

State of Idaho

License and Certificate of Water Right

Water License No. G-28818 Priority June 13, 1960 Amount 2.87 c.f.s.

THIS IS TO CERTIFY that LEWIS BINGHAM - Assignee VEREEN BINGHAM, STIRLING BINGHAM, LEE SCHVANEVELDT, NORMAN & MYRON FONNESBECK of Weston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 13, 1960; that Permit No. G-28818 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.87 second feet, was issued thereunder on November 16, 1966, showing that said works were completed on the 28th day of May, 1965; and that on the 28th day of May, 1965 VEREEN BINGHAM, STIRLING BINGHAM, LEE SCHVANEVELDT, NORMAN & MYRON FONNESBECK of Weston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation & domestic use, under Use Permit No. G-28818 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8593, on the 16th day of November, 1966.

The right hereby confirmed dates from June 13, 1960.

The Point of Diversion is located

in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 15 S, R. 37 E, B.M. Franklin County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.87 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
15 S	37 E	36	NE¼ NE¼	40	4	
		38 E	31	SW¼ NW¼	40	37
			SE¼ NW¼	20	12	
16 S	38 E	8.	NW¼ SW¼	40	6	
			NE¼ NE¼	8	4	
			NW¼ NE¼	40	36	
			SW¼ NE¼	40	39	
			SE¼ NE¼	40	38	
			NE¼ SE¼	26	10	
			NW¼ SE¼	26	14	
		9.	SW¼ SW¼	40	39	
		10.	NW¼ SE¼	40	39	
			S½ SE¼	80	80	
		11.	SW¼ SW¼	40	11	
		16	SW¼ NW¼	40	34	
		Total number of acres to be irrigated:				406

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 16th day of November, 1966.

John A. Barnett
Assistant State Reclamation Engineer.

RECORDED

APR 15 2005

2/8828

Permit No. G-28818

**Certificate of Completion
of Works**

Dated November 16, 1966

Stream a well

County Franklin

Amount 2.87 c.f.s.

Date of Priority June 13, 1960

Recorded in Book 101

of Permits, page 28818

SCANNED
APR 15 2005

28818

B-2209

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36769
 Permit No. G- 28818
 District No.

Assigned to

1. Name of Applicant: Lewis Bingham

Postoffice address: Weston

County: Franklin

State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 6.0 or Idaho
 Miners' inches 300 or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 36
 SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25

Twp. 15 S, Rge. 37 E, B.M., County of Franklin

5. Water is to be used for: domestic and 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: Wells, pumps and ditches

8. Estimated cost of works: \$ 12,000

9. (a) Is reservoir to be used? no

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 61.80 shares in the

Weston Creek Irrigation Company

(a) Four (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) Two (cubic feet per second, inches or gallons per minute) is for new lands.



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

By _____ Agent.

Corrected application received: June 28, 1960

Secretary of State.

[illegible]

APPLICATION FOR AMENDMENT
LAND LIST
Permit No. G-28818

Comes now MYRON FONNESBECK and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28818, and request that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Twp. 15 S., R. 37 EEM

Section 36; 160 acres - NE $\frac{1}{4}$

Twp. 15 S., R. 38 EEM

Section 31: 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ N $\frac{1}{4}$ SW $\frac{1}{4}$;

Twp. 16 S., R. 38 EEM

Section 5: 160 acres SE $\frac{1}{4}$; Section 8 132 acres NE $\frac{1}{4}$; 52 acres N $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 9: 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 10: 80 acres W $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 11 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 16: 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ - making a total of 904 acres.

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

Signed at Preston, Idaho, this 30th day of April, 1965.

s/ MYRON FONNESBECK

Date of receipt at office of Department of Reclamation May 3, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-28818. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of it becomes apart and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Recorded May 6, 1965

Permit No. G-28818
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that LEWIS BINGHAM - Assignee - VEREEN BINGHAM, STIRLING BINGHAM, LEE SCHVANEVELDT, NORMAN & MYRON FONNESBECK of Weston, County of Franklin, and State of Idaho, the holder of Permit No. G-28818, issued upon Application No. G-36769 bearing date of priority of June 13, 1960, authorizing the diversion of 6.0 second feet of waters of 2 wells County of Franklin, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.87 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S., R. 37 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S., R. 37 E., B.M.; NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 16 S., R. 38 E., B.M.; S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 15 S., R. 38 E., B.M.

Proof of Completion of Works Made: May 28, 1965

Witness my hand this 16th day of November, A. D. 1966

/s/ JACK A. BARNETT
Assistant State Reclamation Engineer

LICENSE ISSUED FOR 2.87 SEC. FT.
LICENSE PAGE NO. 8523

SCANNED

APR 15 2005

XXXXXXXXXX

November 16, 1966

RE: Permit No. G-28818

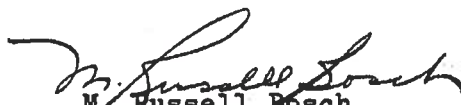
Verene Bingham et al
Weston, Idaho

Dear Mr. Bingham:

Enclosed are the Certificate of Completion of Works and
License and Certificate of Water Right on the above
numbered permit.

Also enclosed is departmental receipt No. G-10977 in
the amount of \$37.00 covering the fees.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:mr

Enc. certificates, receipt

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that LEWIS BINGHAM - Assignee - VEREEN BINGHAM, STIRLING BINGHAM
LEE SCHVANEVELDT, NORMAN & MYRO
FONNESBECK
 of Weston, County of Franklin, and State of
Idaho, the holder of Permit No. G-28818, issued upon
 Application No. 36769 bearing date of priority of June 13, 1960, authorizing the
 diversion of 6.0 second feet of waters of 2 wells

County of Franklin, State of Idaho, for irrigation and domestic
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 2.87 second feet of the waters of a well from
subterranean flow;

that the point of diversion of said waters NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S., R. 37 E., B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S., R. 37 E., B.M.;
NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 16 S., R. 38 E., B.M.; S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
31, T. 15 S., R. 38 E., B.M.

Proof of Completion of Works Made: May 28, 1965

Witness my hand this 16th day of November, A. D. 19 66.


 Assistant State Reclamation Engineer

28818

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. G-28818

To Verene Bingham et al
Weston, Idaho

Source of Supply a well

Franklin County

Amount 2.87 Sec. Ft.

Point of Diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36,

T. 15 S., R. 37 E., B.M.

Place of Use NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S.,
R. 37 E., B.M.; NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 16; T. 16 S., R. 38 E., B.M.;
S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 15 S.,
R. 38 E., B.M.

Purpose irrigation & domestic

Date of Priority June 13, 1960

Recorded November 16, 1966

in Book 13 of Licenses, Page 9593

October 10, 1966

RE: Permit No. G-28818

Verene Bingham
Weston, Idaho

Dear Mr. Bingham:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28818 shows the well(3) is ~~(capable)~~ capable of conveying 143.5 miner's inches, or 2.87 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

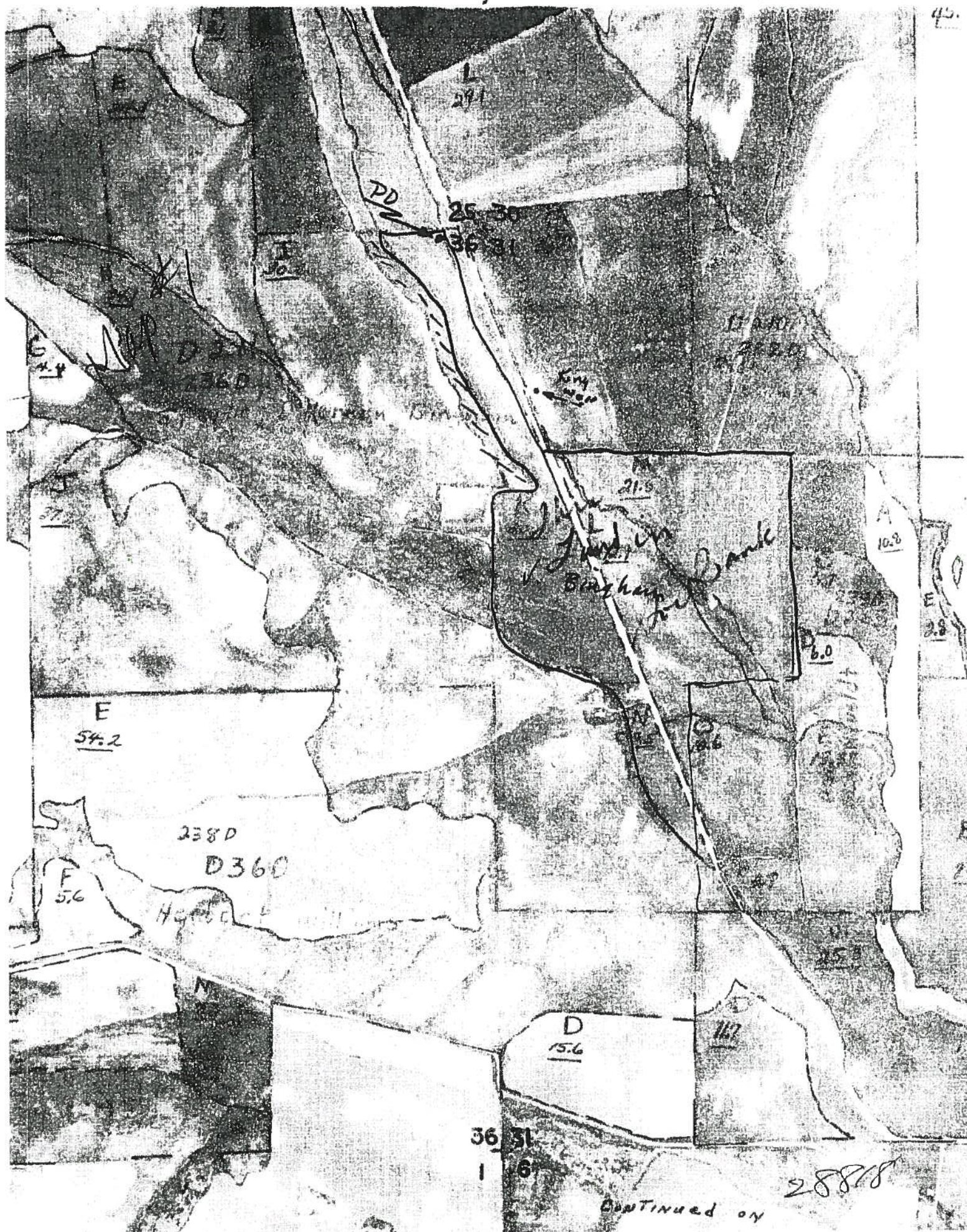
Upon receipt of the statutory fees, totaling \$ 37.00, we will issue the Certificate of Completion of Works for 2.87 c.f.s. and the License and Certificate of Water Right for 2.87 c.f.s. confirming the right, with priority of June 13, 1960, to the use of subterranean water with the point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S, R. 37 E, for irrigation of 406 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S, R. 37 E; S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 15 S, R. 38 E; W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 16 S, R. 37 E; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 16 S, R. 37 E; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 16 S, R. 38 E, B.M.

