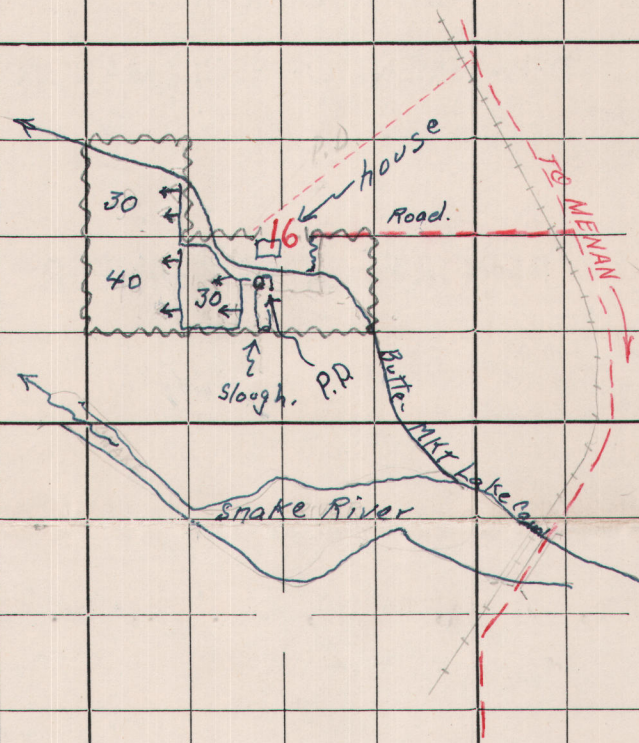


R-38E.

100 acres = irrig

T.
5
N.



Subdivisions = Three

Area = 100 acres

Q = 100 inches

152" pumped

Sparling Meter used

RECEIVED
FEB 7 1956

Affidavit of Publication

THE RIGBY STAR

Department of Reclamation

STATE OF IDAHO, }
County of Jefferson } ss.

Hape B Jones
I, R. J. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Five consecutive issues thereof; first publication having been made on the

29th day of *December*, 19*55*

and last publication on the

19th day of *January*, 19*56*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

Hape B Jones

Subscribed in my presence and sworn to before me this *27th*

day of *January*, 19*56*

(SEAL)

[Signature]
Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires _____, 19____

Publication Fee: \$_____

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that at 10:00 a. m. on the 21st day of January, 1956, at Rigby, County of Jefferson, State of Idaho, before D. J. Mackay, Notary Public, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of an un-named slough in accordance with the terms and conditions of Permit No. 24398 heretofore issued by the Department of Reclamation of the State of Idaho.
The name and postoffice address of the person or corporation holding said permit are J. M. Purcell, RFD Lorenzo, Idaho.
The use to which said water has been applied is irrigation.
The amount applied to beneficial use is 2.5 second feet.
The place where said water is used: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North, Range 38 E.B.M.
The name of the canal or ditch or other works by which said water is conducted to such place of use is Un-named.
The right to take water from such works is based upon Permit No. 24398.
The source of supply from which such water is diverted is an un-named Slough.
The date of priority which said user is prepared to establish is August 25, 1953.
MARK R. KULP,
State Reclamation Engineer.
(Publish: Dec. 29, '55; Jan. 5-12-19, 1956)

24398

My Commission Expires July 17, 1957

RECEIVED
JAN 24 1956
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 24398

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. M. J. Purcell Menan, Idaho Farmer, Stockman

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

Ans. personal application

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

Ans. permit # 24398 August 25, 1953

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

Ans. un-named slough: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 38 EBM

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

Ans. Parma # 6 pump used for lifting water to ditch. 5.0
2XX second feet of
water in main ditch.

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

Ans. Irrigation of 105 acres of cultivated land at SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
Section 16, Township 5 North, Range 38 East BM

24398

11/20/57

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

Ans. none

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

Ans. none

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

Ans. I am the person

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

Ans. Summer irrigation through lift pump to irrigation ditch & dikes

All water used.

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

Ans. None

(Sign)

Mr. J. H. Russell

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 Rigby, County of Jefferson,

State of Idaho, on this 21st day of January, A. D. 1956,

Ernest Kay

My commission expires My Commission expires 8/7/57

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 24398

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Kenneth Wilson 48 Menan, Idaho Farm Laborer P.O. Add: Menan, Idaho

A

Ques. 2. Are you acquainted with M. J. Purcell, the holder of Permit No. 24398? How long have you known him and where does he reside?

Ans. 15 years he resides at Menan, Idaho

Ques. 3. Have you read or heard read said Permit No. 24398, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. un-named slough at NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twnship 5 North Range 38 EBM

Water taken from slough by lift pump and run through irrigation

ditch to point of use

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

Ans. 5.0 second feet

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

Ans. used for irrigation at SW $\frac{1}{4}$ NW $\frac{1}{4}$ and ^{N $\frac{1}{2}$ SW $\frac{1}{4}$} NW $\frac{1}{4}$ Sec 16, Township 5 North
Range 38 EBM

24398

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 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.

Ans. good land 2.5 second feet of water

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. none

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I work in this area and have seen this project several times and
am acquainted with it.

(Signed)

Benneth Wilson

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 Rigby,
County of Jefferson, State of Idaho, on this 21 day of January,
A. D. 19 56.

MacKay

Notary Public.

My commission expires My Commission expires 8/7/57

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 24398

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Cecil Green 43 years Rigby, Idaho Farmer

Add. Rigby, Idaho

Ques. 2. Are you acquainted with M. J. Purcell, the holder of Permit No. 24398? How long have you known him and where does he reside?

