

13-2206

Application For Permit To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: PRESTON IDAHO NORTH STAKE OF THE CHURCH

8/22/74

OF JESUS CHRIST OF LATTER DAY SAINTS
Preston, Idaho

APPLICATION No. 36551

PERMIT No. 28569

DISTRICT No.

1. Name of Applicant: Oneida Stake of the Church of Jesus Christ of
Latter Day Saints, a corporation
Postoffice address: Preston County: Franklin State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: (1884) Oxford, Idaho

(b) Amount of capital stock: no

(c) Amount paid in: no

(d) Names and addresses of directors: Shirley M. Palmer, President
Preston, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: Over \$5000.

(b) Treasury stock: no

(c) Bond to be issued: no

(d) Other resources:

2. Quantity of water claimed: 1.5 c.f.s.

cubic feet per second.

3. Source of water supply: Drain

which is a tributary of none
(Unnamed)

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of section 35 , T. 15 S , R. 38 E , B. M., County of Franklin

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 of , 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: \$ 3000.

8. Kind of works: Pump and pipe - will pump directly from drain

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

feet; material used in dam:

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

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:Diameter of pipe inches; length of conduit 180 rods ~~xxxx~~ miles.

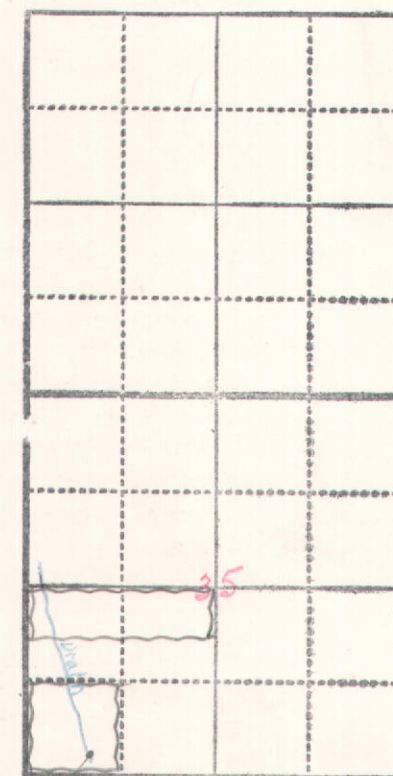
Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

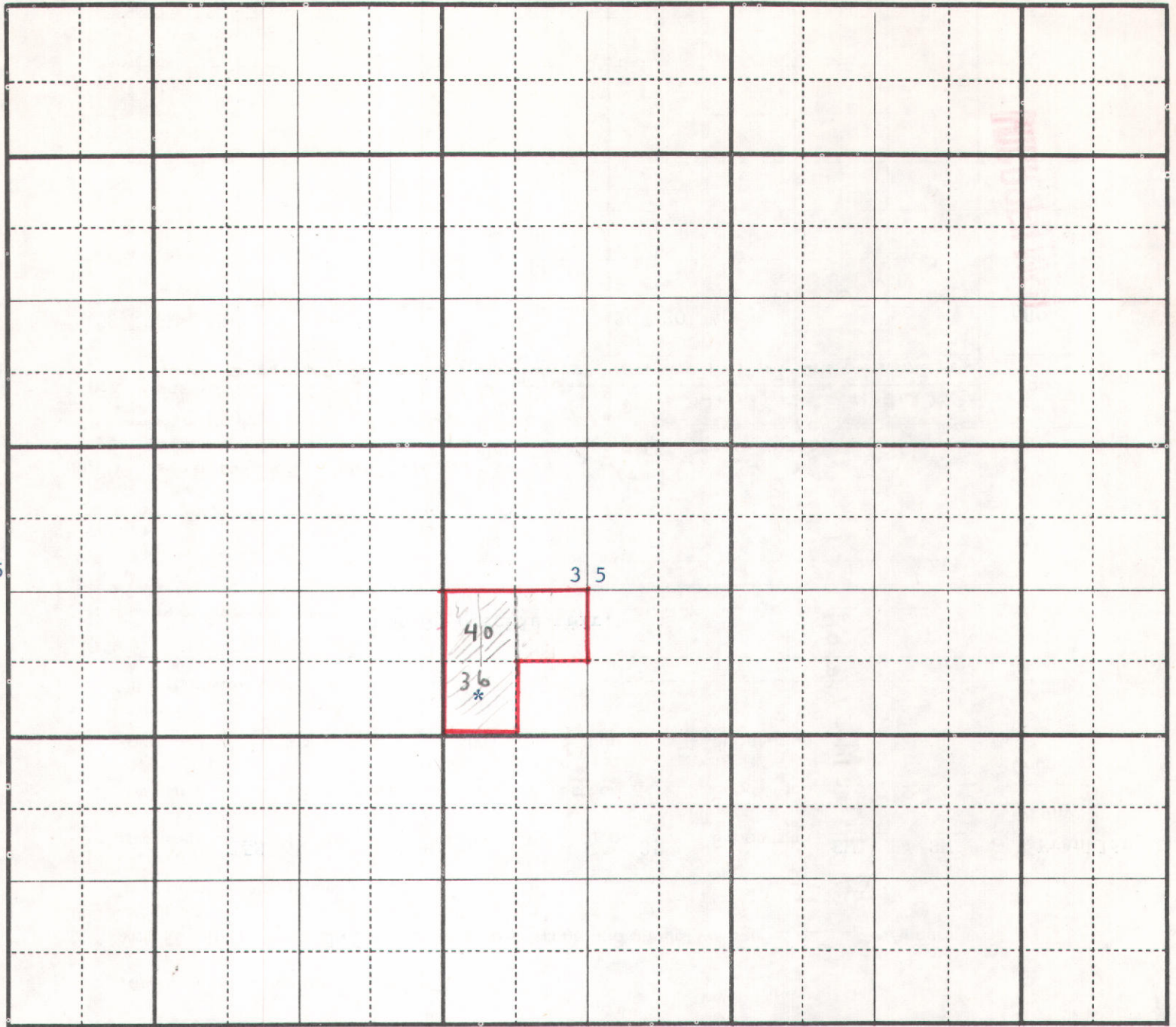
13. The time required for the complete application of the water to the proposed use is 2 additional years.