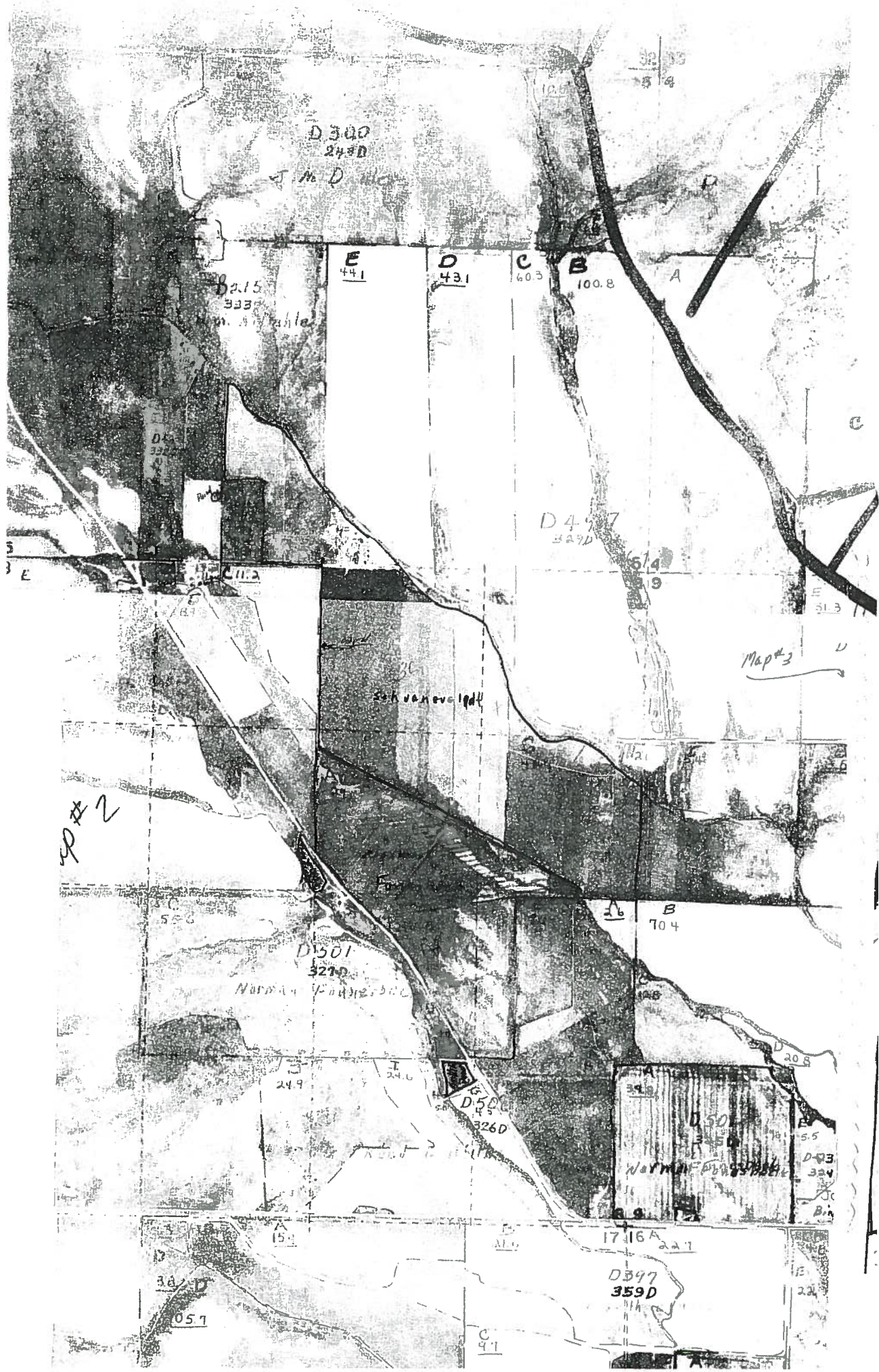
Very truly yours,

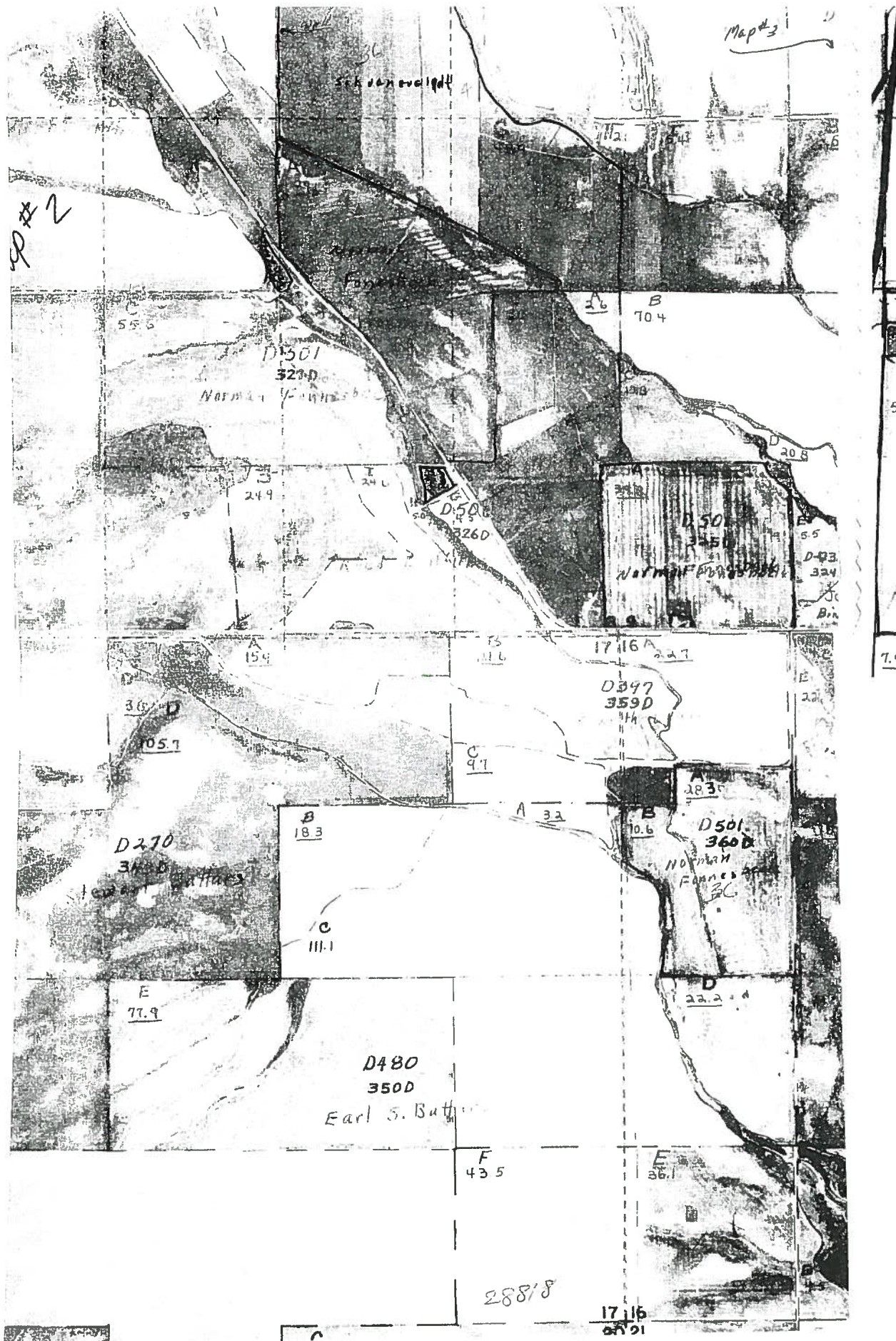
M. Russell Bosch
Office Manager

MRB:nw

70818







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

Permit No. G28818 Part

This proof is for Comp. of Works & Bene. Use In Water District No.

1. Name of applicant Verene Bingham

2. Source of water supply: Well

3. Location of point of diversion: Is in the NE corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36
T. 15S R. 37E County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: 75 HP. U.S. Holla shaft
Motor 1275014, ~~powerless~~ Pump #189422, 8" discharge to a check
Valve and 10" steel pipe (345' x 10" buried steel pipe from pump to west
that Coomingle with Weston Creek canal water. Then re diverted
through Weston Creek Irrigation Co. Canals.

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):

NE $\frac{1}{4}$, Sec. 36; T.15S-R37E; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T.15S-R38E;
SE $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16; all in T16S-R38E.

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

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

Remarks: Mr Norman Bingham along

Cy Flow Motor 9 $\frac{3}{4}$ "-D: $75.62 \times 15.4 \times 107 = 2.87$ cfs.
+46.8

This examination was made on the 15th day of July, 1966

(Signed) *Larry Johnson* Examiner.

28818

Verene Bingham
Weston, Idaho

Permit No. G28818

Examination for Comp. of Works & Bene. Use

County Franklin

Quantity: 6 CTS Sec. 36 T. 15 R. 37 E

Source: CLEO - 4-11-68

P.D.: 7.1.7

Use:

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: 10/2/12

Due: 1/1/20

Filed May 28, 1905

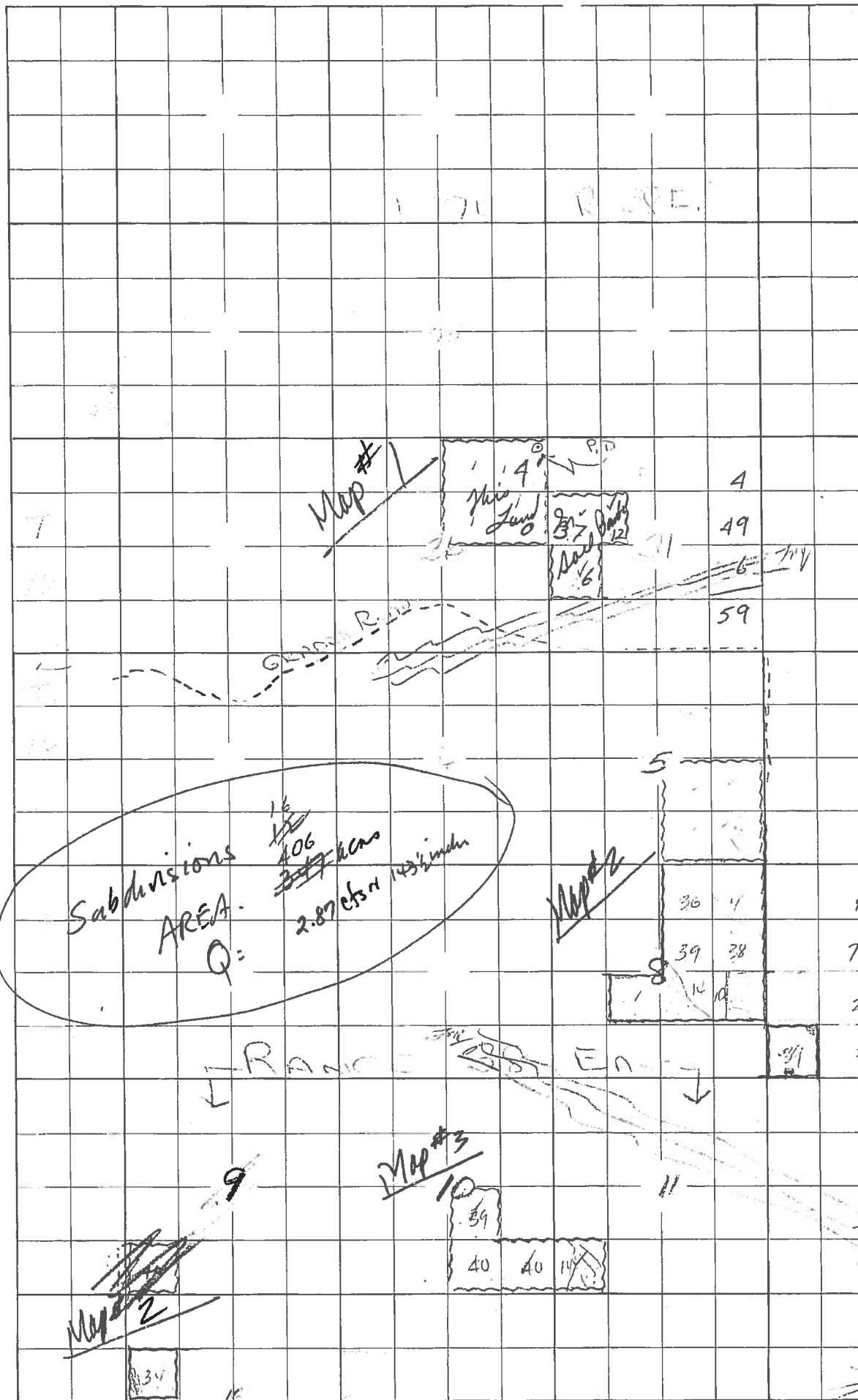
June 13, 1900

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always use the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 9 1966
Department of International