Ans. 25 years and he resides at Menan, Idaho

Ques. 3. Have you read or heard read said Permit No. 24398, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. un-named Slough at NE $\frac{1}{4}$ Sw $\frac{1}{4}$ Sec. 16, Twnship 5 North Range 38 EBM

water taken from slough by lift pump and run through irrigation

ditch to place of use

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

Ans. 5.0 second feet

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

Ans. used for irrigation at SW $\frac{1}{4}$ NW $\frac{1}{4}$ and ^{N $\frac{1}{2}$ SW $\frac{1}{4}$} NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North
Range ~~38~~ 38, EBM

24398

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 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.

Ans. good land 2.5 feet of water

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. none

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. My farm is near this location and I have seen this project

(Signed) X Cecil Green

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 Rigby,
County of Jefferson, State of Idaho, on this 21st day of January,
A. D. 19 56.

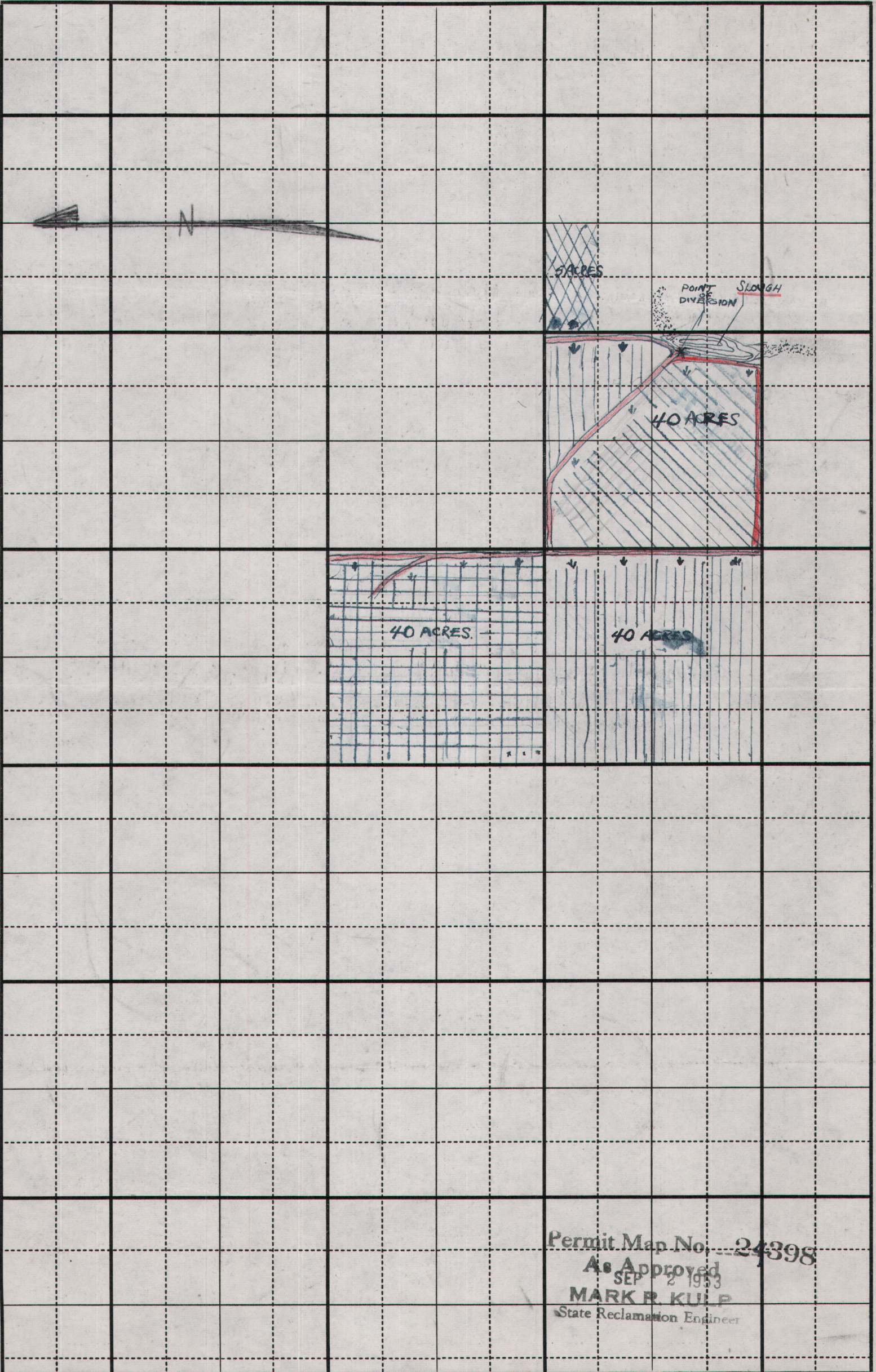
Thomas Kay
Notary Public.

My commission expires My Commission expires 8/7/57

24398

NAME OF APPLICANT MJ PURCELL

Form No. 0



SCALE: 2 Inches Equal $\frac{1}{4}$ Mile. Draw Plan In Ink.

24398

**NOTICE OF PROOF APPLICATION OF
WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:00 a. m. on the 21st day of January, 1956, at Rigby, County of Jefferson, State of Idaho, before D. J. Mack, Notary Public, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of an un-named slough in accordance with the terms and conditions of Permit No. 24398 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. M. Purcell, RFD Lorenzo, Idaho. The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 2.5 second feet.

The place where said water is used: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North, Range 38 E.B.M.

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

The right to take water from such works is based upon Permit No. 24398.

The source of supply from which such water is diverted is an un-named Slough.

The date of priority which said user is prepared to establish is August 25, 1953.

MARK R. KULP,
State Reclamation Engineer.
(Publish: Dec. 29, '55; Jan. 5-12-19, 1956)

State of Idaho

License and Certificate of Water Right

Water License No. 24398

Amount 2 second feet

Water District No.