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

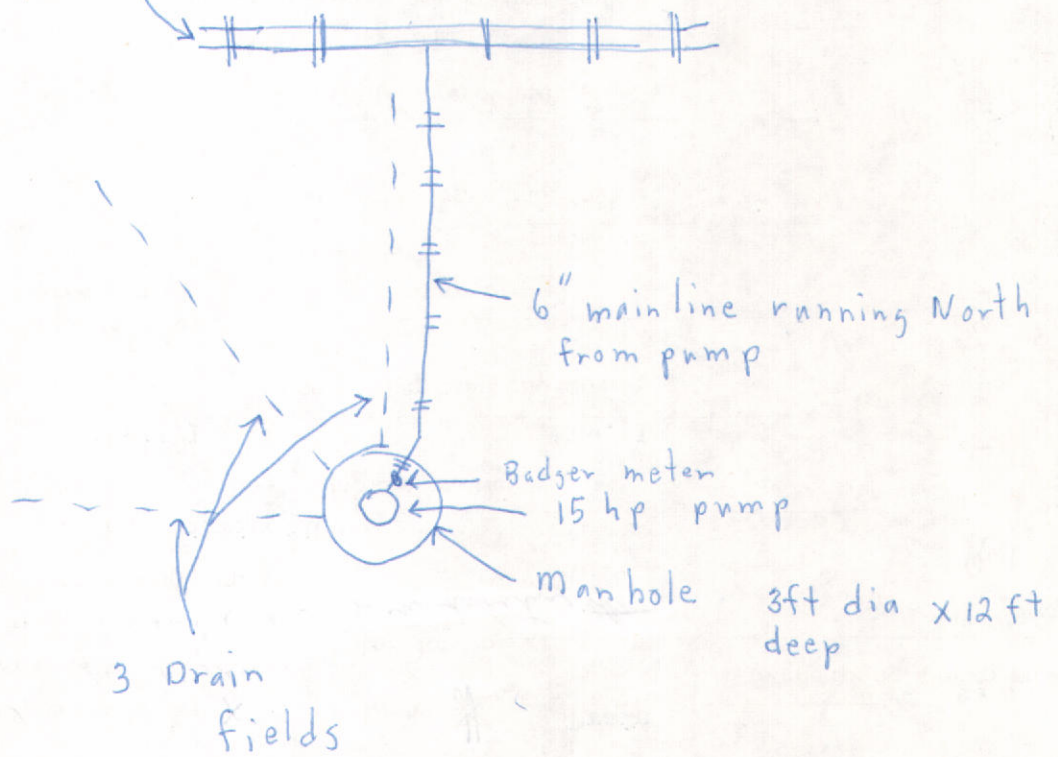


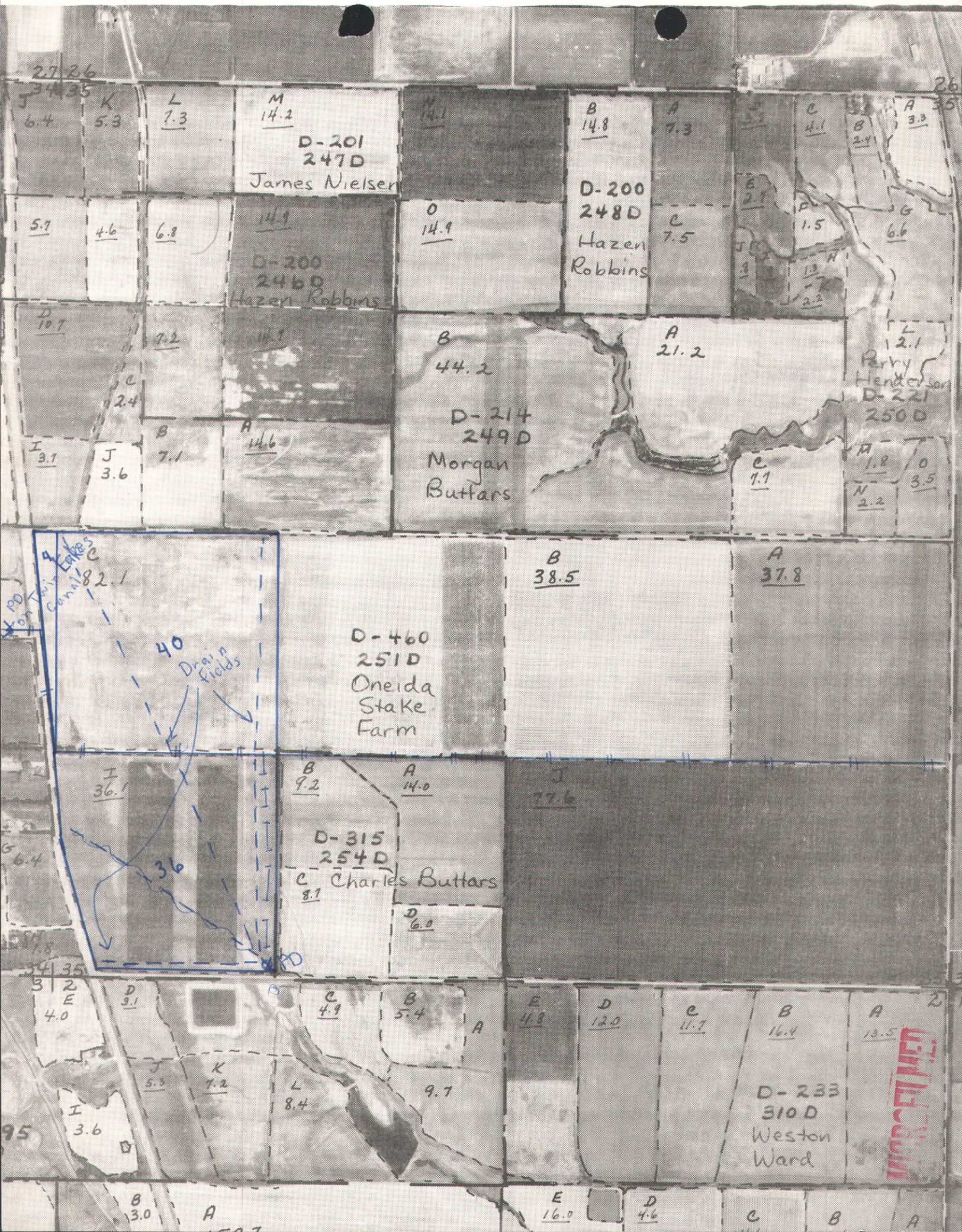
T
15
S



E-W Main line
from Twin Lakes
canal

Diagram of System





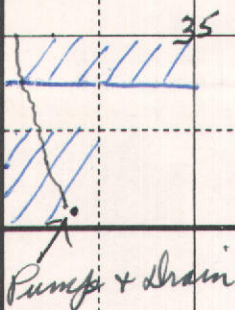
NAME OF APPLICANT

Oneida Stake of the Church of Jesus Christ of
Latter Day Saints, a Corporation.

Form No. 0

R38E

T
15S



Permit Map No. 28569

As Approved

GEO. N. CARTER

State Reclamation Engineer

MAR 30 1960

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

NOTICE is hereby given that at 2:00 P.M., on the 8th day of November, 1962, at Preston,

County of Franklin, State of Idaho, before Ted B. Larsen, Notary Public, at Preston, Idaho, proof will be submitted of the completion of works for the diversion of 1.5 cubic feet per second of the waters of Unnamed drain, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 28569, 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 On-
eida Stake of the Church of Jesus
Christ of Later-day Saints, a Corporation, Preston, 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 1.5 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 1.5 cubic feet per second.

4. The point of diversion of said water is about 100 feet West of the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 35, Twp. 15 South, Range 38 E.B.M.

5. The place where said water is used is SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ also N $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35, Twp. 15 So., Range 38 E.B.M.