Department of Rehabilitation



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28818 347

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-28618 Part

REPORT ON PROOF OF Completion of Works & Beneficial Use

Verene Bingham
Weston, Idaho

March 15, 1966

4- 28818

J. N. Larsen Company
Box 466
Preston, Idaho

Dear Sir:

This is to advise you that proofs have been made on
Permit No. G-28818 and all that remains to be done is
an inspection of the works before a license can be
issued.

Very truly yours,

Donald J. Watts
Office Engineer

DJW:mr

C
O
P
Y

28818

RE: Permit No. G-29935, Jerry Schvaneveldt et al
G-28818, Stirling Bingham et al

LeRoy Cooley
Weston, Idaho

Dear Mr. Cooley:

This is in reply to your letter of November 12 requesting information on two wells.

Our records do not contain all the information you requested; we hope what we have will be of use to you.

The well on the Bingham farm, Permit No. G-28818, is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 15 S., R. 37 E., B.M. It has 150 feet of 18 inch casing, is 150 feet deep and the static water level is 90 feet. The proofs of completion of works and beneficial use of the water claim 4.0 c.f.s. for use on the NE $\frac{1}{4}$, Sec. 36, T. 15 S., R. 37 E., B.M.; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 15 S., R. 38 E., B.M.; SE $\frac{1}{4}$, Sec. 5; 132A. NE $\frac{1}{4}$, 52A. NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16; T. 16 S., R. 38 E., B.M. This office has not inspected the works.

The other well to which you refer, Permit No. G-29935, is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 16 S., R. 38 E., B.M. The permit is for 4.0 c.f.s. for use on the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9; S $\frac{1}{2}$ NE $\frac{1}{4}$, 30A. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10A. NE $\frac{1}{4}$ SE $\frac{1}{4}$, 25A. NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; 25A. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5; 10A. SW $\frac{1}{4}$ NW $\frac{1}{4}$, 24A. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16; 6A. SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5A. SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11; T. 16 S., R. 39 E., B.M.

The rights to the water covered in these permits can be assigned by completion of the enclosed assignment forms. The fee is \$0.50 each.

Returned find your questionnaires.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. assignment forms, questionnaires

28818

Dial 852-0546

Box 466

J. J. Larsen Company
Preston, Idaho

To: Bureau of Reclamation
Re: Statment

MEMO

Date: 3-14-66
From: Ted B. Larsen

In reference to permit No. G 28818 of which was to be completed on or before December 30, 1962 we are wondering if you could give an extension on this. Would you please check this out and advise as the gentlemen are now ready to complete this.

Thank You.

Acceptance

RECEIVED
MAR 15 1966

Department of Reclamation

28818

June 8, 1965

Re: Permit No. 028818 (Part)
Verens Bingham

Verens Bingham
Weston,
Idaho

Dear Mr. Bingham:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the PRESTON CITIZEN, all submitted in proof of completion of works and beneficial use on Permit No. 028818 (Part)

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: ct

CRIP

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

JUN 1 1965

Department of Reclamation

Wayne D. Bell
being duly sworn,

deposes and says:

That he is the Co-publisher of

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

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

Such notice was published in the issue beginning with

May 6, 1965, 1965, and ending with the issue of May 27, 1965.

Fees, \$ 31.82

Subscribed and sworn to before me this 28th day of May, 1965.

Beverly W. Martensen

Notary Public, Residing at Preston, Idaho

My Commission Expires 1 Dec, 1968.

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 28th day of May, 1965, at Preston, Idaho, County of Franklin, State of Idaho, before Ted B. Larsen, Notary Public, at 40 West Oneida, Preston, Idaho, proof will be submitted for the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28818, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of the person or corporation holding said permit is Verene Bingham and Sterling Bingham, 1/3 interest, Weston, Idaho; Myron Fannesbeck and Norman Fannesbeck, 1/3 interest, Weston, Idaho; Lee Schvaneveldt, 1/3 interest, Weston, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

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

4. The point of diversion of said water is NE corner NE 1/4 NE 1/4 Section 36, Twp 15 South, range 37 East of the Boise Meridian.

5. The place where said water is used is 160 acres NW 1/4 Sec. 36 Twp 15 SR 37 EBM, 40 acres SW 1/4 NW 1/4, 40 acres NW 1/4 SW 1/4, 20 acres W 1/4 SE 1/4 NW 1/4, 20 acres W 1/4 NE 1/4 SW 1/4 Section 31 Twp 15 SR 38 EBM, 160 acres SE 1/4 Sec 31, 160 acres NE 1/4, 52 acres N 1/2 SE 1/4, 40 acres NW 1/4 SW 1/4 Sec 18, 40 acres SW 1/4 SW 1/4 Sec 9, 80 acres W 1/4 SE 1/4, 40 acres SE 1/4 SE 1/4 Section 10; 40 acres SW 1/4 SW 1/4 Section 11; 40 acres SW 1/4 NW 1/4 Sec 16, Twp 16 SR 38 EBM.

6. The date of priority which said user is prepared to establish is May 20, 1960.

Carl E. Tanoan
State Reclamation Engineer
No. 886 — Pub. May 6, 1965 to May 27, 1965.

28818

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28818 (PART)

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: _____

Verene Bingham Weston, Idaho Farmer

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

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; June 30, 1960 Priority date May 20, 1960

Ques. 4. State source of water supply: Well
Give location of point of diversion, showing subdivision, section, township and range:

NE corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 36 Twp 15 SR 37 EBM

Ques. 5. Describe your works of diversion: Well and pump
_____; state amount of water they are capable of conveying from point of diversion to place of use 4 cfs; Give name of canal or ditch or other works by which water is conducted to such place of use: private ditch and weston creek; if a well, state depth of well 150 feet; depth and size of casing: 150 feet 18"; depth to water 90 feet; if pump is used, state discharge of pump: 4 cfs; tell how it was measured or determined: measured by watermaster with weir; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: irrigation
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water: 160 acres NE $\frac{1}{4}$ Sec 36 Twp 15 SR 37 EBM, 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 31 Twp 15 SR 38 EBM, 160 acres SE $\frac{1}{4}$ Sec 5, 132 acres NE $\frac{1}{4}$, 52 acres N $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 8, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 9, 80 acres W $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 10, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 11, 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16 Twp 16 SR 38 EBM.

State nature of all improvements which have been made as a direct result of said use:

Legion
All should sign

28818

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

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Ques. 8. What is the minimum amount of water required for the purpose specified above:
4 cfs

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:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: May 20, 1960 4 cfs Time used since first use:

Continuous during irrigation season since the above date.

Ques. 11. Describe all other water rights appurtenant to same place of use:

Weston Creek Irrigation Company water stock.

(sign)

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

Preston, County of Franklin
State of Idaho, on this 28th day of May, A.D. 19 65.

My Commission expires: May 12, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G 28818

* * * * *

RECEIVED
JUN 1 1962
Department of Reclamation

RECEIVED
JUN 9 1962
Department of Reclamation

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

DEPOSITION OF WITNESS

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

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

Vere Jensen 76 Weston, Idaho Farmer

Ques. 2. Are you acquainted with _____, the holder of
Permit No. G 28818 ? How long have you known him and where does he reside:

Thirty years Weston, Idaho

Ques. 3. Have you read or heard said Permit No. G 28818 read, and are you familiar
with its provisions and conditions: Yes: X No: _____

Ques. 4. State source of water supply: Well

State place of diversion: NE corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 36 Twp 15 SR 37 EBM

Describe works for conveying water to place of use: Ditch and Sprinkler pipe

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

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description: 160 acres NE $\frac{1}{4}$ sec 36 twp 15 SR 37 EBM, 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 31 Twp 15 SR 38 EBM, 160 acres SE $\frac{1}{4}$
Sec 5, 132 acres NE $\frac{1}{4}$, 52 acres N $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8, 40 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 9, 80 acres W $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 11,
40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16 Twp 16 SR 38 EBM.

28818

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

none

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

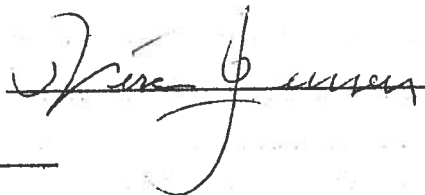
3 acre feet per season

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

Ques. 10. When did you first see this water used: May 1960

Other times you have seen such use: Through all irri ation season since the
above date

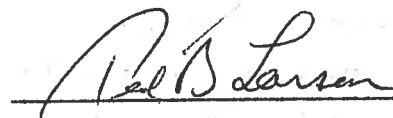
(Signed)



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 Preston

 , County of Franklin, State of Idaho, on this 28th day of May,

A. D., 1962. 65


Notary Public for State of Idaho

Residing: Preston, Idaho

My commission expires: May 12, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G 28818

RECEIVED
JUN 1 1965
Department of Reclamation

RECEIVED
JUN 8 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

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

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

Ralph Daley 71 Weston, Idaho Farmer

Ques. 2. Are you acquainted with _____, the holder of

Permit No. G 28818 ? How long have you known him and where does he reside:

Thirty years - Weston, Idaho

Ques. 3. Have you read or heard said Permit No. G 28818 read, and are you familiar with its provisions and conditions: Yes: x No: _____

Ques. 4. State source of water supply: Well

State place of diversion: NE corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36 Twp 15 South, Range 37
East of the Boise Meridian.

Describe works for conveying water to place of use: Ditch and Sprinkler pipe

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

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description: 160 acres NE $\frac{1}{4}$ Sec 36 Twp 15 SR 37 EBM, 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 31 Twp 15 SR 38 EBM, 160 acres SE $\frac{1}{4}$ Sec 5, 132 acres NE $\frac{1}{4}$, 52 acres N $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8, 40 acres SW $\frac{1}{4}$ Sec 9, 80 acres W $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 10, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11, 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, Twp 16 SR 38 EBM.