Priority January 14, 1954

THIS IS TO CERTIFY that M. J. PURCELL
of Menan, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 25, 1953; that Permit No. 24398
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.0 second feet, was issued thereunder on October 3, 1955, showing that said works
were completed on the 12th day of September, 1955; and that on the 21st
day of January, 1956,

M. J. PURCELL

of Menan, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an un-named
slough, a tributary of (sub-water), for the purpose of irrigation
, under Use Permit No. 24398 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
9 of Licenses at page 5789, on the 7th day of September, 1956;
The right hereby confirmed dates from January 14, 1954;

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 16, Tp. 5 N., R. 38 E., B. M. / Jefferson 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 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	38 E	16	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	30
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	5	—
			Total Number of Acres Actually Irrigated - - 100		

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

7th day of September, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

25-2113

APPLICATION No. 32195
 PERMIT No. 24398
 DISTRICT No.

1. Name of Applicant: M. J. PURCELL

Postoffice address: Menan

County: Jefferson

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand: \$1500.00

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources: Real property - \$6,500.00

2. Quantity of water claimed: $2\frac{1}{2}$ (125" maximum)

cubic feet per second.

3. Source of water supply: Unnamed slough (sub-water)

which is a tributary of ---

4. Location of point of diversion: 2640' South & 3200' West

feet distant from the NE

corner of Section 16, T. 5 N., R. 38 E., B.M., and is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 16, T. 5 N., R. 38 E., B.M., County of Jefferson

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

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

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2,000

8. Kind of works: Centrifugal pump

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width None feet; height feet.

11. Ditch: Width at bottom $1\frac{1}{2}$ feet; width at water line 5 feet; depth of water $2\frac{1}{2}$ feet;

dimensions of flume:

Diameter of pipe 8 inches ^{from the pump} / length of conduit miles.

Average grade per mile $1\frac{1}{4}$ " / 100 feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is $\frac{1}{2}$ additional years.

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

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

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

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

Applicant.

Agent.

Date of first receipt at Department of Reclamation: 9:00 a.m., August 25, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 24398

Recorded in Book 86 Page 24398 Approved September 2, 1953

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

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

Work to begin on or before **November 2, 1953**

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before March 2, 1954

The whole of said work to be completed on or before September 2, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before September 2, 1955

WITNESS My hand this 2nd day of September, 1953

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd

day of September, 1953

STATE OF IDAHO

Countersigned:

(SEAL) By IRA H. MASTERS

By LEN JORDAN

Governor.

Secretary of State.

BY Paula L. Fleenor
Acting Secretary of State

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5 N.	38 E.	16					40				40 40				5				125
In the Matter of the Reinstatement of Permit No. 24398 Under the Provisions of Section 42-311, Idaho Code.			)				S T A T E O F I D A H O D E P A R T M E N T O F R E C L A M A T I O N												
			)				O R D E R R E I N S T A T I N G P E R M I T												
			)																
WHEREAS, Permit No. 24398 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: September 2, 1954; and,																			
WHEREAS, On the 21st day of July, 1955, notice to show cause why said permit should not be canceled, under the provisions of Section 42-311, Idaho Code, was duly served on the holder of said permit; and,																			
WHEREAS, On the 4th day of August, 1955, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,																			
WHEREAS, on the 29th day of September, 1955, depositions of the holder and two witnesses were received at the State Reclamation showing that the said works of diversion were completed within the time required in the permit; and,																			
WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is satisfied that the works of diversion were completed as required under the terms of said Permit No. 24398, and that the holder has complied with the conditions of said permit;																			
IT IS, THEREFORE, Hereby Ordered that said Permit No. 24398 be, and the same is, hereby reinstated, and that a new permit for completion of works be issued to the applicant herein.																			
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 3rd day of October, 1955.																			
(SEAL)															MARK R. KULP State Reclamation Engineer				

PERMIT NO. 24398
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that M. J. PURCELL of Lorenzo, County of Jefferson, and State of Idaho, the holder of Permit No. 24398, issued upon Application No. 32195 bearing date of priority of August 25, 1953, authorizing the diversion of 2.5 second feet of the waters of an un-named slough, County of Jefferson, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.0 second feet of the waters of said un-named slough; that the point of diversion of said waters is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 38 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North, Range 38 East, B.M.

Witness my hand this 3rd day of October, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made September 12, 1955
Certificate of Completion of Works issued October 3, 1955

RECEIVED FOR 20 30 17
Page 5789

September 11, 1956

RE: Permit No. 24398

Mr. M. J. Purcell
Menan
Idaho

Dear Mr. Purcell:

We enclose License and Certificate of Water Right issued on your Permit No. 24398 confirming your right to the use of 2.0 second feet of the waters of an un-named slough, with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 38 East, B.M., with priority of January 14, 1954, for the irrigation of 100 acres of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16.

We also enclose departmental receipt No. 28141 for the \$6.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hll
Enc.

24398

OK Enc. 7/02

RECEIVED
SEP 6 1956
Department of Reclamation

September 5, 1956

Mark R. Kuip
State Reclamation Engineer

Dear Sir

Enclosed find payment covering license fee for
2 second feet of water issued me in accordance with
letter received from you dated August 31, 1956.

Yours very truly

M. J. Purcell

Enclosed

MJP/lp

24398

August 31, 1956

RE: Permit No. 24398

Mr. M.J. Purcell
Menan
Idaho

Dear Mr. Purcell:

We now have on file the report of our field engineer on examination for beneficial use on your permit which shows that you have irrigated 100 acres of land in the $N\frac{1}{2}SW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$ Section 16, Township 5 North, Range 38 East, B.M. with the waters of an un-named slough with point of diversion in the $NE\frac{1}{4}SW\frac{1}{4}$ Section 16.