6. The date of priority which said user is prepared to establish is March 29, 1960.

GEO. N. CARTER

State Reclamation Engineer

No. 449—First Pub. Oct. 25, 1962

Last Pub. Nov. 15, 1962 28569

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 28569/13-2206 Priority June 23, 1967 Amount 1.50 cfs (late proof)

THIS IS TO CERTIFY, that PRESTON IDAHO NORTH STAKE OF THE CHURCH OF JESUS CHRIST
OF LATTER DAY SAINTS,
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 28569/13-2206 issued pursuant to Application for Permit dated March 29, 1960,
and has submitted proof to the Department of Water Resources on June 24, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.78 cfs of water from unnamed drain,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>1.50</u> cfs and	<u>266 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.50 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
266 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S,
Rge. 38E, B. M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	38E	35									40	36							76

Total number of acres irrigated 76

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
March, 19 79.

Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walter Ross

being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

August 29, 19 74, and ending with the issue of September 5, 19 74.

Fees, \$ 16.25

Subscribed and sworn to before me this 27 day of September, 19 74.

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Preston Idaho North Stake of the Church of Jesus Christ of Latter-day Saints, Preston, ID., has received an approved Permit No. 23569 / 13-2206 issued by the Idaho Department of Water Resources authorizing the diversion of 1.5 cubic feet per second of water from a drain. The priority to be established under this permit is June 23, 1967 and the permit was approved March 30, 1960.

Water is to be diverted by pump and pipe from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B.M., Franklin County to be used for irrigation purposes in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on June 24, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho, 83720, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on August 29 and September 5, 1974.

Legal No. 2728 — Pub.
Aug. 29, Sept. 5, 1974.

Return Address
L. Sears, Box 34
Clifton
Idaho 83428

State of Idaho
Dept Water Resources
Boise, Idaho 83720

RECEIVED

State of Idaho

AUG 22 1974

Department of Water Administration

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Oneida Stake of the Church of Jesus Christ of Latter Day Saints, hereby assign to Preston Idaho North Stake of the Church of Jesus Christ of Latter Day Saints

of Preston, Idaho 83263,
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 28569/13-2206 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage.)

Made this 10 day of August, 19 74.

[Signature]

Permit Holder

Spouse of Permit Holder

State of Idaho)
County of _____) ss.

On this 21 day of August, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at

Preston, Franklin County Idaho

My commission expires: Sept 14 1975

NOT RECORDED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 28569/13-2206)
in the name of ONEIDA STAKE OF THE CHURCH)
OF JESUS CHRIST OF LATTER DAY SAINTS)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

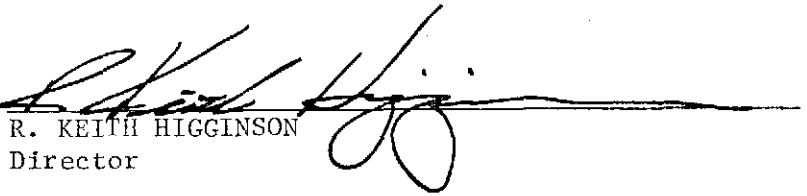
WHEREAS, on August 1, 1968, the Department of Water Administration (formerly the Department of Reclamation) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 28569/13-2206 was issued previous to that date;

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

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

Dated this 27 day of June, 1974.


R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 28569/13-2206)
)
in the name of ONEIDA STAKE OF THE CHURCH)
)
OF JESUS CHRIST OF LATTER DAY SAINTS)
)

ORDER

WHEREAS, on March 29, 1960, the Oneida Stake of the Church of Jesus Christ of Latter Day Saints applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 1.5 cubic feet per second of water from a drain within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used for irrigation purposes; and,

WHEREAS, on March 30, 1960, the Department approved said application and issued Permit No. 28569/13-2206 with the condition that one-fifth (1/5) of the work be completed on or before September 30, 1962, and that the whole of said work be completed on or before March 30, 1965, and that proof of beneficial use of water be made on or before March 30, 1967; and,

WHEREAS, on March 29, 1965, the Department received the required proof of completion of works; and,

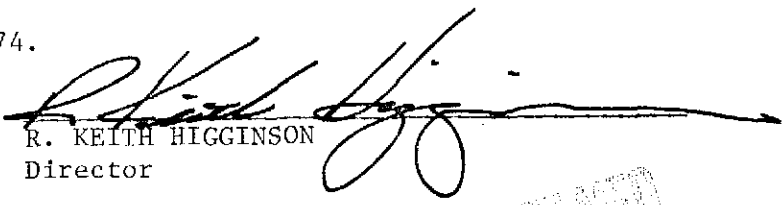
WHEREAS, on May 15, 1974, the Department notified the permit holders that Permit No. 28569/13-2206 was subject to cancellation for failure to submit adequate proof of beneficial use of water; and,

WHEREAS, on June 24, 1974, the Department received the adequate proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. 28569/13-2206 be advanced to June 23, 1967.

Dated this 27 day of June, 1974.


R. KEITH HIGGINSON
Director

JG

FILED

13-2206

Application For Permit To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: PRESTON IDAHO NORTH STAKE OF THE CHURCH
8/22/74 OF JESUS CHRIST OF LATTER DAY SAINTS
Preston, Idaho

APPLICATION No. 36551
PERMIT No. 28569
DISTRICT No.

1. Name of Applicant: Oneida Stake of the Church of Jesus Christ of
Latter Day Saints, a corporation
Postoffice address: Preston County: Franklin State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: (1884) Oxford, Idaho
(b) Amount of capital stock: no
(c) Amount paid in: no
(d) Names and addresses of directors: Shirley M. Palmer, President
Preston, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: Over \$5000.
(b) Treasury stock: no
(c) Bond to be issued: no
(d) Other resources:

2. Quantity of water claimed: 1.5 c.f.s. cubic feet per second.

3. Source of water supply: Drain which is a tributary of none
(Unnamed)

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
of section 35 , T. 15 S , R. 38 E , B. M., County of Franklin

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 of , 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: \$ 3000.

8. Kind of works: Pump and pipe - will pump directly from drain

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

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

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

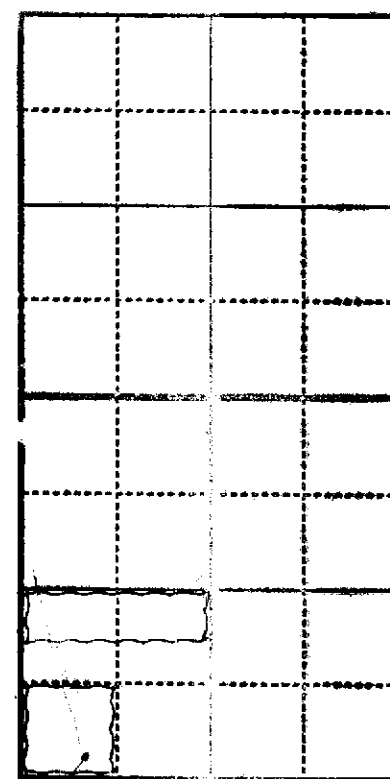
Diameter of pipe inches; length of conduit 180 rods
Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 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.

s/ Oneida Stake of the Church of *Applicant.*
Jesus Christ of Latter Day Saints, a Corporation
By Shirley M. Palmer *Agent.*

Date of first receipt at Department of Reclamation: 8:30 A. M. March 29, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28569

Recorded in Book 100 Page 28569 Approved March 30, 1960

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

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

Work to begin on or before May 30, 1960

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 September 30, 1962

The whole of said work to be completed on or before March 30, 1965

Beneficial use of water appropriated in accordance herewith, to be made on or before March 30, 1967

WITNESS My hand this 30th day of March, 1960

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th

day of March, 19 60.