28818

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

none

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

3 acre feet per season

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

Ques. 10. When did you first see this water used: May 1960

Other times you have seen such use: Through all irrigation season since the above date

(Signed)

Ralph Daley

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 Preston

 , County of Franklin, State of Idaho, on this 28th day of May,

A. D., 1965.

Red B. Larson

Notary Public for State of Idaho

Residing: Preston, Idaho

My commission expires: May 12, 1966

ROBERT E. SMYLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

June 2, 1965

RE: Permit G28818

RECEIVED
JUN 3 1965
Department of Reclamation

Mr. Verene Bingham
Weston,
Idaho

Dear Mr. Bingham:

Your proofs for the above numbered permit and the affidavit of publication are returned herewith. It is noted that the publication specifies all three owners, you list all the land on the permit so it looks as though you are making proofs for the whole permit rather than just one third. Therefore, will you please have the other holders sign the proofs and return them to this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

A handwritten signature in cursive script, reading "M. Russell Bosch".

M. RUSSELL BOSCH
Assistant
State Water Rights & Records

MRB:ct
Enc. proofs
affidavit of publication

28818

June 2, 1965

RE: Permit G28818

Mr. Verene Bingham
Weston,
Idaho

Dear Mr. Bingham:

Your proofs for the above numbered permit and the affidavit of publication are returned herewith. It is noted that the publication specifies all three owners, you list all the land on the permit so it looks as though you are making proofs for the whole permit rather than just one third. Therefore, will you please have the other holders sign the proofs and return them to this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH
Assistant
State Water Rights & Records

MRB:ct
Enc. proofs
affidavit of publication

C
O
P
Y

RECEIVED
MAY 6 1965

Department of Reclamation

G-28818

Weston, Idaho
May 5, 1965

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

Dear Mr. Thomas:

In reference to your letter dated May 3rd concerning the beneficial use of water on our farm as listed in the proof of use papers:

When we purchased this farm from our father, the grass stand under soil bank was not good and the ASC had us redrill the farm in grass. In order to get a good stand we irrigated this land in soil bank. And we have been irrigating this grass each year since redrilling.

Yours very truly,

Stetson A. Bingham
Vernon Bingham

28818

May 5, 1965

Re: Permit No. G-28818 - Lewis Bingham

J. N. Larsen Company
10 West Oneida Street
Preston, Idaho

Gentlemen:

Enclosed is the Application for Amendment to the land list on the above noted permit, which has been recorded in this office. Also, the agreement giving 1/3 interest to Lewis Bingham, Lee Schvaneveldt and Norman and Myron Fannesbeck, has been placed on file in this office.

Attached hereto is departmental receipt No. G-9252 in the amount of \$2.50 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew
Enc.
Amendment
receipt

Department of Reclamation

Engineer

No. 36

RECEIVED

10/1/63

MAY 8 1965

NOTICE OF PROOF OF COMPLETION OF WORKS

Department of Reclamation

and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 28th day of May 1965, at Preston, Idaho, County of Franklin, State of Idaho, before Ted B. Larsen, Notary Public, at (address) 10 West Oneida Preston, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28818, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Verene Bingham and Sterling Bingham 1/3 interest Weston, Idaho
Myron Fomesbeck and Norman Fomesbeck 1/3 interest Weston, Idaho
Lee Schvaneveldt 1/3 interest Weston, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

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

4. The point of diversion of said water is NE corner NE 1/4 NE 1/4 Section 36, Twp 15 South, Range 37 East of the Boise Meridian

5. The place where said water is used is 160 acres NE 1/4 Sec 36 Twp 15 SR 37 EBM
40 acres SW 1/4 NW 1/4, 40 acres NW 1/4 SW 1/4, 20 acres W 1/2 SE 1/4 NW 1/4, 20 acres W 1/2 NE 1/4 SW 1/4
Section 31 Twp 15 SR 38 EBM, 160 acres SE 1/4 Sec 5, 132 acres NE 1/4, 52 acres
N 1/2 SE 1/4, 40 acres NE 1/4 SW 1/4 Sec 6, 40 acres SW 1/4 SW 1/4 Sec 9, 80 acres W 1/2 SE 1/4, 40 acres
SE 1/4 SE 1/4 Section 10, 40 acres SW 1/4 SW 1/4 Section 11, 40 acres SW 1/4 NW 1/4 Sec 16 Twp 16 S
SR 38 EBM.

6. The date of priority which said user is prepared to establish is May 20, 1960

Carl P. Tishman

State Reclamation Engineer

28818 18

Re: Permit No. 0-25815
Bingham - Fornsbeck & Schvaneveldt

Date: May 4, 1965

Preston Citizen,
Preston, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to May 28, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant Verona & Sterling Bingham; Myron & Norman Fornsbeck,
and Lee Schvaneveldt,
of Weston, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

May 4, 1965

Re: Permit No. **G-28818**

**Verene & Sterling Bingham,
Myron & Norman Fomesbeck, and
Lee Schvaneveldt,
Preston, Idaho.**

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. **G-28818**. The proofs are to be made at **10:00** o'clock **A.M.**, on the **28th** day of **May**, **1965**, before **Ted B. Larsen, 10 West Chelida, Preston, Idaho**, Notary Public.

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

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

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary
cc: Myron & Norman Fomesbeck
cc: Lee Schvaneveldt

28818

Application for Amendment

RECEIVED
MAY 3 1965

LAND LIST

Permit No. G-28818

Department of Reclamation

Comes now Kyron Fannesbeck, and represents
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho, No. G-28818, and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

Twp. 15 S.R. 37 EBM

Section 36: 160 acres NE $\frac{1}{4}$

Twp 15 S.R. 38 EBM

Section 31: 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Twp 16 S.R. 38 EBM

Section 5: 160 acres SE $\frac{1}{4}$ Section 8: 132 acres NE $\frac{1}{4}$, 52 acres N $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9: 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10: 80 acres W $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11: 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16: 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, making a total of 904 acres.

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

Signed at Preston, Idaho this 30th day of April, 1965

Kyron Fannesbeck

Date of receipt at office of Department of Reclamation May 3, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy

I, Ralph W. Thomas, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. G-28818. This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers, and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

Recorded in Book 101 of
May 6, 1965

Ralph W. Thomas
Deputy
State Reclamation Engineer

28818

J. N. LARSEN COMPANY

LAND TITLES
10 WEST ONEIDA STREET
PRESTON, IDAHO
Phone 852-0546

RECEIVED
MAY 3 1965



Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

Department of Reclamation

April 30, 1965

Re: Permit G.28818
Lewis-Bingham

Gentlemen:

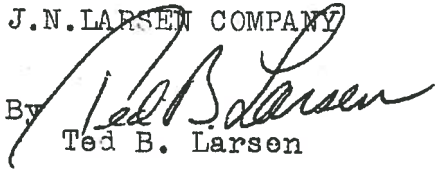
In reference to your letter dated April 19th, we are submitting the following papers:

Our check No. 150 in the amount of \$2.50 for filing fees
Application for amendment land list
Form No 36 in duplicate
Form No. 11
Form No. 0 which was prepared in your office which we are returning.
Agreement from Lewis to Schvaneveldt and Fannespeck establishing well location as requested in your letter of September 17, 1964.

Yours very truly,

J.N. LARSEN COMPANY

By


Ted B. Larsen

TBL/s
encls:

20818

RECEIVED
MAY 3 1965

Department of Agriculture

AGREEMENT

This agreement made this 23rd day of November, 1960, by and between
Lewis Bingham, Lee Schwaneveldt and Norman and Myron Fennesbeck;

Whereas, Lewis Bingham has paid \$856.00, Lee Schwaneveldt has paid \$856.00 and Norman and Myron Fennesbeck have paid \$856.00 to dig a water well on the premises of Lewis Bingham in the County of Franklin, State of Idaho, and described as follows:

At or near the Northeast Corner of the Northeast Quarter of the Northeast Quarter, Section 36, Township 15 South, Range 37 East of the Boise Meridian; and

Whereas, it is the intention and desire of the above named parties to each have an equal undivided one-third interest in and to said water well.

It is hereby agreed as follows:

That Lee Schwaneveldt and Norman and Myron Fennesbeck shall pay for the installation of the pump motor, pipe, power lines, ditches, head-gates, measuring devices and whatever is necessary for the conveyance of the water from said well to the afore mentioned parties land, and shall have the flow of the water from said well as follows: One-half to Lee Schwaneveldt and one-half to Norman and Myron Fennesbeck except as hereinafter provided.

Said Lewis Bingham now has his land in Soil Bank and at any time he or his assigns, purchasers or heirs desire to use one-third of the water from said well, said Lewis Bingham or his transferee shall pay one-third of the expense of installing the afore mentioned pump motor, pipe, power lines, ditches, headgates, measuring devices and whatever is necessary for the conveyance of the water from said well.

Provided further, that the afore mentioned pump motor, pipe, power lines, ditches, headgates and measuring devices shall be depreciated each year at the rate of $7\frac{1}{2}$ percent, that is to say; that Lewis Bingham's one-third share shall be deducted $7\frac{1}{2}$ percent for each year that he is not receiving water.

Said Lewis Bingham further agrees and hereby grants to all parties connected herewith a right-of-way for maintenance and repairs and necessary ditches, roads and easements leading to and from said water well to the parties property named herein.

Said Lee Schvaneveldt and Norman and Myron Fannesbeck will pay all expenses of power maintenance and assessments levied against said water well the time they use the water, and in the event that said Lewis Bingham joins in the use of his one-third, then he shall pay one-third of the expenses and maintenance.

To clarify this contract, Norman and Myron Fannesbeck shall be considered as one and have a one-third undivided interest.

Lewis Bingham hereby agrees to perfect his Water Application and Well Permit.

IN WITNESS WHEREOF We hereby set our hands and seals this 30 day of January, 1969.

Lewis Bingham
Lee Schvaneveldt
Myron Fannesbeck
Norman D Fannesbeck

STATE OF IDAHO)
COUNTY OF FRANKLIN) SS

On this 30 day of January, 1969, before me, Dell W. Smith, a Notary Public in and for said state, personally appeared Lewis Bingham, Lee Schvaneveldt, Norman and Myron Fannesbeck, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Dell W. Smith
Notary Public for Idaho
Residing at Preston, Idaho

May 3, 1965

Re: Permit No. G-28818
Bingham, Schvaneveldt, Fannesbeck

J. N. Larsen Co.
P. O. Box 466
Preston, Idaho

Dear Mr. Larsen:

We received the agreement about the well and note that Mr. Bingham may not use the water until some time in the future.

If he is not using the water beneficially at time of inspection, his land will not be included in any water license we may issue.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

cc: Stirling Bingham
Weston, Idaho

C
O
P
Y

April 19, 1965

RE: Permit G-28818
Lewis Bingham

C
O
P
Y
J. N. Larsen Company
Box 466
Preston, Idaho

Dear Mr. Larsen:

Returned herewith is the publication notice for the above numbered permit. This permit cannot be advertized until the "Sale of Real Property and Receipt" forwarded by your office is corrected to show the location of the well as requested by our letter of September 17, 1964.

Note that the enclosed plat showing the land as it is listed on the permit is colored in yellow; the land that you indicate the water is used on is marked with green lines. For the publication notice to be valid, the land list will have to be amended to include the new land and exclude the land the water is not used on (not lined in green), or the land as now shown on the permit.

Upon receipt of the corrected "Sale of Real Property and Receipt" and \$1.50, the permit will be assigned to all three owners individually.