A License can, therefore, be issued for 2 second feet of water upon receipt of the statutory license fee amounting to \$6.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Rfhll

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24398

REPORT ON PROOF OF Beneficial Use

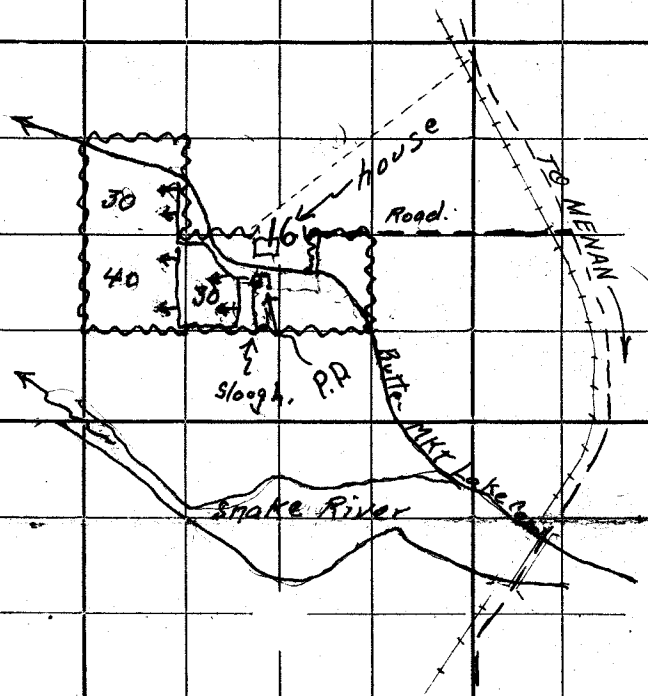
2. cfs
max

app.	2.5 cfs
g/w	5.0 cfs
sub.	3
acres	100

R-38E.

100 acres ± irrig

T.
5
N.



Subdivisions - Three

Area - 100 acres

$\phi = 100$ inches

152" pumped

Sparking Meter used

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

Permit No. 24398

This proof is for Beneficial Use In Water District No.

1. Name of applicant M. J. Purcell

2. Source of water supply: Un-named slough

3. Location of point of diversion: Is in the NE 1/4 SW 1/4 of Sec. 16, of Section 16
T. 5 N R. 38 E B.M. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: Pump is a #6 Pomona Water Lifter mounted on a pole frame over the edge of the slough on the West side of the slough and just south of the Butte Market Lake Canal. Pump is driven by a Continental Motor, gasoline driven. Serial No. 1V69B10273. Lift is estimated at 5'. Delivery to West through 12" culvert pipe 25' long through ditches to the fields by gravity.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4, Sec. 16., Twp. 5N., Range 38 E B.M.
See the Map.

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

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

Remarks:

This examination was made on the 26 day of July, 1936

(Signed) E. M. Humphrey Examiner.

24398

used a sprinkler system for 4 a. in S. W. Cor. of place.

Portable system borrowed fr. H. H. Hopkins

Model V E 4 Wisconsin motor

4" portable line.

13 sprinklers

A. M. Cent pump.

INSTRUCTIONS TO EXAMINERS

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

M. J. Purcell
Menan, Idaho

Permit No. 24398

Examination for Beneficial Use

County Jefferson

16-5N.-38E.

Q = 2.5 a.f.s. (max.)

S = Un-named slough

P.D. = N.E. SW., Sec. 16, T. 4 N. - R. 38 E.

Use = Irrigation

Filed = Aug. 25, 1953

Due = Sept. 2, 1955

C/W = 10-3-55

Parma Water Lifter
#6 mtd on pole frame
over edge of slough on
west side. Just South
of Butte Subt Lake canal.

Driven by Continental Motor
(Geo) 1 V 69 B 10273

Small 4 cly. motor mtd
on rear of an old car
frame.

Driven by 3" belt

Pulleys on 12' centers.

Light est. 5'

del. to W. thru 12" culvert

pipe 25' long.

Slough est. @ 100' w

152' pumped
1 1/2 480
neg 47 m. 44800

July 16, 1956

RE: Permit No. 24398

Mr. M. J. Purcell
Menan
Idaho

Dear Mr. Purcell:

State law requires that a field inspection be made on any Permit being brought to license within the State of Idaho.

I intend to make inspection in connection with your Permit on Thursday, July 26, 1956, in the mid-forenoon.

Please be prepared to accompany me on the inspection.

I intend to stay overnight in Dubois on Wednesday, probably at the Ellis Hotel, in case you wish to contact me.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

P. S. I will drive to the place where the water is used if I do not contact you before the time of our meeting.

24398

Affidavit of Publication

THE RIGBY STAR

RECEIVED
FEB 7 1956
Department of Reclamation

STATE OF IDAHO, }
County of Jefferson } ss.

Hape B Jones
I, *Hape B Jones*, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Five consecutive issues thereof; first publication having been made on the

29th day of *December*, 19*55*

and last publication on the

19th day of *January*, 19*56*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

Hape B Jones

Subscribed in my presence and sworn to before me this *27th*

day of *January*, 19*56*

(SEAL)

[Signature]
Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires _____, 19__

Publication Fee: \$ _____

My Commission Expires July 17, 1957

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 21st day of January, 1956, at Rigby, County of Jefferson, State of Idaho, before D. J. Mackay, Notary Public, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of an un-named slough in accordance with the terms and conditions of Permit No. 24398 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. M. Purcell, RFD Lorenzo, Idaho.

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

The amount applied to beneficial use is 2.5 second feet.

The place where said water is used: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North, Range 38 E.B.M.

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

The right to take water from such works is based upon Permit No. 24398.

The source of supply from which such water is diverted is an un-named Slough.

The date of priority which said user is prepared to establish is August 25, 1953.

MARK R. KULP,

State Reclamation Engineer.