STATE OF IDAHO

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor.

Secretary of State.

REMARKS: The applicant dug a drain that developed water which the applicant desires to file on and use.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 So	38 E	35									20 20 40								80
TO ALL WHOM IT MAY CONCERN:			Permit No. 28569 CERTIFICATE OF COMPLETION OF WORKS																
			This is to certify that ONEIDA STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a corporation, of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 28569, issued upon Application No. 36551 bearing date of priority of March 29, 1960, authorizing the diversion of 1.5 second feet of waters of drain, County of Franklin, 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 1.5 second feet of the waters of a drain, that the point of diversion of said waters SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 15 S., R. 38 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 $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 35, T. 15 S., R. 38 E., B. M.																
			Witness my hand this 2nd April, A. D. 1965.																
Proof of Completion of Works Made: March 29, 1965			s/ RALPH W. THOMAS Deputy State Reclamation Engineer																



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

March 29, 1979

Re: Water Right No. 28569/13-2206

Preston Idaho North Stake of the Church
of Jesus Christ of Latter Day Saints
c/o Dennis Ralphs, High Councilman
Preston, Idaho 83263

Gentlemen:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 13, 1979

Re: Permit No. 13-2206

Preston Idaho North Stake of the Church
of Jesus Christ of Latter Day Saints
c/o Dennis Ralphs, High Councilman
Preston, Idaho 83263

Dear Mr. Ralphs:

A representative of this Department made an examination of the works covered by your Permit No. 13-2206 on August 17, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.50 cfs Source: an unnamed drain

The maximum quantity diverted shall not exceed 266 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B. M.

Beneficial use: Irrigation of 76 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 35,
Twp. 15S, Rge. 38E, B. M.

Priority date established: June 23, 1967 (late proof)

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

RECEIVED
MARCH 14 1979
WATER RIGHTS SECTION

~~Not operating~~
Not operating -
7/21/76 ~~11~~

Not operating -
7/21/76 ~~11~~

7/21/76

- RECEIVED

- 067 21, 1974
(name spring, stream, etc.)

- Department of Water Resources
Eastern District Office

Ralphs -
Clifton

Permit No. 28569/13-2206

Examination for b/u

Permit No. 28569/13-2206b/u

(nature of use)

(mo.-day) inclusive (mo.-day)

Other uses:

- Max Rate of Diversion 1.5 cubic feet per second and annual volume _____ AF/Annum.

- County

County

County

Other Points of Diversions:

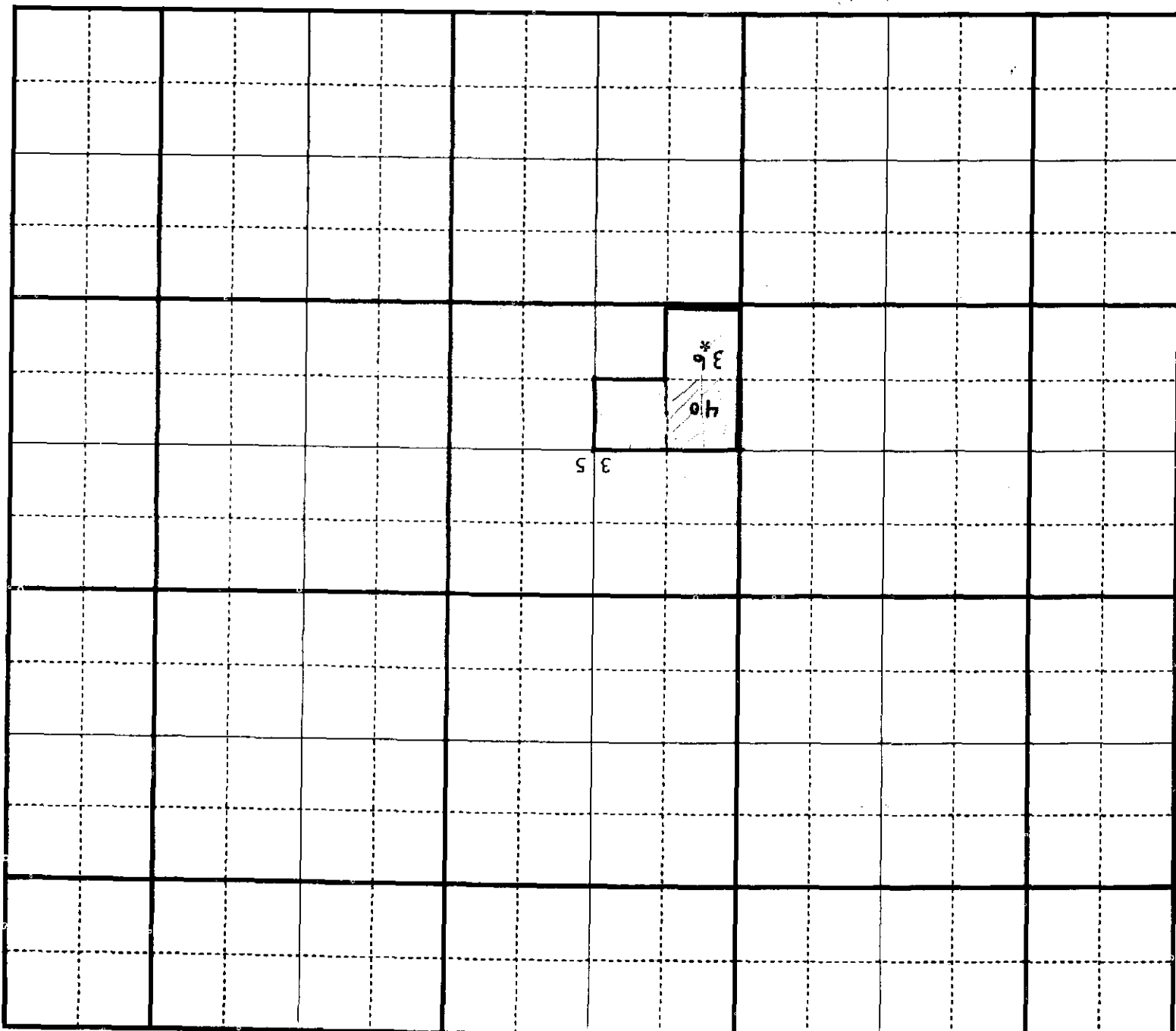
Description of diverting works:

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

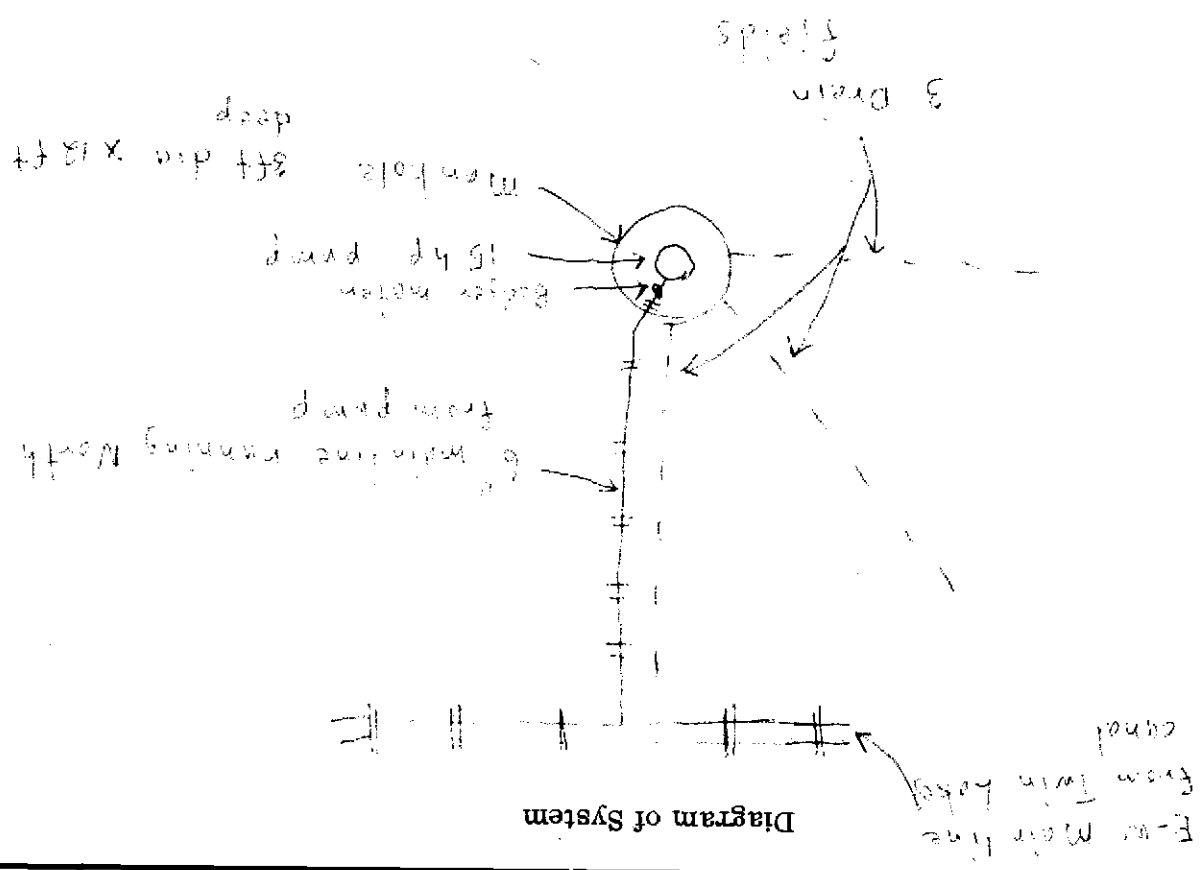
MICROFILMED⁸⁰

80



S
15
T

Diagram of System



D-200
248D
Hazen
Robbins

D-214
249D
Morgan
Butlers

D-460
251D
Oneida
Stake
Farm

D-315
254D
C Charles Butters
2.1

D-233
310 D
Weston
Ward

DATE OF EXAM 8/17/76

ACREAGE

Found 76
Recommended 76

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = 2 c.f.s. V = 266 AF/Ann. from Apr 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1.78 c.f.s. Method of measurement In line meter

Total Q recommended 1.51 c.f.s. Meter No. 0059726 Type Badger Condition Good

Total V recommended 266 AF/ann. 201 AF/244ac

Recommended Amendments:

P.D. OK
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

$$Q = \left(\frac{.01 AF}{244 ac} \right) \left(\frac{43560 ft^2}{1 Ac} \right) = 1.78 cfs$$

$$V = 76 \times 3.5 = 266 AF/ann.$$

SYSTEM DESCRIPTION:

Pump-motor GF 15 HP, SN: DWJ 209267, Johnston Pump, to 6" mainline 4 mi N to E-W mainline. System supplements water pumped from Twin Lakes Canal. Primarily used on 80 Acres as shown. Water is collected in manhole from three drains as shown on map. Use to operate 1-4 mi line before and after water is delivered by Twin Lakes Irr. Co. and as a supplementary source if other pump is out of order.

REMARKS: System shown by Odell Andrews, Farm Manager
Other water rights &/or permits relative to this land:
Permit # 13-2255 on same system - Relinquishment requested
Twin Lakes Canal Co: 255 shares; Weston Cr. Canal Co: 55.53 shares.

Examiner's Signature William D. Prichard Date 10-19-76

Checked by Ernest M. Carlson Date 01/06/77

Approved by _____ Date _____

December 13, 1977

Re: Permit No. 13-2206

Preston Idaho North Stake of the Church
of Jesus Christ of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 13-2206 on August 17, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.50 cfs Source: unnamed drain

The maximum quantity diverted shall not exceed 266 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B. M.

Beneficial use: Irrigation of 76 acres within W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 35,
Twp. 15S, Rge. 38E, B. M.

Priority date established: June 23, 1967

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$10.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah
Enclosure

MICROFILMED

October 16, 1974

Re: Permit No. 28569/13-2206

Preston Idaho North Stake of the Church
of Jesus Christ of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field examination, please contact our Eastern District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

UNRECORDED

August 23, 1974

Re: Permit No. 28569/13-2206 - Preston Idaho North Stake of the Church of
Jesus Christ of Latter Day Saints

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

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

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

The expense of the publication is to be paid by: Preston Idaho North Stake of the
Church of Jesus Christ of Latter
Day Saints
Preston, Idaho 83263

to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

NOTICE OF EXISTING WATER PERMIT

Preston IDAHO North

Notice is hereby given that Preston Idaho North Stake of the Church of Jesus Christ of Latter Day Saints, Preston, Idaho

has received an approved Permit 28569/13-2206 issued by the Idaho Department of Water Resources authorizing the diversion ~~storage~~ of 1.5 cubic feet per second ~~none-foot~~ ~~per second~~ of water from a drain.

The priority to be established under this permit is June 23, 1967 and the permit was approved March 30, 1960.

Water is to be diverted by pump and pipe from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B.M., Franklin County to be used for irrigation purposes in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 15S, Rge. 38E, B.M.,

Proof of the application of the water to beneficial use was ~~submitted~~ submitted to the Department on ~~or before~~ June 24, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice ~~on or prior to the licensing of the permit. Licensing may commence prior to the date of publication of this notice.~~

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on August 29 and Sept 5 - 1974.

Permit No. 28569/13-2206

Director:

You are hereby authorized to have the above notice published at my expense in the Preston Citizen of Preston, Idaho;

published in the county in which the works are situated.