Enclosed is a form for making an amendment to the land list; the fee is \$1.00.

Please return the forms 36 & 11 with the corrected "Sale of Real Property and Receipt", the amendment to the land list and your check for \$2.50 so that this permit may be advertized without further delay.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH
Assistant
State Water Rights & Records

MRB:ct
Enc. pub. notice, plat
amend. land list
form 36

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28818
Lewis Bingham

April 1, 1965

J. M. Larsen Co.
P. O. Box 466
Preston, Idaho

Dear Mr. Larsen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28818 are due not later than June 30, 1965

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,



State Reclamation Engineer

Enclosures Form 36 and 11
cc: Lewis Bingham
Weston, Idaho

Note: See our letter of September 15, 1964

RECEIVED

SEP 11 1964

Department of the Interior

RECEIVED

Department of the Interior

copy

SALE OF REAL PROPERTY AND RECEIPT

For and in consideration of the sum of \$ 4,351.00, I hereby grant unto Lee Schvaneveldt a one-third interest in a water well on my premises together with the water therefrom, as per an agreement hereinafter to be consummated, and unto Norman Fennesbeck and Myron Fennesbeck a one-third interest in said water well together with the water therefrom on my premises as per agreement hereinafter to be consummated, and hereby reserve unto myself a one-third interest to the water well and the water thereof.

5/ Lewis Bingham
LEWIS BINGHAM
5/ Ada Bingham
ADA BINGHAM

STATE OF IDAHO)
; SS
COUNTY OF FRANKLIN)

On this 23 day of November, 1960, before me, Willard Smith, a Notary Public in and for said state, personally appeared Lewis Bingham and Ada Bingham known to me to be the person^s whose name^s subscribed to the within instrument, and acknowledged to me that he^s executed the same.

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

(seal)

Willard Smith
Notary Public for Idaho
Residing at Preston, Idaho

28818

RECEIVED
SEP 11 1964

Reclamation

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK

TO BE FILED IN THE OFFICE OF THE COUNTY CLERK

Real Estate Agreement (ESCROW)

THIS AGREEMENT, Made and entered into this 3rd day of October 1962,
between LEWIS BINGHAM and ADA L. BINGHAM, husband and wife,
of Weston

Franklin
VERKEN L. BINGHAM and RUBY T. BINGHAM, husband and wife, and STELLING A.
BINGHAM and MELBA C. BINGHAM, husband and wife, of Weston,

Franklin
WITNESSETH That the Vendor, in consideration of the sum of \$10,000.00, to the Purchaser, hereafter set apart, and the Purchaser agreed to buy, at the place of the County of Franklin, Idaho, and being more particularly described as follows, to-wit:

Township 15 South, Range 37 East, Boise Meridian
Section 25: SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26: S $\frac{1}{2}$
Section 35: NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 36: NE $\frac{1}{4}$

A portion of Section 31, Township 15 South, Range 38 East of the Boise Meridian, described as:
Beginning at a point 21 rods N of the NE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 31, and running thence
E 36 rods; thence N 137 rods; thence
E 45 rods; thence N 2 rods, to the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31, thence
W 160 rods, more or less, to the W line of said Section 31, thence
S 139 rods; thence
E 80 rods, more or less, to the place of beginning.

61.81 shares in Weston Creek Irrigation Co.;

All waters of Cherry Canyon;

1/3 interest in well in NE corner of NE $\frac{1}{4}$, T. 15 S., Section 31, R. 37 E., S. 15 N.

126 head range right on Caribou Forest adjoining above described premises, which right Vendor waives and relinquishes in favor of the Purchaser.

together with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, subject, however, to all zoning laws, city ordinances, easements, restrictive covenants, and rights of ways of public roads as of the date of this agreement.

28818

for the sum of **EIGHTY-FIVE THOUSAND and no/100ths** DOLLARS, (\$85,000.00), lawful money of the United States of America, and the said Purchaser, in consideration of the premises, agree to pay to the said Vendor the said sum of **EIGHTY-FIVE THOUSAND and no/100ths** DOLLARS, (\$85,000.00), as follows, to-wit: \$7,000.00 by the assumption and agreement to pay that certain mortgage dated December 20, 1954, executed by Lewis Bingham and wife, Ada L. Bingham, to The Federal Land Bank of Spokane to secure the payment of \$10,200.00 and interest; recorded December 23, 1954 in Book 99 of Mortgages, page 117, records of Franklin County, Idaho, the unpaid balance of which is in the approximate sum of \$7,000.00; and The balance of \$78,000.00 payable at the rate of \$5,000.00 or more per year, the first payment to be made on the 20th day of December, 1963, and \$5,000.00 or more on the 20th day of December of each and every succeeding year until the sum of \$78,000.00 has been fully paid.

It is specifically understood and agreed that this contract shall draw no interest.

The Purchaser agree to keep the buildings located on said premises insured against loss by fire for their insurable value with the loss payable to the Vendor as present owner, and to the Purchaser as purchaser under contract, as their respective interests may appear, premiums on said policies to be paid by the Purchaser on and after the date of this contract, provided, however, that if the buildings located on said premises are now insured against loss by fire, the parties hereto agree to prorate the premiums heretofore paid on said policies as of the date the Purchaser takes possession of said premises in which event proper riders shall be placed on said policies to protect the interests of the respective parties as they may appear.

The Vendor agree to pay all state, city, school and county taxes and all assessments, of whatsoever nature, which were levied against said premises for the year 1962, and prior years and no /12ths of the taxes and assessments levied against said premises for the year 1963, and the Purchaser agree to pay 12 /12ths of all state, city, school and county taxes and assessments, of whatsoever nature, which were assessed against said premises for the year 1963, and all of said taxes and assessments for each and every year thereafter.

The Vendor agree to **place in escrow** ~~the sum of \$10,000.00 to be paid to the Purchaser upon the completion of the Title Insurance Policy~~ a Title Insurance Policy which shall insure the Purchaser against loss or damage by reason of any defect in or lien of encumbrance effecting the title to said real estate by reason of the unmarketability of the title of the Vendor

It is further agreed by and between the parties that a copy of this agreement, together with a good and sufficient Warranty Deed executed by the Vendor to the Purchaser and the ~~Abstract~~ Title Insurance Policy to said premises, together with all insurance policies, with the proper riders attached thereto, shall be placed in escrow with the **Walker Bank & Trust Company, Cache Valley Office, Logan, Utah**

and all moneys paid under this contract by the Purchaser, other than the down payment, shall be paid directly to the escrow holder, and the said escrow holder shall be instructed to deliver to the Purchaser the said escrow papers upon **their** paying the purchase price, ~~as herein specified~~ as herein specified.

Time is of the essence of this agreement and in case of the Purchaser shall fail, refuse or neglect to pay to the Vendor or the escrow holder the money as is agreed herein to be paid or to pay the taxes and assessments at the time the same shall become due or shall fail to fulfill any of the covenants of agreement, **their** part to be kept and performed then and in that event the Vendor shall be relieved from obligation in law or in equity to convey said property and the Vendor may, at **their** option forfeit any and all rights of the Purchaser and to the said real estate, and all money paid to the Vendor or the escrow holder by the Purchaser under this agreement shall be retained by the Vendor as liquidated damages for non-performance of this contract and as rent for said premises, and the Vendor shall have the right to demand the escrow holder to re-deliver to **them** the escrow papers and from the time the escrow papers are re-delivered to the Vendor, the Purchaser shall cease to have any right, title or interest in and to said premises and agree to immediately surrender peaceable possession of the same to the Vendor.

It is agreed that the above remedy is cumulative and the Vendor shall have any other remedy for the enforcement of this contract given to **them** by the laws of the State of Idaho.

It is further agreed that **all escrow charges shall be equally divided between** ~~and pay the initial escrow charges and~~ Vendor and Purchaser.

It is further agreed that if it becomes necessary for the Vendor to bring an action in any court of competent jurisdiction for the enforcement of this contract for the repossession of said premises upon failure of the Purchaser to make the payments and perform the covenants as herein specified, the Purchaser shall pay all court costs contracted by the Vendor, together with a reasonable attorney's fee.

It is further agreed that the stipulations herein set forth are to apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto and the Purchaser shall have possession of said premises on the **third** day of **January**, 19 **63**.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written.

~~Subscribed and Delivered in the Presence of~~

John Bingham
Ruby T. Bingham
Vendors

Walter L. Bingham (SEAL)
Ruby T. Bingham (SEAL)
Walter L. Bingham (SEAL)
Ruby T. Bingham (SEAL)
Purchasers

STATE OF IDAHO }

STATE OF IDAHO } ss.
COUNTY OF BAILEY

On the 3rd day of OCTOBER, in the year 1962, before me, a Notary Public, in and for said County, personally appeared VERNON L. and RUBY T. BINGHAM, husband and wife, and STERLING A. and MELBA C. BINGHAM, husband and wife, known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

My commission expires _____, 19____

Residence Pocatello, Idaho

Walter L. Bingham
Notary Public

It is further agreed by and between the parties that a copy of this agreement, together with a good and sufficient Warranty Deed executed by the Vendor to the Purchaser, and the ~~title insurance policy~~ Title Insurance Policy to said premises, together with all insurance policies, with the proper riders attached thereto, shall be placed in escrow with the **Walker Bank & Trust Company, Cache Valley Office, Logan, Utah**

and all moneys paid under this contract by the Purchaser, other than the down payment, shall be paid directly to the escrow holder, and the said escrow holder shall be instructed to deliver to the Purchaser the said escrow papers upon **their** paying the purchase price, ~~as herein specified~~ as herein specified.

Time is of the essence of this agreement and in case of the Purchaser shall fail, refuse or neglect to pay to the Vendor or the escrow holder the money as is agreed herein to be paid or to pay the taxes and assessments at the time the same shall become due or shall fail to fulfill any of the covenants of agreements on **their** part to be kept and performed, then and in that event the Vendor shall be relieved from obligation in law or in equity to convey said property and the Vendor may, at **their** option forfeit any and all rights of the Purchaser in and to the said real estate, and all money paid to the Vendor or the escrow holder by the Purchaser under this agreement shall be retained by the Vendor as liquidated damages for non performance of this contract and as rent for said premises, and the Vendor shall have the right to demand the escrow holder to re-deliver to **them** the escrow papers and from the time the escrow papers are re-delivered to the Vendor, the Purchaser shall cease to have any right, title or interest in and to said premises and agree to immediately surrender peaceable possession of the same to the Vendor.

It is agreed that the above remedy is cumulative and the Vendor shall have any other remedy for the enforcement of this contract given to **them** by the laws of the State of Idaho.

It is further agreed that **all escrow charges shall be equally divided between** ~~will pay the actual escrow charges and~~ Vendor and Purchaser.

It is further agreed that if it becomes necessary for the Vendor to bring an action in any court of competent jurisdiction for the enforcement of this contract for the repossession of said premises upon failure of the Purchaser to make the payments and perform the covenants as herein specified, the Purchaser shall pay all court costs contracted by the Vendor, together with a reasonable attorney's fee.

It is further agreed that the stipulations herein set forth are to apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto and the Purchaser shall have possession of said premises on the **third** day of **January**, 19 **63**.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written.