(Publish: Dec. 29, '55; Jan. 5-12-19, 1956)

24398

January 30, 1956

Re: Permit 24398

Mr. H. Reynold George
Attorney at Law
Rigby, Idaho

Dear Mr. George:

We acknowledge receipt of the depositions of Mr. Purcell, the holder of the Permit and also the two witnesses, but to date we have not received the affidavit of publication from the Rigby Star. If you have not already received it will you please get it and forward to us as we need it to complete this file.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

cc: Mr. M.J. Purcell
M Menan, Idaho

24398

RECEIVED
JAN 24 1956
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

ib 24398

Proof of Beneficial Use of Water to Beneficial Use

Deposition of Holder

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

Ans. M. J. Purcell Menan, Idaho Farmer, Stockman

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

Ans. personal application

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

Ans. permit # 24398 August 25, 1953

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

Ans. un-named slough: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 38 EBM

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

Ans. Parma # 6 pump used for lifting water to ditch. 5.0 second feet of water in main ditch.

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

Ans. Irrigation of 105 acres of cultivated land at SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ 164
Section 16, Township 5 North, Range 38 East BM

24398

nmf

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

Ans. none

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

Ans. none

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

Ans. I am the person

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

Ans. Summer irrigation through lift pump, ditch & dikes
All water used.

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

Ans. None

(Sign)

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 Rigby, County of Jefferson,

State of Idaho, on this 21st day of January, A. D. 1956.

My commission expires My Commission expires 8/7/57

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 24398

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Kenneth Wilson 48 Menan, Idaho Farm Laborer P.O. Add: Menan, Idaho

A

Ques. 2. Are you acquainted with M. J. Purcell, the holder of Permit No. 24398? How long have you known him and where does he reside?

Ans. 15 years he resides at Menan, Idaho

Ques. 3. Have you read or heard read said Permit No. 24398, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. un-named slough at NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twtnship 5 North Range 38 EBM

Water taken from slough by lift pump and run through irrigation ditch tp point of use

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

Ans. 5.0 second feet

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

Ans. used for irrigation at SW $\frac{1}{4}$ NW $\frac{1}{4}$ and ^{N $\frac{1}{2}$ SW $\frac{1}{4}$} NW $\frac{1}{4}$ Sec $\frac{1}{4}$ Section 16, Township 5 North Range 38 EBM

24398

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 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.

Ans. good land 2.5 second

Ques. 9. Have you any interest in the works, ~~mentioned~~ mentioned? If so, in what way and to what extent?

Ans. none

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I work in this area and have seen this project several times and
am acquainted with it.

(Signed)

X Bennett Wilson

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 Rigby,

County of Jefferson, State of Idaho, on this 21 day of January,

A. D. 1956.

J MacKay

Notary Public.

My commission expires

My Commission expires 8/7/57

24 398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHOPERMIT NO. 24398**Proof of Application of Water to Beneficial Use**
Deposition of Witness

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

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

Ans. Cecil Green 43 years Rigby, Idaho Farmer
Add. Rigby, IdahoQues. 2. Are you acquainted with M. J. Purcell, the
holder of Permit No. 24398? How long have you known him and where does
he reside?Ans. 25 years and he resides at Menan, IdahoQues. 3. Have you read or heard read said Permit No. 24398, and are you
familiar with its provisions and conditions?Ans. yesQues. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.Ans. un-named Slough at NE $\frac{1}{4}$ Sw $\frac{1}{4}$ Sec. 16, Twnship 5 North Range 38 EBM
water taken from slough by lift pump and run through irrigation
ditch to place of useQues. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?Ans. 5.0 second feetQues. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision in which water has been used and number of acres irrigated in each
subdivision.) State whether cultivated or natural meadow land and the nature of all im-
provements which have been made as a direct result of said use.Ans. used for irrigation at SW $\frac{1}{4}$ NW $\frac{1}{4}$ and ^{N $\frac{1}{4}$ SW $\frac{1}{4}$} NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North
Range ~~32~~ 38, EBM

24398

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 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.

Ans. good land 2.5 feet of water

Ques. 9. Have you any interest in the works, water, or lands mentioned? If so, in what way and to what extent?

Ans. none

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. My farm is near this location and I have seen this project

(Signed)

X Cecil Green

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 Rigby,
County of Jefferson, State of Idaho, on this 21st day of January,
A. D. 19 56.

Wm Mac Kay
Notary Public.

My commission expires My Commission expires 8/7/57

24398

✓
December 23, 1955

RE: Permit No. 24398

Mr. H. Reynold George
Attorney at Law
Rigby, Idaho

Dear Mr. George:

We have sent to the Rigby Star notice for proof of beneficial use to be made on Permit No. 24398 of J. M. Purcell on January 21, 1956, with instructions to publish it once a week for four weeks prior to that date and to send Mr. Purcell the affidavit of publication together with statement of costs.

At the time set, Mr. Purcell should appear before Mr. D. J. Mackay, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 24398

Date: December 23, 1955

Rigby Star

Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **January 21, 1956** the date set for proof, the expense of the publication to be paid by the applicant, **J. M. Purcell** of **Rte. 1, Lorenzo Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

24398

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

Notice is hereby given that at 10:00 A. M. on the 21st day of January, 1956,
at Rigby, County of Jefferson, State of Idaho, before
D. J. Mackay, Notary Public, proof will be submitted of the
application to beneficial use of 2.5 cubic feet per second of the waters of an unnamed
slough in accordance with the terms and conditions of Permit No. 24398
heretofore issued by the Reclamation Department of ~~Reclamation~~ of the State of Idaho.

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

J. M. Purcell, RFD Lorenzo, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2.5 second feet

The place where said water is used (~~to be used for~~) SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 5 North,

Range 38 E.B.M.

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

Un-named

The right to take water from such works is based upon Permit No. 24398

The source of supply from which such water is diverted is an un-named slough

The date of priority which said user is prepared to establish is August 25, 1953

MARK R. KULP

State Reclamation Engineer.

24398

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) _____

(P. O.) _____

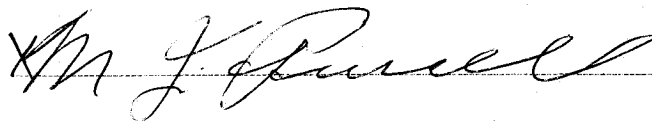
TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

_____ of _____ published in
the county in which the works are situated.



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

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

Engineer.