Preston Idaho Stake formerly Orinda Stake

Robert C. Gadden, President
(Signature)

Barinda Idaho
(Address)

7-20-74
(Date)

MICROFILMED

RECEIVED
1974

August 23, 1974

Re: Permit No. 28569/13-2206

Preston Idaho North Stake of the Church
of Jesus Christ of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

We have caused the legal notice for the above referenced permit to be published in the Preston Citizen on August 29, and September 5, 1974.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the abovementioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication, we will then schedule a field examination.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

August 2, 1974

Re: Permit No. 28569/13-2206

Oneida Stake of the Church of Jesus Christ
of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

The advertising authorization you submitted in connection with the above referenced permit has been received.

However, we cannot advertise this permit in the name of the Preston Idaho North Stake, since the permit is still officially in the name of the Oneida Stake. In order for the permit to be advertised in the name of Preston Idaho North Stake the enclosed partially completed assignment form must be completed and returned to this office as soon as possible, so that we may continue processing this permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~
STATE OFFICE

RESOURCES (effective July 1, 1974)



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

July 1, 1974

Re: Permit No. 28569/13-2206

Oneida Stake of the Church of
Jesus Christ of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority date for this permit to June 23, 1967.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. The enclosed Order modifies your permit to comply with these rules and regulations.

As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will sign and return the enclosed advertisement authorization, we will cause the notice to be published.

If you have any questions regarding this matter, please contact us.

Sincerely,

D. Darlene Reich
D. Darlene Reich
Water Rights Supervisor

*The name of this Unit has been
recently been changed to
Preston IDAHO NORTH Stake.*

DDR:JG

Enc: Order advancing priority
Modification Order
Advertisement authorization
w/instructions

RECEIVED
JUL 31 1974
Department of Water Resources

July 1, 1974

Re: Permit No. 28569/13-2206

Oneida Stake of the Church of
Jesus Christ of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority date for this permit to June 23, 1967.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. The enclosed Order modifies your permit to comply with these rules and regulations.

As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will sign and return the enclosed advertisement authorization, we will cause the notice to be published.

If you have any questions regarding this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Enc: Order advancing priority
Modification Order
Advertisement authorization
w/instructions

UNRECORDED

May 28, 1974

Re: Permit No. 28569/13-2206

Oneida Stake of the Church of Jesus Christ
of Latter Day Saints
Attn: Mr. Robert Geddes
Preston, Idaho 83263

Dear Mr. Geddes:

Pursuant to your phone call of last week, we have reviewed the above referenced permit file.

We found that the proof of beneficial use depositions were submitted to this office in December, 1962, however, an affidavit of publication was never received. Enclosed is a copy of the notice that was to have been published for four consecutive weeks in the Preston Citizen. Also enclosed is a copy of the cover letter forwarding the notice to the newspaper.

Upon receipt of the affidavit of publication the Department could process the depositions made on November 23, 1962. If you do not have the affidavit in your records or it cannot be obtained from the newspaper, it will be necessary to refile proof of beneficial use of water. Enclosed is the Department's proof form for your consideration.

We have also enclosed a copy of the permit for your reference. If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of notice w/letter
Copy of permit
Proof form

RECEIVED

Identification No. _____

Permit No. 13-2206

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

Department of Water Administration

Oneida Stake
Church of Jesus Christ of Latter Day Saints

1. a) Name of Permit Holder _____
b) Post Office Address Preston, Idaho
2. Permit Number 28569
3. Date of Priority that you are prepared to establish 3-29-60
4. a) Source from which water was appropriated Unnamed drain
b) Location of the point of diversion: SW 1/4 SW 1/4, Section 35
Township 15 South, Range 38 East Boise Meridian, Other points of diversion:
Being about 100 feet west of the Southeast Corner of the Southwest
Quarter of the Southwest Quarter of Section 35, Township 15 S, Range
38 E.B.M.

5. a) The amount of water and use to which the water has been applied: originally
amount 1.5 for irrigation & livestock purposes from Apr 20 to Oct 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

REmarks See Below X
b) Total amount appropriated 1.5 (now only .26 c.f.s. available) cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Gordon Gailey and Rex Poulsen,
Manager and water master - Twin Lakes Canal Co. by a homemade rectangular
contracted weir 1.5 ft. wide 0.14 92 Ht. = .26 c.f.s. June 17 8:30A 1974

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) not applicable
b) Describe the type and size of measuring device which you have installed at your point of diversion: pump and portable weir
c) Give well drillers name and address and date the well was completed not applicable

X - the area has been drained and at present the drainage only amounts to .26 c.f.s. It has decreased since the original appropriation. They used to flood irrigate the area, now they sprinkle in the gneral area.

Exam typed 10/10/74 by JP

APPROPRIATION

100-443886-100

121PM V20162ATT DUB H012P8TILT 10T 05N 10

[illegible]

Total number of acres irrigated	
1950	1,000
1951	1,000
1952	1,000
1953	1,000
1954	1,000
1955	1,000
1956	1,000
1957	1,000
1958	1,000
1959	1,000
1960	1,000
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2083	1,000
2084	1,000
2085	1,000
2086	1,000
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2088	1,000
2089	1,000
2090	1,000
2091	1,000
2092	1,000
2093	1,000
2094	1,000

only about .26 c.f.s. is available for use for irrigation and livestock.

6/19/94 (Date)

[Signature]
(Signature)

State of Idaho)
County of Franklin) ss.

On this 19th day of June, 1974, personally appeared before me the signers of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

4/15/77

My commission expires

from the desk of
DARLENE REICH

Need deposition of
2nd witness and
affidavit of publication
in connection w/ proof
of b/u.

su

ENCLOSURE

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

32072

1

Quida State

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

Ben B. B. B.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

May 16 / 74

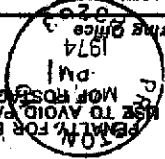
3

132206

PS Form 3811
June 1973

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

10¢
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
 - Moisten gummed ends and attach to back of article.

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

MICROFILMED

RETURN
TO



May 15, 1974

CERTIFIED MAIL #32072

Re: Permit No. 28569 (New No. 13-2206)

Oneida Stake of the Church of Jesus Christ
of Latter Day Saints
Preston, Idaho 83263

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. 28569/13-2206 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit adequate proof of beneficial use of water, you are hereby notified that under the

provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit No. 28569/13-2206 claims the use of 1.5 cubic feet per second of water from an unnamed drain,

the point of diversion was to be located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35,
Twp. 15 S, Rge. 38 E, B.M. and the permit was approved March 30, 1960.

R. Keith Higginson

R. KEITH HIGGINSON
Director

April 2, 1965

Re: Permit No.28569

O. D. Robinson, Sec.
Oneida Stake of the Church of
Jesus Christ of the Latter
Day Saints
Preston, Idaho

Dear Mr. Robinson:

Enclosed is the Certificate of Completion of
Works issued on the above numbered permit, which has been
recorded in this office.

Also enclosed is departmental receipt No.
32711, in the amount of \$5.00 covering the fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt

28569

Permit No. 28569

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
MAR 31 1965

STATE OF IDAHO

County of Franklin

ss.

Department of Reclamation

Carl A. Mortensen, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 28569, and that his postoffice address is Preston, Idaho.

Second: That the name of the stream from which said water is to be diverted is drain - unnamed.

Third: That the point of diversion of said water is in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35 Twp 15 SR 38 EBM. County of Franklin.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 30, 1965.