~~Signatures and Delivered in the Presence of~~

Lewis Bingham
Tracy L. Bingham
Vendors

Vernon L. Bingham (SEAL)
Ruby L. Bingham (SEAL)
Arletta A. Bingham (SEAL)
Nelda C. Bingham (SEAL)
Purchasers

STATE OF IDAHO

COUNTY OF **SANJUAN**

} ss

On the **3rd** day of **October**, in the year 19 **63** before me, a Notary Public in and for said State personally appeared **LEWIS BINGHAM and ADA L. BINGHAM, husband and wife** known to be the persons whose names are subscribed to the within instrument, and acknowledged to me that **they** executed the same.

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

[Signature]
Notary Public

(SEAL)

Residing at _____

My commission expires _____, 19 ____

Dial 852-0546

J. N. Larsen Company

Preston, Idaho

Box 466
SEP 15 1964

To: Bureau of Reclamation

Re: Statement

MEMO

Date: 9-14-64
Department: Reclamation
From: Ted B. Larsen

If you would please refer to our letter of September 10 you will note that we enclosed copy of agreement of Mr. Bingham which was notarized, when the first copy was sent to you a year ago the entire agreement was not sent to you as it was not suggested at the time that it was necessary and when we asked the bank for a copy of only the first page showing grantors and grantees and water and property involved.

We have since received from the bank the entire copy of agreement which was notarized as you will note.

Would you please refer to our letter and recheck this agreement.

Thank You.

288/8

September 17, 1964

RE: Permit No. G-28818
Lewis Bingham

J. N. Larsen Company
Box 466
Preston, Idaho

Dear Mr. Larsen:

We received "Sale of Real Property and Receipt" wherein Lee Schvanaveldt was deeded 1/3 interest and Norman and Myron Fannesbeck were deeded 1/3 interest in a water well on the Lewis Bingham premises; however the location of the well is not given and this paper cannot be accepted as a partial assignment of Permit No. G-28818.

We also received a copy of Real Estate Agreement wherein certain lands and the well are described and can be accepted as assignment of 1/3 interest in the permit.

A copy of the agreement with Schvanaveldt and also Norman and Myron Fannesbeck describing the land and location of the well would complete the record.

There is a fee of \$0.50 for recording each assignment or a total of \$1.50 which should accompany the final papers.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

28818

September 26, 1963

Re: Permit No. G-28818
Lewis Bingham

J. N. Larsen Co.
Preston, Idaho

Dear Sir:

Returned herewith are the copies of Real Estate Agreement and Sale of Real Property and Receipt.

The Real Estate Agreement cannot be accepted as it is not signed and notarized.

The sale of Real Property and Receipt cannot be accepted as it does not describe the location of the well.

The executor of the Lewis Bingham Estate can assign the permit or portion thereof on the enclosed forms.

There are also forms to amend the land list as I presume Schwanaveldt and Fomesbeck will use the water on land not described in the permit.

There are fees of \$0.50 for recording each assignment and \$1.00 for recording each amendment to a permit.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. real estate Agreement
Sale of Real Estate
Property

P. S. Also, please send a copy of the Court Order showing the executor or administrator of the Lewis Bingham Estate.

28818

September 26, 1963

Re: Permit No. G-28818
Lewis Bingham

J. N. Larsen Co.
Preston, Idaho

Dear Sir:

Returned herewith are the copies of Real Estate Agreement and Sale of Real Property and Receipt.

The Real Estate Agreement cannot be accepted as it is not signed and notarized. *Agreement has been notarized - was*

The sale of Real Property and Receipt cannot be accepted as it does not describe the location of the well. *fully notarized*

The executor of the Lewis Bingham Estate can assign the permit or portion thereof on the enclosed forms. *no probate as Mr. Bingham had executed all sale papers prior to his death*
There are also forms to amend the land list as I presume Schwanaveldt and Fomesbeck will use the water on land not described in the permit.

There are fees of 0.50 for recording each assignment and \$1.00 for recording each amendment to a permit.

Very truly yours,

J. H. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. real estate agreement
Sale of Real
Property

P. S. Also, please advise of the Court Order showing the executor of the Lewis Bingham Estate.

28818

Dial 852-0546

J. N. Larsen Company

Preston, Idaho

RECEIVED
SEP 26 1963
86x 406

To: Bureau of Reclamation
Re: Water transfer

MEMO

Date: Department of Reclamation
From: Ted B. Larsen

4-
In reference to Permit No. 28818 issued to Lewis Bingham of Weston, Idaho, we are enclosing herewith a veri-fax copy of real estate agreement from Lewis Bingham to Vereen Bingham and which is being held in escrow at Walker Bank & Trust Company at Logan, Utah. At the present time Mr. Lewis Bingham is deceased and Vereen Bingham is selling his interest to another party. As you will note in the enclosed agreements that Mr. Lewis Bingham is deeded by agreement his interest in the well. Could you send us the necessary papers and also instructions to help these men in getting the original filing in their respective names prior to their selling same.

Thank You.

Other than agreement apparently Lewis Bingham has made no other assignment of his interest in this water before his death.

28818

September 11, 1964

RE: Permit G-28818
J. N. Larsen Company

J. N. Larsen Company
Preston,
Idaho

Gentlemen:

Returned herewith are the copies of Real Estate Agreement and Sale of Real Property and Receipt.

Please refer to our letter of September 26, 1963, photocopy attached. There are no new regulations affecting situations of a like nature which would permit changing the name of the permit holder as requested by you.

Please follow suggestions about assignment and possible amendments and request for name of executor or administrator as stated in attached photocopy.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. PETRI
State Water Rights Clerk

HP:ot

ENC. photocopy

28818

Dial 852-0546

J. N. Larsen Company

Preston, Idaho

Box 466

SEP 11 1964

To: Bureau of Reclamation

Re: water rights

MEMO

Depart-
Date: 9-10-64

From: Ted B. Larsen

28818
In reference to application for Permit No. 36769 and Permit No. G issued to Lewis Bingham of Weston, Idaho we are enclosing herewith a veri fax copy of Real Estate Agreement of Mr. Bingham which has been legally acknowledged together with copy of bill of sale in regards to the sale of waters from this well. Mr. Bingham has died and there was no probate of his estate as the family had no need, due to the fact that Agreement and property transfer had prior to his death been properly acknowledged. As you will note from enclosed papers Mr. Lewis Bingham had deeded the waters as follows:

1/3 interest to Vereen L. Bingham and Sterling A. Bingham,
1/3 interest to Lee Schvaneveldt
1/3 interest to Myron Fannesbeck and Norman Fannesbeck.

Would you please inform us as to the proper procedure to receive the proper papers for the parties involved.
Thank You.

28818

June 6, 1963

Re: Permit No. G-28818
Lewis Bingham

Sterling A. Bingham
Weston, Idaho

Dear Mr. Bingham:

Enclosed are forms preliminary to making necessary proofs under above noted permit and three forms for assignment of permit.

The assignments should be completed by showing portion of permit No. G-28818 to each party with mailing address and description of land to which the portion will be appurtenant. If the lands are not now described in the permit, it will be necessary to amend the permit.

All the new owners may make the proofs together, or separately.

There is a fee of \$0.50 for recording each assignment of a permit.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

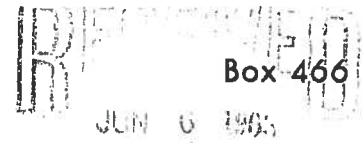
RT:ew

28818

Dial 852-0546

J. N. Larsen Company

Preston, Idaho



Department of Reclamation

To: Department of Reclamation

MEMO

Date: 6-5-63

Re:

From:

Would you please send the necessary papers to Sterling A. Bingham for the final proof of filing on Permit No. G 28818. His address is Weston, Idaho.

Along with the proof of filing papers would you please send the necessary papers for the transfer of rights in said Permit No. G 28818. Said permit was taken out in the name of Lewis Bingham, who sold his farm and one-third of the permit to his sons Sterling A. and Vereen L. Bingham. Also 1/3 was sold to Lee Schvaneveldt, and 1/3 to Norman and Myron Fonnesbeck.

Yours very truly,

J.N. LARSEN COMPANY

By *Ted B. Larsen*
Ted B. Larsen

28818

G-28818

July 11, 1960

Re: Permit No. G-28818

Mr. Lewis Bingham,
Weston, Idaho.

Dear Mr. Bingham:

We enclose Permit No. G-28818 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental Receipt No. G-4886, which was issued covering payment in the amount of \$6.25 for the filing fee of the above mentioned permit, was given to you while in our office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