24398

December 8, 1955

RE: Permit No. 24398

Mr. H. Reynold George
Attorney at Law
Rigby, Idaho

Dear Mr. George:

We have your letter of December 1 requesting forms for making beneficial use proof on Permit No. 24398 of Mr. M. J. Purcell.

As you know, before this proof is made, notice must be published once a week for four weeks in a county newspaper setting the time and place and naming the Notary Public before whom the proof is to be made.

This notice should be made in duplicate of Form 10 enclosed and both copies returned to this department together with Form 11 which is authorization for us to have the notice published at permit holder's expense in the designated county newspaper.

We shall then send a copy to the newspaper with instruction in regard to publishing and shall send you or Mr. Purcell or whomever you may designate, the forms of deposition to be executed by Mr. Purcell and two witnesses in making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

24398

H. REYNOLD GEORGE

ATTORNEY AT LAW

RIGBY, IDAHO

TELEPHONE 86

December 1, 1955

RECEIVED
DEC 6 1955
Department of Reclamation

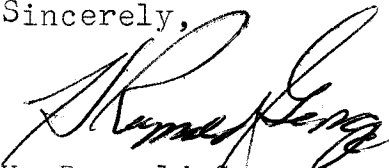
Department of Reclamation
State House
Boise, Idaho

Dear Sir:

M. J. Purcell, having received a Certificate of Completion of Works for Permit No. 24398, wishes now to prove his application to beneficial use. Would you please send the application forms.

Thank you for your attention in this matter.

Sincerely,



H. Reynold George
Attorney at Law

HRG/gs

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 24398 Under the)
Provisions of Section 5504, Idaho)
~~Compiled Statutes~~ 42-311 Idaho Code)
.....)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 24398 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: September 2, 1954; and,

WHEREAS, On the 21st day of July, 1955, 1952 notice to show cause why said permit should not be canceled, under the provisions of Section 5504, 42-311 ~~Compiled Statutes of~~ ^{Code} Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 4th day of August, 1955, 1952 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 22th day of September, 1955, 1952 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ ^{Engineer} State Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 24398, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 24398 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 3rd day of October, 1955, 1952.

Mark R. Kulp

Commissioner of Reclamation
State Reclamation Engineer
By _____
Assistant

24398

October 3, 1955

RE: Permit No. 24398

Mr. H. Reynold George
Attorney at Law
Rigby, Idaho

Dear Mr. George:

We acknowledge receipt of the corrected depositions of M. J. Purcell and two witnesses in proof of completion of works on Permit No. 24398.

The Permit has been reinstated and we enclose Certificate of Completion of Works for the diversion of 5 second feet of water from an un-named slough with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 38 East, B.M., for irrigation of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section.

We also enclose departmental receipt No. 27582 for the \$5.00 completion of works fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

24398



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 19, 1955

RECEIVED
SEP 29 1955
Department of Reclamation

RE: Permit No. 24398

Mr. H. Reynold George
Attorney at Law
Rigby, Idaho

Dear Mr. George:

We acknowledge receipt of the depositions of M. J. Purcell and two witnesses offered in proof of completion of works on Permit No. 24398.

We return these depositions of the following corrections:

1. Question 3 of Mr. Purcell's deposition should give the source of the water supply and the point of diversion to a 40 acre subdivision.

2. Question 5 of the depositions of both witnesses should state definitely that the works were completed prior to September 2, 1954, if such is the case.

Upon receipt of these corrected depositions the Permit may be reinstated and a Certificate of Completion of Works issued upon receipt of the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll
Enc.
cc - Mr. M. J. Purcell

24 398

PERMIT NO. 24398

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. M. J. Purcell, RFD # 1, Lorenzo, Idaho
Farmer

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 24398, September 2, 1953, 2.5 Cubic feet/second. Sub water of an unnamed slough. 2640' South & 3200' West, distant from the NE Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T. 5 N. Range 38, E.B.M. County of Jefferson.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For irrigation- approximately 120 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 5 North Range 38, EBM

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Has been turned in, May, 1954, covering full acreage except for NE Corner NE $\frac{1}{4}$ SW $\frac{1}{4}$ above canal & 5 acres of NW $\frac{1}{4}$ SE $\frac{1}{4}$

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Fully completed, but cannot water parts excepted in Ans. 5.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Cannot water parts excepted in Answer 5

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Parma Pump # 6--\$350.00

Capacity-250"

(Sign here.)

M. J. Purcell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in

County of *Jefferson*, State of Idaho, on this *1st* day of *September* A. D. 19*55*.

Elmer D. King
Notary Public.

My Commission expires *Sept. 19, 1955*

24398

PERMIT NO. 24398

PROOF OF COMPLETION OF WORKS

Deposition of Witness

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

Ans. J. M. Jones, Jefferson County, Farm Home Administration, Rigby, Idaho.

Ques. 2. Are you acquainted with M. J. Purcell, the holder of Permit No. 24398, authorizing the diversion of 2.5 cubic second-feet of the waters of some unnamed slough, at Menan, Idaho, for irrigation purposes? How long have you known him and where does he reside?

Ans. 5 years. RFD #1, Lorenzo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 24398, and are you familiar with its terms and conditions?

Ans. Yes.

Quest 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Approximately 120 acres. NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Township 5 North, Range 38, E.B.M. Loam soil. Approximately 2" to the acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes. Completed before September 2, 1954.