Fifth: That the use for which said water is intended is Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Pump and pipe - will pump directly from drain.

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: Length of conduit 180 rods.

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction.

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water feet; diameter of pipe 8 inches, average grade per mile is 1/10 feet. Length of conduit is 180 rods.

Seventh: That said works are capable of conducting to the place of intended use 1.5 second feet of water.

Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 Acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 15 South, Range 38 EBM.

Ninth: Remarks: That Applicant has dug a drain and developed water for irrigation purposes on which he has used since completing drain.

Carl A. Mortensen
(SIGN HERE)Subscribed and sworn to before me this 29th day of March, 1965.

Ted B. Larsen

NOTARY PUBLIC

My commission expires May 12, 1966

28569

Preston, Idaho
March 29, 1965

Carl E. Tappan
State Reclamation Engineer
State of Idaho
Department of Reclamation
Boise, Idaho

RECEIVED
MAR 31 1965
DEPARTMENT OF RECLAMATION

Dear Mr. Tappan:

Attached is Proof of completion of works and a check for \$5.00 submitted for your approval this completion.

Should there be any additional information please notify us and we will be happy to furnish same. Mail the

the Certificate of completion to Mr. Carl A. Mortenson

Clifton, Idaho

Sincerely Yours

O. D. Robinson
O. D. Robinson Sec.

28569

February 17, 1965

Re: Permit No. 28569

Carl A. Mortensen, President
Oneida Stake
The Church of Jesus Christ of
Latter Day Saints
Dayton, Idaho

Dear Mr. Mortensen:

Enclosed is departmental receipt No. 32643
in the amount of \$1.50 covering the fee for a copy of the above
numbered permit, which was mailed to you on February 11, 1965.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. receipt

28569

February 11, 1965

Re. Permit No. 28569

C
O
P
Y
Carl A. Mortensen, President
Oneida Stake
The Church of Jesus Christ of
Latter Day Saints
Dayton, Idaho

Dear Mr. Mortensen:

We enclose a copy of Permit No. 28569, as was requested
in your letter of February 9th.

There is a fee of \$1.50 for this copy and we ask that
this money be mailed to this office as soon as possible.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. copy of permit

28569

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

ONEIDA STAKE PRESIDENCY

DAYTON, IDAHO

February 9, 1965

28569

Carl E. Tappan
State Reclamation Engineer
State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sir:

Would you please send us a copy of Permit to Appropriate the Public Waters of the State of Idaho, Permit No. 28569, held by the Oneida Stake of the Church of Jesus Christ of Latter Day Saints, a Corporation, Preston, Idaho.

We have made a thorough search and are unable to locate this document among our records, therefore we would very much appreciate receiving this information from you.

Very truly yours,

Carl A. Mortensen
Carl A. Mortensen
President
Oneida Stake

CAM:LIB:mjb

28569

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho
January 4, 1965

RE: Permit No. 28569

Oneida Stake of the Church of
Jesus Christ of Latter Day Saints, a Corporation
Preston, Idaho

Dear Sirs:

Under the terms of your Permit No. 28569 you are required to complete your diversion works on or before March 30, 1965. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

State Reclamation Engineer

Enc. Form 6

28569

N. G.

February 6, 1963

RE: Permit No. 28569

Carl A. Mortensen, Stake President
Oneida Stake of the Church of Jesus Christ of Latter Day Saints
Preston, Idaho

Dear Mr. Mortensen:

We copy below a letter sent to you December 7, 1962.

"We received your deposition for the holder of the permit and deposition of one witness. Both depositions were signed on November 23.

Depositions of two witnesses are required.

Our records show that the depositions were to have been made on November 3, 1962.

Kindly send the deposition of the second witness, affidavit of the Notary Public that his office was open November 8, 1962 and that protests were, or were not, received in regard to the proofs under your permit, and the Affidavit of Publication.

These are required before the proofs are complete."

Kindly take care of this at your earliest convenience.

Very truly yours,

GEO. M. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

28569

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

ONEIDA STAKE PRESIDENCY

DAYTON, IDAHO

January 29, 1963

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mr. Carl E. Toppan

Dear Sir:

We are in receipt of your form #24 notifying us conditions of permit No. 27151 have not been complied with.

This water was filed on at a later date under permit number 28569 so it is our intention to let permit number 27151 expire.

The later permit was issued after we completed a drain and installed a pump.

Yours truly,

Oneida Stake Farm

Carl A. Mortensen
Carl A. Mortensen

271
28569

December 7, 1962

RE: Permit No. 28569

Carl A. Mortesen, Stake President
Oneida Stake of the Church of Jesus Christ
of Latter Day Saints
Preston, Idaho

Dear Mr. Mortesen:

We received your deposition for the holder of the permit and
deposition of one witness. Both depositions were signed on
November 23.

Depositions of two witnesses are required.

Our records show that the depositions were to have been
made on November 8, 1962.

Kindly send the deposition of the second witness, affidavit
of the Notary Public that his office was open November 8, 1962
and that protests were, or were not, received in regard to the
proofs under your permit, and the Affidavit of Publication.

These are required before the proofs are complete.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

2751
28569

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
DEC 7 1962
Department of Reclamation

Permit No. 28569

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

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

Ans. Oneida Stake of the Church of Jesus Christ of Latter-Day Saints
Preston, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf. Oneida Stake of the Church of Jesus Christ of Latter-Day Saints, a corporation sole. Carl A. Mortensen, Stake President,
Ans. Glen Bingham, Agricultural Representative.

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

Ans. 28569 March 30, 1960 March ²⁹30, 1960

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

Ans. Tile drain located on applicants farm. About 250 feet W from the
SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 35, Twp 15 S., R 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. Tile drain, 1.5 cfs, goes into manhole and then pumped out and
used on 20 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
section 35, Twp 15 S., R. 39 EBM.

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 - 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ has been irrigated the last
two years. Land is cultivated. Land has been brought into production
under hay and grain. Also supplemental water from this filing used on
20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ as per application.

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

Ans. _____

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

Ans. _____

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

Ans. _____

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

Ans. _____

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

Ans. Water has been used since March 30, 1960 on 40 acres of cultivated farm land, and subsequent on 20 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$.

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) Carl A. Mortensen
W. Glenn Bingham

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 23rd day of November, A. D. 1962.

My commission expires May 12, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DEC 7 1962
Department of Reclamation

PERMIT NO. 28569

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

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

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

Ans. Glen Bingham 47 Dayton, Idaho Farmer

Ques. 2. Are you acquainted with Carl A. Mortensen, the holder of Permit No. 28569? How long have you known him and where does he reside?

Ans. 40 years Clifton, Idaho

Ques. 3. Have you read or heard read said Permit No. 28569, 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. Tile drain located on church farm. About 250 feet W from the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, twp 15 SR 36 EBM. 40 Acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 Acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ same township and Range.

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. 1.5 cfs 1.5 cfs

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. Irrigation - 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ has been irrigated the last two years. Land is cultivated. Land has been brought into production under hay and grain. Also supplemental water from this filing used on 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ as per application.