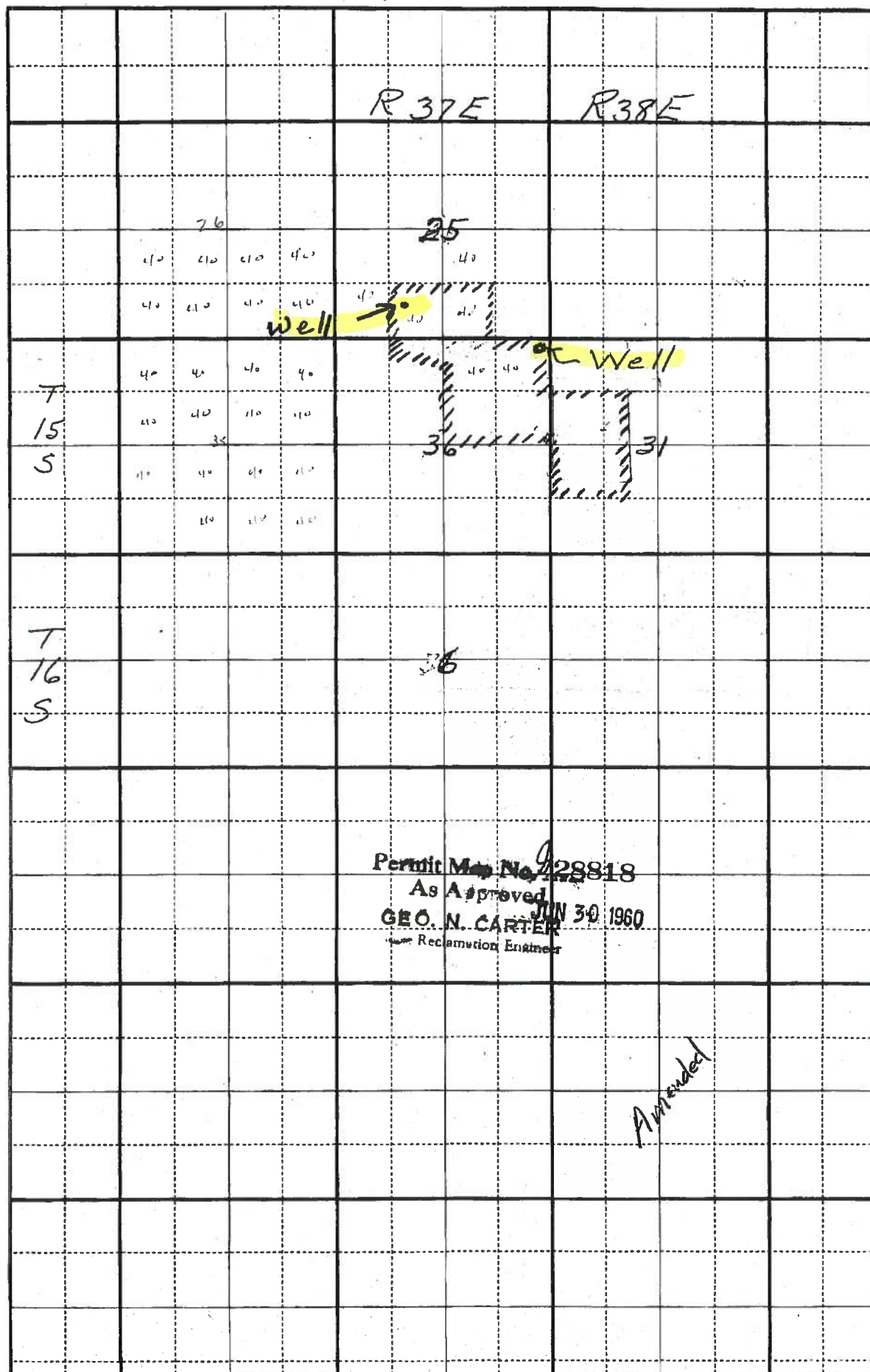
(Mrs.) Edna P. Hale
Chief Clerk

Encl.
E-R:pmk

28818

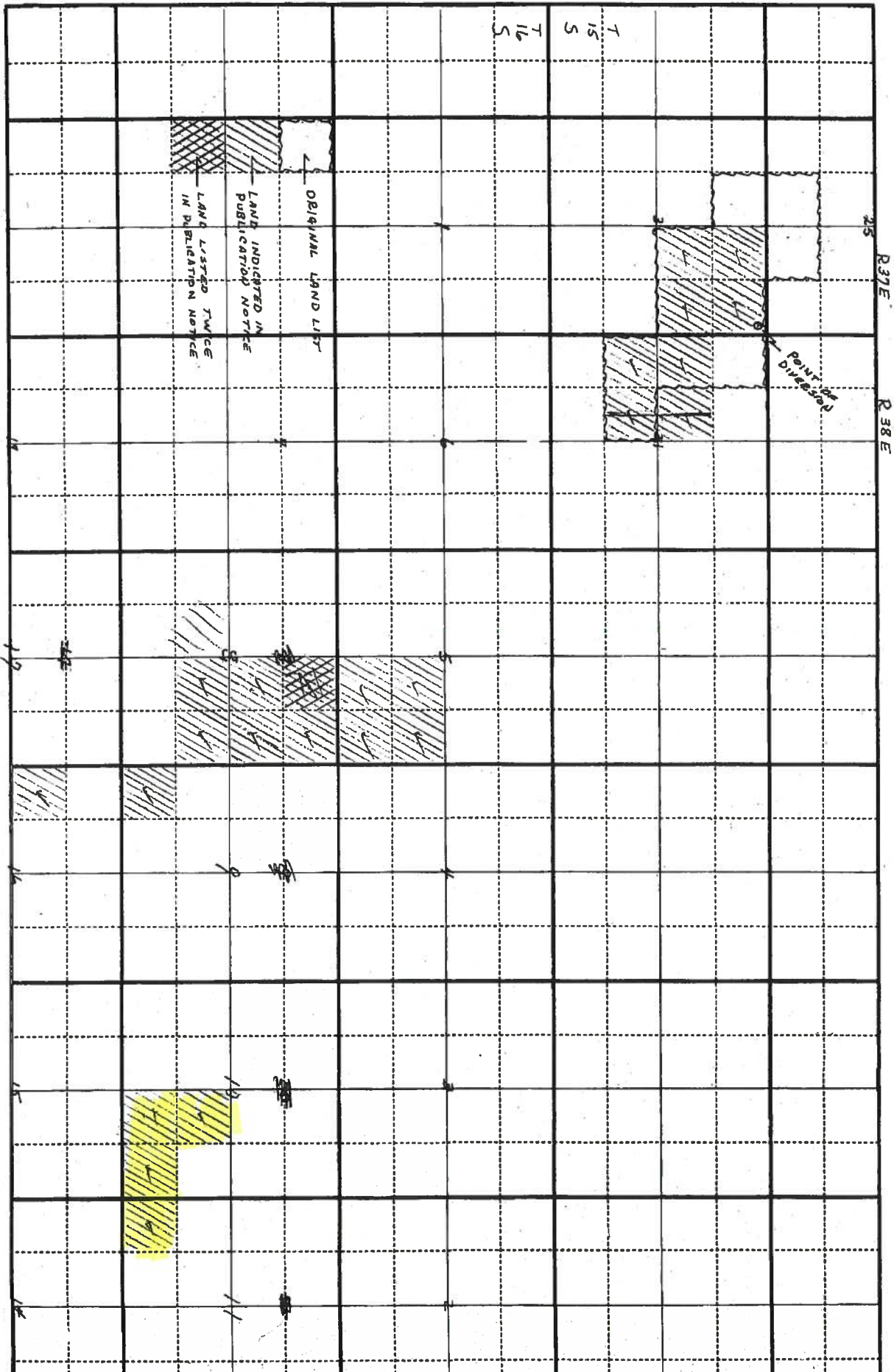
NAME OF APPLICANT Lewin Bingham

Form No. 0



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

28818



June 21, 1960

Re: Application No. G-36769

Mr. Lewis Bingham
Weston, Idaho

Dear Mr. Bingham:

Returned herewith is your application for permit
for approval and for completion of answer to Question 13 at the
bottom of the second page.

The points of diversion, maps and the land list have been
completed as best we can from the map you sent. Kindly check to be
sure they are correct.

Show under Question 13 what existing water rights you
have on this land.

Return the application to this office within 60 days.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

BT:EH:ew

Enc. application for
permit

28818



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
B O I S E

June 21, 1960

Re: Application No. G-36769

Mr. Lewis Bingham
Weston, Idaho

Dear Mr. Bingham:

Returned herewith is your application for permit for approval and for completion of answer to Question 13 at the bottom of the second page.

The points of diversion, maps and the land list have been completed as best we can from the map you sent. Kindly check to be sure they are correct.

Show under Question 13 what existing water rights you have on this land.

Return the application to this office within 60 days.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By: *Edna P. Rule*
(Mrs.) Edna P. Rule
Chief Clerk

RT:EPR:ew

Enc. application for
permit

*6180 shares in Weston Creek
irrigation CO.
4 1/2 sup
N 2 = new*

28818

G-28818

Assignment

See agreement in file

^{Vernon Stirling}

$\frac{1}{3}$ interest to Lewis Bingham

$\frac{1}{3}$ " to Lee Schwannick

$\frac{1}{3}$ " to Norman and Myron

Forrester. or $\frac{1}{2}$ to
Lee Schwannick and Myron Stirling Bingham
See not among water.

Assignment 0.50

Amend Land 1.00

Refund 1.50 28818

LEGAL NOTICES

**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 28th day of May, 1965, at Preston, Idaho, County of Franklin, State of Idaho, before Ted B. Larsen, Notary Public, at 10 West Oneida, Preston, Idaho, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28818, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of the person or corporation holding said permit is Verene Bingham and Sterling Bingham, 1/3 interest, Weston, Idaho; Myron Fannesbeck and Norman Fannesbeck, 1/3 interest, Weston, Idaho; Lee Schvaneveldt, 1/3 interest, Weston, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

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

4. The point of diversion of said water is NE corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp 15 South, range 37 East of the Boise Meridian.

5. The place where said water is used is 160 acres NE $\frac{1}{4}$ Sec. 36 Twp 15 SR 37 EBM, 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 Twp 15 SR 38 EBM, 160 acres SE $\frac{1}{4}$ Sec 5: 132 acres NE $\frac{1}{4}$, 52 acres N $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8; 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 9; 80 acres W $\frac{1}{2}$ SE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10; 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11; 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, Twp 16 SR 38 EBM.

6. The date of priority which said user is prepared to establish is May 20, 1960.

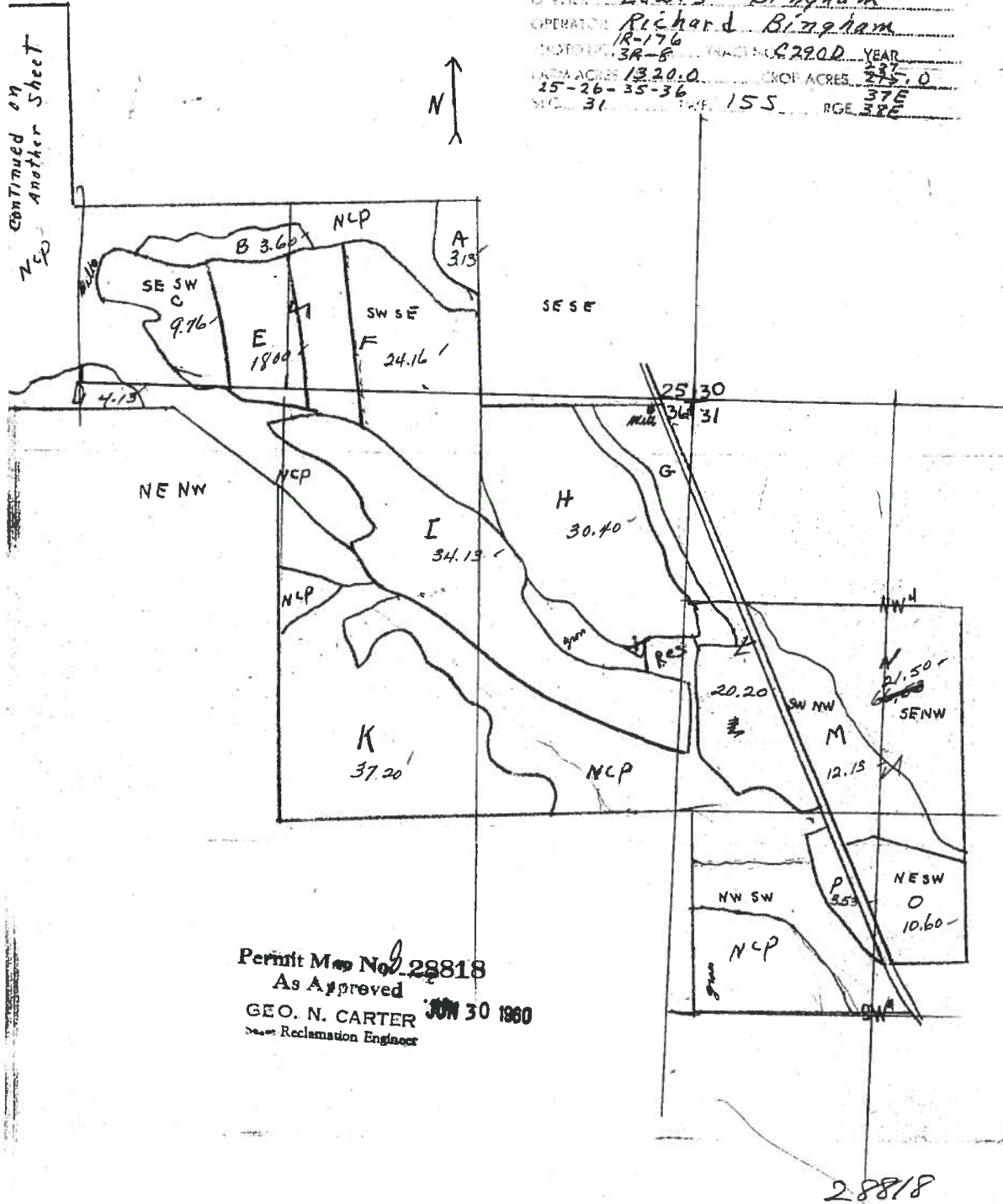
Carl E. Tappan
State Reclamation Engineer
No. 886 — Pub. May 6, 1965
to May 27, 1965.