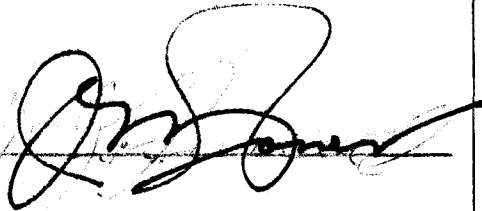
Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Parma Pump #6 and capacity 250"

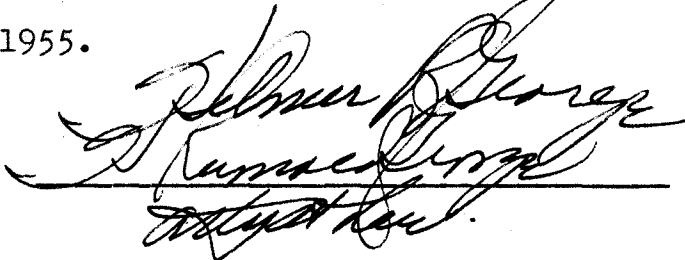
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~~S. J. Bergman~~
~~Adm. H. H. Hurdson~~

(Sign here.)



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, at my office in Rigby
County of Jefferson, State of Idaho, on this 15th
day of September, A. D. 1955.



24398

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 24398

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Aden G. Gunderson, Jefferson County, farmer, Menan, Idaho

Ques. 2. Are you acquainted with M. J. Purcell, the holder of Permit No. 24398, authorizing the diversion of 2.5 cubic second-feet of the waters of some unnamed slough, at Menan, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. 15 years. RFD #1, Lorenzo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 24398, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Approximately 120 acres. NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Township 5 North, Range 38, E.B.M. Loam soil. Approximately 2" to the acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes. Completed before September 2, 1954.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Parma Pump #6 and capacity 250"

(Sign here.)

Aden G. Gunderson

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, at my office in

County of *Jefferson*, State of Idaho, on this *12th* day of *September*, A. D. 19*55*.

Samuel R. George

24398



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 14, 1955

RECEIVED
SEP 19 1955
Department of Reclamation

RE: Permit No. 24398

Mr. H. Reynold George
Attorney At Law
Rigby, Idaho

Dear Mr. George:

On August 5, 1955, we wrote you advising the steps necessary to reinstate Permit No. 24398 in the name of Mr. M.J. Purcell which is held for cancellation for failure to make proof of Completion of Works when due on or before September 2, 1954,

Unless proofs are submitted in the very near future that these works were completed prior to that date final order of cancellation will have to issue.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:cu
CC: Mr. M. J. Purcell

24398

✓
September 14, 1955

RE: Permit No. 24398

Mr. H. Reynold George
Attorney At Law
Rigby, Idaho

Dear Mr. George:

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Unless proofs are submitted in the very near future that these works were completed prior to that date final order of cancellation will have to issue.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
CC: Mr. M. J. Purcell

August 5, 1955

RE: Permit No. 24398

Mr. H. Reynold George
Attorney At Law
Rigby, Idaho

Dear Mr. George:

Reference is made to your letter of August 3, 1955, in regard to the above numbered Permit in the name of M. J. Pursell which is being held for cancellation for failure to make proof of Completion of Works when due on or before September 2, 1954.

If the diversion works were completed prior to that date proof of Completion of Works can be made and the Permit reinstated and additional time can be allowed for completing irrigation of the land to which the water is appurtenant.

Proof of Completion can be made on the forms enclosed executed by Mr. Pursell and two witnesses before a notary Public. These depositions should definitely state that the works were completed prior to the due date September 2, 1954, if such is the case.

There is a statutory fee of \$5.00 in connection with proof of Completion of Works.

Very truly yours,

MARK R. KULE
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

24398

H. REYNOLD GEORGE

ATTORNEY AT LAW

RIGBY, IDAHO

TELEPHONE 86

August 3, 1955

RECEIVED
AUG 4 1955
Department of Reclamation

State Reclamation Engineer
State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 24398

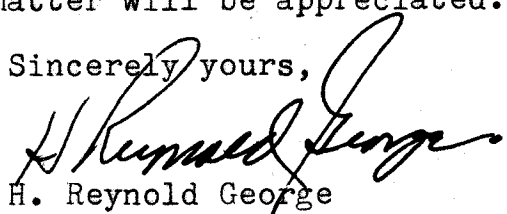
Dear Sir:

In regard to the completion of works on the diversion set forth in Permit No. 24398, it can be reported that the diversion work has been completed, except that Mr. Purcell has been unable to get water into the Northeast corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section sixteen (16), Township five (5) North, Range thirty-eight (38), and also unable to get water to the five (5) acres just East of this piece.

Mr. Purcell is desirous of proving up on the balance of the land shown on Permit map No. 24398. Whatever is necessary to be done in this regard, can now be completed.

Your advice on this matter will be appreciated.

Sincerely yours,


H. Reynold George

HRG/hr

24398

RETURN RECEIPT

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

1

(Signature or name of addressee)

2

M. J. Purcell

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

Date of delivery 7-29-55, 19

24398

Post Office Department
OFFICIAL BUSINESS

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

POST OFFICE
DELIVERED
A.M.
JUL 30
1955
IDAHO

Department of Reclamation

Return to
CERTIFIED MAIL

(NAME OF SENDER)

Street and Number,
or Post Office Box,

107 State House

REGISTERED ARTICLE

NO. 14065

Post Office

NO. RETURN RECEIPT REQUESTED
INSURED PARCEL

No.

16-12421

State

24398

APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARATION OF MATTER SUBJECT TO POSTAL SURCHARGE

Surcharges are not collected on **Registered mail**

Department of Reclamation
(Name of sender)

107 State House, Boise, Idaho
(Address)
(Letter)

hereby applies for registration
of the articles described below.

NO. RETURN RECEIPT REQUESTED



(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Regis- try fee	(5) Fee paid for return receipt	(6) Delivery restrict- ed—Fee paid	(7) VALUE	(8) Surcharge on entire contents of article	(9) REMARKS†
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U. S. GOVERNMENT PRINTING OFFICE 16-42792-11

†Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F", if "Fragile"; "SD", if "Special-Delivery"; "AM", if "Airmail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

Total number of pieces listed by sender One (1)
(Write number here in words)

Total number of pieces received at post office _____

Postmaster, per [Signature]
(Name of receiving employee)

24398

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 21

, 1955

Re: Permit No. 24398

To Mr. M. J. Purcell

Menan, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 24398

to Appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works September 2, 1954

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 24398

is hereby held for cancellation.

