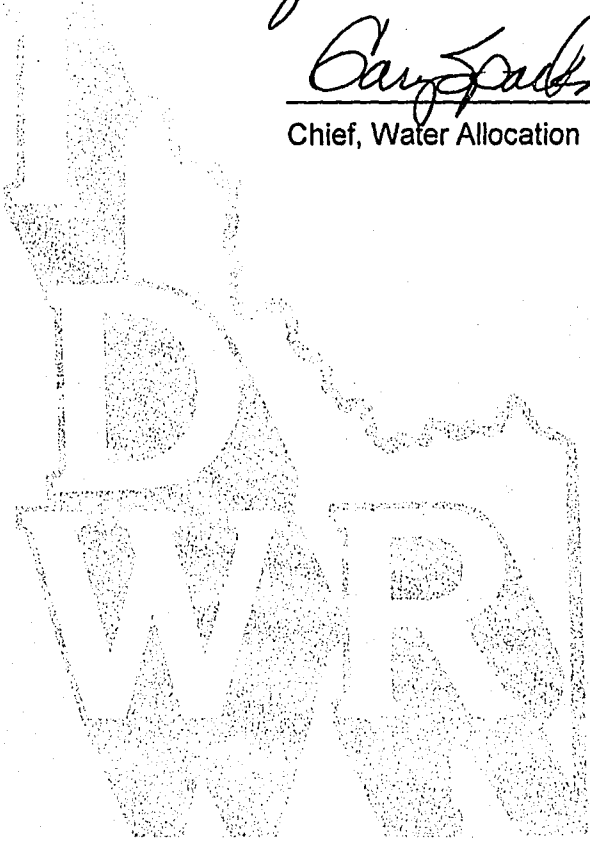
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of February, 2004



Chief, Water Allocation Bureau



SCANNED
FEB 19 2004

MEMORANDUM

Date: December 08, 2003
To: Transfer 70958
From: dcarlson
Re: transfer evaluation

This transfer proposes to combine two existing wells and two licenses into one permissible place of use and to change the POU to the current land list. Tim Luke notified applicant of an violation and this transfer will help correct this.

Authority to File:

Applicants family is the owner of record for these two licenses. They provided deeds for the LLC designation and the Oneida county confirmed the ownership.

Water Right Validity:

Landsat and Air photos show this land being watered. Thats what prompted Tim Lukes notice of violation. Forfeiture is not an issue.

Injury to Other Water Rights:

Outside the ESPA area and not in Groundwater measurement district.
Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED

DEC 16 2003

SCANNED

FEB 10 2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70958

ELIASON LIVESTOCK LLC, 23370 W OLD HWY 37, HOLBROOK ID 83252, has filed Application No. 70958 for changes to the following water rights within ONEIDA County:

Right No. 17-2044

Priority 8/24/1959

Source GROUND WATER

Use IRRIGATION (123 acres) 0.53 CFS 225.0 AFA

Total Amount 0.53 CFS 225.0 AFA

Point(s) of Diversion S9 T14S R32E

Place of Use S10 T14S R32E
S15 T14S R32E

Right No. 17-2027

Priority 7/2/1953

Source GROUND WATER

Use IRRIGATION (170 acres) 1.20 CFS

Total Amount 1.20 CFS

Point(s) of Diversion S9 T14S R32E

Place of Use S10 T14S R32E
S15 T14S R32E

The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to combine two existing wells and two licenses into one permissible place of use. The new place of use is will be in Sec 9, 10, 15 T14S R32E for 189 acres.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 02, 2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 15 and 22, 2004

SCANNED

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
January 07, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY ID 83252

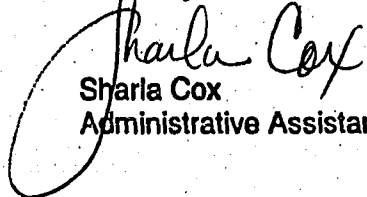
RE: Transfer No. 70958 and Application for Permit No. 15-7256

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before February 2, 2004. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

SCANNED
FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
January 07, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ELIASON LIVESTOCK LLC
23370 W OLD HWY 37
HOLBROOK ID 83252

RE: Application for Transfer No 70958
Water Right No(s) 17-2044 17-2027

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on January 15 and 22, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

W Roger Warner
Water Rights Supervisor

WRW:sc

SCANNED
FEB 10 2004

30914

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF ONEIDA)

Kristine D. Smith, being duly sworn, deposes and says: that she is the publisher of *The Idaho Enterprise*, a weekly newspaper published at Malad City, in the county of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad City, that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 27 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 1-15, 2004, and ending with the issue of 1-22, 2004.