RECEIVED
JUN 2 01960
Department of Reclamation

Sheet No. 1

FRAZER COUNTY, IDAHO

OWNER Lewis Bingham
OPERATOR Richard Bingham
PROJECT R-176 TRACT NO. C2200 YEAR 235
IMPROVEMENT 3R-5 CROP ACRES 235.0
TRACT ACRES 1320.0 15-26-35-36
SEC. 31 TWP. 15S RGE. 37E



29935

Lee Schvaneveldt
Warton, Idaho

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

Application No. G- 77969
Permit No. G- 29935
District No.

CAMP 12.875
IDA 47.05
8-1-1966

1. Name of Applicant: Jerry Schvaneveldt, Lee Schvaneveldt, Myron Fornesbeck & Norman Fornesbeck
Postoffice address: Warton County: Franklin State: Idaho

2. Quantity of water claimed:

- (a) Rate of withdrawal in cubic feet per second four or Idaho
Miners' inches 200 or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: WELL

4. Location of point of diversion or well is in the NW 1/4 of the NE 1/4 of Section 8
Twp. 16 S , Rge. 30 E , B.M. County of Franklin

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

- (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.

7. Kind of works: Well, pumps, sprinkling system and flooding type irrigation systems

8. Estimated cost of works: \$ 10,000

9. (a) Is reservoir to be used? yes (three)
(b) Capacity of reservoir: 1 pond, 6 acre ft.; 2 ponds 10 acre ft. each

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

- I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

Warton Creek Irrigation Company

- (a) 2 (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) 2 (cubic feet per second, inches or gallons per minute) is for new lands.

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

Jerry Schvaneveldt, Le Schvaneveldt,
Norman Fornestock, Ryr n Fornestock Applicant

By s/ J. Byron Thompson Agent

Date of first receipt at Department of Reclamation: 8:30 A.M. July 11, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29935

Reviewed in Book 105 Page 24935 Approved July 1, 1941

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

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

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

One-fifth of the work above specified to be completed on or before January 1, 1944

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July, 1966

Witness my hand this 15th day of July, 1961

3/ 1911. 1. 1911
STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, ROBERT L. WYLLIE, Governor of the State of Idaho.

and ERNEST WILLIAMS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of July 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By **S. ARNOLD WILLIAMS**
Secretary of State.

By elbert S. Hale
Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Total
3	39 E	9					40
		8	X	40			165
		5				75	25
		16		10		74	11
		21		6	5		P 711 255

George B Carter
State eng. dept. State Reclamation

JUL 11 1961

Department of Reclamation

Dear Sir.

We are trying to get this well drilled and into production for this years crops. It is our understanding that we cannot start the work until this permit has been approved. Is it in any way possible to receive conformation from your office so we can start without delay

Thank You

Lee Schvaneveldt
Weston Idaho

29735

July 11, 1961

Re: Application for Permit
Jerry & Lee Schwaneveldt
Myron & Norman Founesbeck

Lee Schwaneveldt
Newton, Idaho

Dear Mr. Schwaneveldt:

Your application for permit to appropriate 4.0 cubic feet per second of subterranean water to irrigate 255 acres of land in Sections 5, 8, 9, 16 and 21, Township 16 South, Range 39 East is adequate, and should be approved in the near future. The permit will be issued in about four or five weeks.

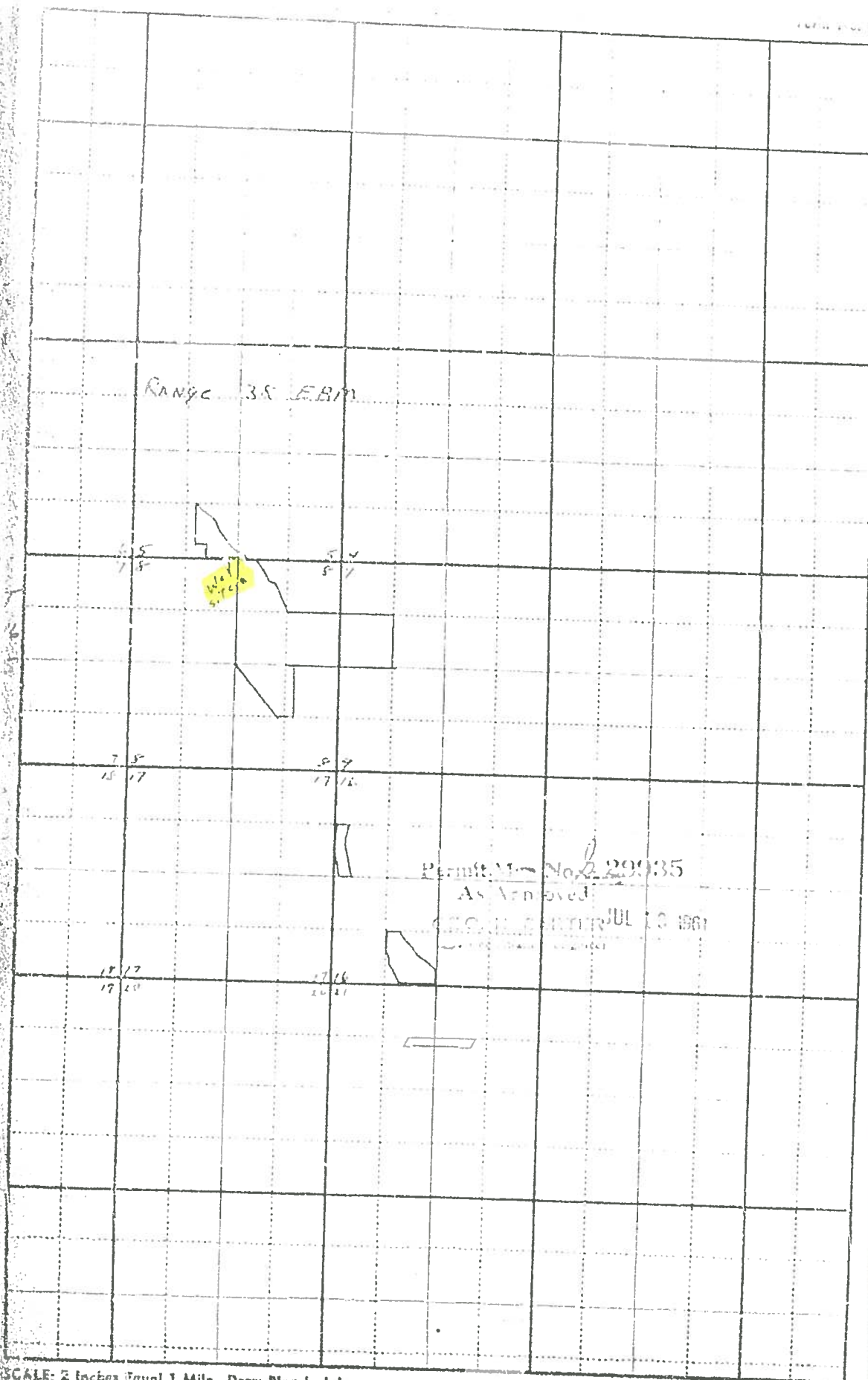
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

27935



29935

July 26, 1961

Re: Permit No. G-29935
Jerry & Lee Schwaneveldt
Myron & Norman Fennesbeck

Mr. Lee Schwaneveldt,
Norton, Idaho.

Dear Mr. Schwaneveldt:

We enclose Permit No. G-29935 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-6214 which was issued covering payment in the amount of \$5.75 for the filing fee of the above mentioned permit, together with a .25¢ refund.

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EFP:pmk

29935

RE: Permit No. G-29935, Jerry Schvaneveldt et al.
G-28818, Stirling Bingham et al.

LeRoy Cooley
Newton, Idaho

Dear Mr. Cooley:

This is in reply to your letter of November 12 requesting information on two wells.

Our records do not contain all the information you requested; we hope what we have will be of use to you.

The well on the Bingham farm, Permit No. G-28818, is in the NE1/4 Sec. 36, T. 15 S., R. 37 E., B.M. It has 150 feet of 18 inch casing, is 150 feet deep and the static water level is 90 feet. The proceeds of completion of work and beneficial use of the water claim 4.0 c.f.s. for use on the NE1/4 Sec. 36, T. 15 S., R. 37 E., B.M.; SW1/4 Sec. 36, T. 15 S., R. 37 E., B.M.; NW1/4 Sec. 31, T. 15 S., R. 38 E., B.M.; SE1/4 Sec. 5; 132A. NE1/4 Sec. 52A. NW1/4 Sec. 8; SW1/4 Sec. 9; NW1/4 Sec. 10; SW1/4 Sec. 11; SW1/4 Sec. 16; T. 16 S., R. 38 E., B.M. This office has not inspected the works.

The other well to which you refer, Permit No. G-29935, is in the NW1/4 Sec. 8, T. 16 S., R. 38 E., B.M. The permit is for 4.0 c.f.s. for use on the SW1/4 Sec. 9; SW1/4 Sec. 10A. NW1/4 Sec. 10A. NE1/4 Sec. 25A. NW1/4 Sec. 8; 25A. SE1/4 Sec. 5; 10A. NW1/4 Sec. 24A. SE1/4 Sec. 16; 6A. SW1/4 Sec. 5A. SE1/4 Sec. 11; T. 16 S., R. 39 E., B.M.

The rights to the water covered in these permits can be assigned by completion of the enclosed assignment forms. The fee is \$0.50 each.

Returned find your questionnaires.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. assignment forms, questionnaires

2793.5

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. G- 29935

Boise, Idaho

May 1, 1966

Harry Schvanoveldt
Joe Schvanoveldt
Myron & Norman Fennebeck
Gaston, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 29935 are due not later than July 18, 1966

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

Carl E. Tilton
State Reclamation Engineer

Enclosures Form 36 and 11

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

August 25, 19 66

Re: Permit No. G-29935

To Jerry Schvaneveldt, Lee, Myron
& Norman Fennebeck

Heaton, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 29935 to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Works and Beneficial Use Proofs due July 18, 1966

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G-29935 is hereby held for cancellation.

YOU ARE HEREBY required to show cause before the State Reclamation Engineer on or before sixty days from date of this notice why said Permit should not be cancelled.

SAID PERMIT NO. G- 29935 claims the use of 4.0 cubic feet per second of the Subterranean Waters a well with point of diversion located NW 1/4 Sec. 8, T. 16 S., R. 38 E., B. M., Franklin County and was approved July 18, 1961.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, the 25 day of August, 19 66.

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. G-29935)

ORDER OF CANCELLATION

Jerry Schvaneveldt, Lee, Myron & Norman Fannesbeck

WHEREAS, Permit No. G-29935 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit: Completion of Works & Beneficial Use due July 18, 1966, and

WHEREAS, due notice was given the holder of said Permit that such proof would be due on the date above mentioned, and

WHEREAS, on August 25, 1966 notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before 60 days to show cause why such Permit should not be cancelled, and

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and that no showing has been made as to completion of the works under said Permit.

IT IS THEREFORE, Hereby ordered that Permit No. G-29935 be and the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department, at Boise, Idaho, this 7th day of November 1966.

[Signature]
State Reclamation Engineer

29935