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

Said Permit No. 24398 claims the use of 2.5 cubic feet per second of the waters of an un-named slough with point of diversion located in the NE 1/4 SW 1/4 Section 16, Township 5 North, Range 38 East, B. M., and was approved September 2, 1953

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

21st day of July, 1955

Mark R. Knepp

State Reclamation Engineer.

By

Assistant.

24398

September 9, 1953

RE: Permit No. 24398

Mr. H. Reynold George
Rigby
Idaho

Dear Mr. George:

We enclose Permit No. 24398 in the name of M. J. Purcell and direct his 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. 26156 for the \$5.50 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

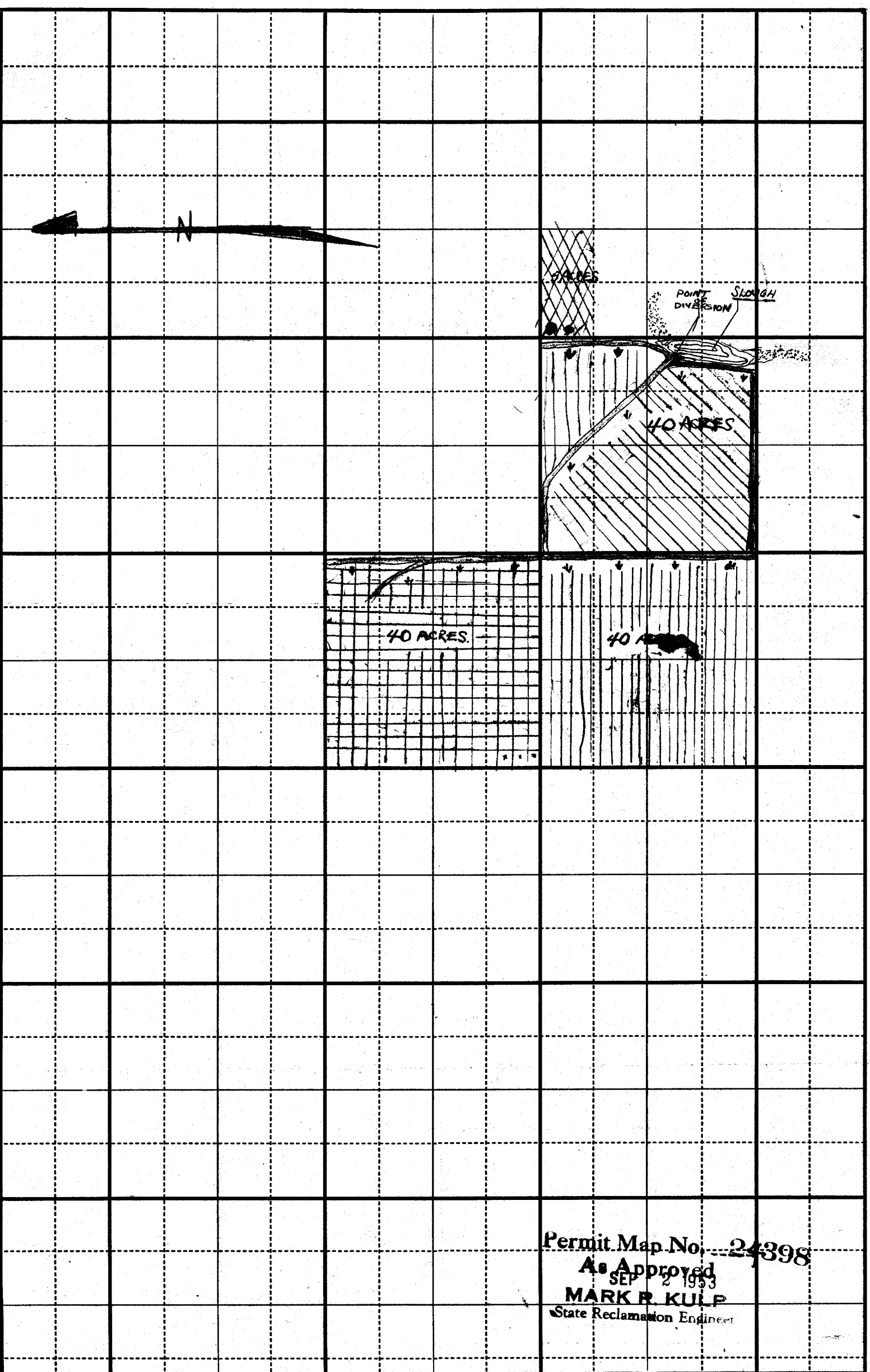
Chief Clerk

A:fg
Enc.

24398

NAME OF APPLICANT MJ PURCELL

Form No. 0



Permit Map No. 24398
As Approved
SEP 2 1953
MARK R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal $\frac{1}{4}$ Mile. Draw Plan In Ink.

24398

**NOTICE OF PROOF APPLICATION OF
WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:00 a.
m. on the 21st day of January, 1956, at
Rigby, County of Jefferson, State of Idaho,
before D. J. Mack, Notary Public, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of an un-named slough in accordance with the terms and conditions of Permit No. 24398 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. M. Purcell, RFD Lorenzo, Idaho.

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

The amount applied to beneficial use is 2.5 second feet.

The place where said water is used: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 5 North, Range 38 E.B.M.

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

The right to take water from such works is based upon Permit No. 24398.

The source of supply from which such water is diverted is an un-named Slough.

The date of priority which said user is prepared to establish is August 25, 1953.

MARK R. KULP,

State Reclamation Engineer.

(Publish: Dec. 29, '55; Jan. 6-12-18, 1956.)