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

Ans. _____

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. _____
Water has been used since March 30, 1960 on 40 acres of cultivated farm land, and subsequent on 20 Acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$.

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

Ans. No personal interest, but I have an assignment from the church to supervise the Church farm.

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 have supervised the use of the water mentioned for the past two years. And from this supervision I know that it was beneficially used.

(Signed)

Glenn Bingham

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 23rd day of November, A. D. 1962.

Red B. Larsen

Notary Public.

My commission expires May 12, 1966

November 12, 1962

Re: Permit No. 28569 - Oneida Stake of
the Church of Jesus Christ of Latter-
Day Saints, a Corporation

Preston Citizen
Preston, Idaho

Gentlemen:

On October 22nd we mailed you a Notice of Publication
on the above numbered permit, requesting a copy or tear sheet
for checking purposes.

To date we have not received such copy and ask at
this time that one be mailed to this office as soon as
possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

28569

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 18, 1962
(P. O.) Preston, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Preston Citizen of Preston, Idaho published in
the county in which the works are situated. Oneida Stake of the Church of Jesus
Christ of Latter-day Saint, a
Corporation
By Carl A. Montemurro

(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.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 28569
Oneida Stake of the Church
of Jesus Christ of Latter-Day
Saints, a Corporation

Date: October 22, 1962

Preston Citizen
Preston, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **November 23, 1962** the date set for proof; the expense of the publication is to be paid by the applicant **'s attorney**

Ben B. Johnson of **First Security Bank Bldg., Preston,** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** 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.

Encl.

28569

RECEIVED
OCT 22 1960NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at 2:00 P. M., on the 8²³ day of November
1962, at Preston, County of Franklin, State of Idaho, before
Ted B. Larsen, Notary Public, at (address) Preston, Idaho
 , proof will be submitted of the completion of works for the diversion of
1.5 cubic feet per second of the waters of Unnamed drain
 , and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 28569, 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: Oneida Stake of the Church of Jesus Christ of Latter-day Saints, a
Corporation, Preston, 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
1.5 cubic feet per second.

3. The use to which said water has been applied is Irrigation
 purposes, and the amount applied to beneficial use is 1.5 cubic
feet per second.

4. The point of diversion of said water is about 100 feet West of the SE corner
of the SW 1/4 of the SW 1/4 of Sec. 35, Twp. 15 South, Range 38 E.B.M.

5. The place where said water is used is SW 1/4 of the SW 1/4 Sec. 35, Twp. 15
So., Range 38 E.B.M.; also N 1/2 of the SW 1/4 Sec. 35, Twp. 15 So., Range
38 E.B.M. Total 80 acres.

6. The date of priority which said user is prepared to establish is June 8, 1962
March 29, 1960

State Reclamation Engineer

28569

October 22, 1962

Re: Permit No. 28569
Oneida Stake of the Church of
Jesus Christ of Latter-Day Saints

Mr. Ben B. Johnson,
Attorney at Law,
First Security Bank, Bldg.,
Preston, Idaho,

Dear Mr. Johnson:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 28569, in the name of (Ted B. Larsen,
Church of Jesus Christ of Latter Day Saints. Final Proof is to be made before you /
as Notary on the 23rd day of November, 19 62, at 2:00 o'clock P.M.,
at Preston, Idaho.

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 and then mail the Affidavit of Publication and statement of costs to you.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk

Enc.

cc: Applicant
cc: Ted B. Larsen
Notary

P.S. You will note that we have changed the date for making proof from Nov. 8th to Nov. 23rd, as November 8th does not allow sufficient time for four publications. If this date is not satisfactory to you or the applicant, please notify us immediately of a convenient date.

28569

BEN B. JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO

October 19, 1962

Mr. George N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

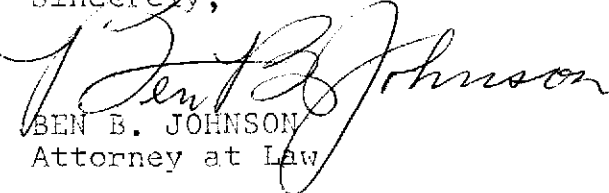
RE: Permit No. 27151, replaced
by Permit No. 28569

Dear Mr. Carter:

The blanks which you mailed in connection with the above numbered Permit have been referred to me, however, the permittee does not wish to furnish proof on this permit, but wishes to furnish proof on Permit No. 28569, which in fact, replaced in use Permit No. 27151. The permittee, under Permit No. 28569 is prepared to furnish proof of completion and beneficial use under Permit No. 28569, and I am enclosing herewith the Notice of Proof of Completion of Works and Application of Water to Beneficial Use.

Permit No. 27151 may be cancelled out or it may be just left open, whichever the department wishes.

Sincerely,


BEN B. JOHNSON
Attorney at Law

BBJ/jw

Encls.

28569

April 4, 1960

Re: Permit No. 28569
Oneida Stake-LDS

Mr. Ben B. Johnson,
Attorney at Law,
First Security Bank Bldg.,
Preston, Idaho.

Dear Mr. Johnson:

We enclose Permit No. 28569 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. 30046 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit, together with a .25¢ refund.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk
cc: Oneida Stake-LDS
Preston, Idaho

28569

NAME OF APPLICANT

Oneida Stake of the Church of Jesus Christ of
Latter Day Saints, a Corporation.

Form No. 0

35
Pump & Drain

Permit Map No. 28569

As Approved

GEO. N. CARTER

State Reclamation Engineer

MAR 30 1960

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

28569

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

NOTICE is hereby given that
at 2:00 P.M., on the 8th day of
November, 1962, at Preston,

County of Franklin, State of Idaho,
before Ted H. Larson, County
Public, at Preston, Idaho, proof
will be submitted of the completion of works for the diversion of 1.5 cubic feet per second of the waters of Unnamed drain, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 28569, 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 Onaida Stake of the Church of Jesus Christ of Later-day Saints, a Corporation, Preston, 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 1.5 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 1.5 cubic feet per second.

4. The point of diversion of said water is about 100 feet West of the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 35, Twp. 15 South, Range 38 E.B.M.

5. The place where said water is used is SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ also N $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35, Twp. 15 So., Range 38 E.B.M.

6. The date of priority which said user is prepared to establish is March 29, 1960.



GEO. N. CARTER

State Reclamation Engineer

No. 449—First Pub. Oct. 25, 1962

Last Pub. Nov. 15, 1962-28569

BEN B. JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO

RECEIVED
MAR 29 1960
Department of Reclamation

March 26, 1960

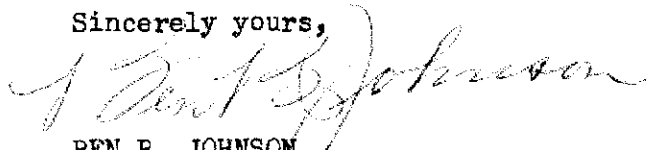
Department of Reclamation
State Capitol Building
Boise, Idaho

Gentlemen:

Enclosed herewith is check for \$5.50 together with application
for water permit.

Thank you.

Sincerely yours,


BEN B. JOHNSON
Attorney at Law

BBJ/jw

Encl.

28569