Kristine D. Smith
STATE OF IDAHO)

COUNTY OF ONEIDA)

On this 4 day of February in the year of 2004 before me, Susan J. Wittman, a Notary Public, personally appeared Kristine D. Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Susan J. Wittman
Notary Public of Idaho
Residing at Malad
My commission expires: 2-9-2006

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70958**
ELIASON LIVESTOCK LLC,
23370 W OLD HWY 37,
HOLBROOK ID 83252, has filed
Application No. 70958 for
changes to the following water
rights within ONEIDA County:
Right No. 17-2044
Priority 8/24/1959
Source GROUND WATER
Use IRRIGATION (123 acres)
0.53 CFS 225.0 AFA
Total Amount 0.53 CFS 225.0
AFA
Point(s) of Diversion S9 T14S
R32E
Place of Use S10 T14S R32E
S15 T14S R32E Right No. 17-
2027
Priority 7/2/1953
Source GROUND WATER
Use IRRIGATION (170 acres)
1.20 CFS
Total Amount 1.20 CFS
Point(s) of Diversion S9 T14S
R32E S15 T14S R32E
The purpose of the transfer is to
change a portion of the above
rights as follows:
This transfer proposes to
combine two existing wells and
two licenses into one permissible
place of use. The new place of
use is will be in Sec 9, 10, 15
T14S R32E for 189 acres.
Protests may be submitted
based on the criteria of Sec 42-
222, Idaho Code.
Any protest against the proposed
change must be filed with the
Department of Water Resources,
Eastern Region, 900 N Skyline
Dr Ste A, Idaho Falls ID 83402
together with a protest fee of
\$25.00 for each application on or
before February 02, 2004. The
protestant must also send a copy
of the protest to the applicant.
KARL J DREHER, Director
Published on January 15 and 22,
2004.

RECEIVED
FEB 17 2004

Department of Water Resources

The following application(s) have
been filed to appropriate the
public waters of the State of
Idaho:
15-7256
JEFFERY J THOMAS
THOMAS G THOMAS
3410 W 1000 N
MALAD CITY ID 83252
Point(s) of Diversion: NWNWNE
S24 T14S R35E, ONEIDA
County
Source GROUND WATER
Use: IRRIGATION 04/01 To
10/31 2.18 CFS
Total Diversion: 2.18 CFS
Date Filed: 12/17/2003
Place Of Use: IRRIGATION
T14S R35E S24 NWNE SWNE
NESE NWSE
Number of Acres 109
Permits will be subject to all prior
water rights. Protests may be
submitted based on the criteria
of Sec 42-203A, Idaho Code.
Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900
N Skyline Dr Ste A, Idaho Falls
ID 83402 together with a protest
fee of \$25.00 for each application
on or before February 22, 2004.
The protestant must also send a
copy of the protest to the
applicant.
KARL J DREHER, Director
Published on January 15 and 22
2004
#3094 1/15/22/04/T2

SCANNED

FEB 10 2004

No. W 10516		Due no later than December 31, 2003		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form Solely Address: <i>23005 West Old Hwy 37</i> ELIASON LIVESTOCK, L.L.C. DON C ELIASON 23005 WEST OLD HWY 37 HOLBROOK, ID 83252		DON C ELIASON 23005 WEST OLD HWY 37 HOLBROOK, ID 83252	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter Names and Addresses of Members.					
Office held	Name	Street or P.O. Address	City	State	Zip
Chairman	Don C. Eliason	23005 West old Hwy 37	Holbrook	Id	83252
Member	Carol I. Eliason	23005 W. old Hwy 37	Holbrook	Id	83252
Member	Kenneth D. Eliason	23005 W. old Hwy 37	Holbrook	Id	83252
Member	Ronald C. Eliason	23005 W. old Hwy 37	Holbrook	Id	83252
5. Organized Under the Laws of: IDAHO W 10516		6. Signature <i>Kenneth D. Eliason</i> Date <i>1-9-03</i> Name <i>Kenneth D. Eliason</i> Title <i>Member</i>			

Issued 10/01/2003

Do Not Tape or Staple

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FEB 19 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 19, 2004

ELIASON LIVESTOCK LLC
23370 W OLD HWY 37
HOLBROOK ID 83252

ELIASON LIVESTOCK LLC
23005 W OLD HWY 37
HOLBROOK ID 83252

RE: Transfer No.: 70958 - Water Rights 17-2027, 17-2044 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Camille S. Shaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

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CERTIFICATE OF SERVICE

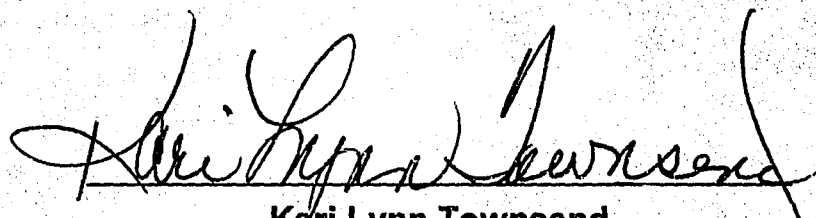
I hereby certify that on February 19, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70958

WATER RIGHTS 17-2027, 17-2044

**ELIASON LIVESTOCK LLC
23370 W OLD HWY 37
HOLBROOK ID 83252**

**ELIASON LIVESTOCK LLC
23005 W OLD HWY 37
HOLBROOK ID 83252**



**Kari Lynn Townsend
Secretary**

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**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. 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. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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