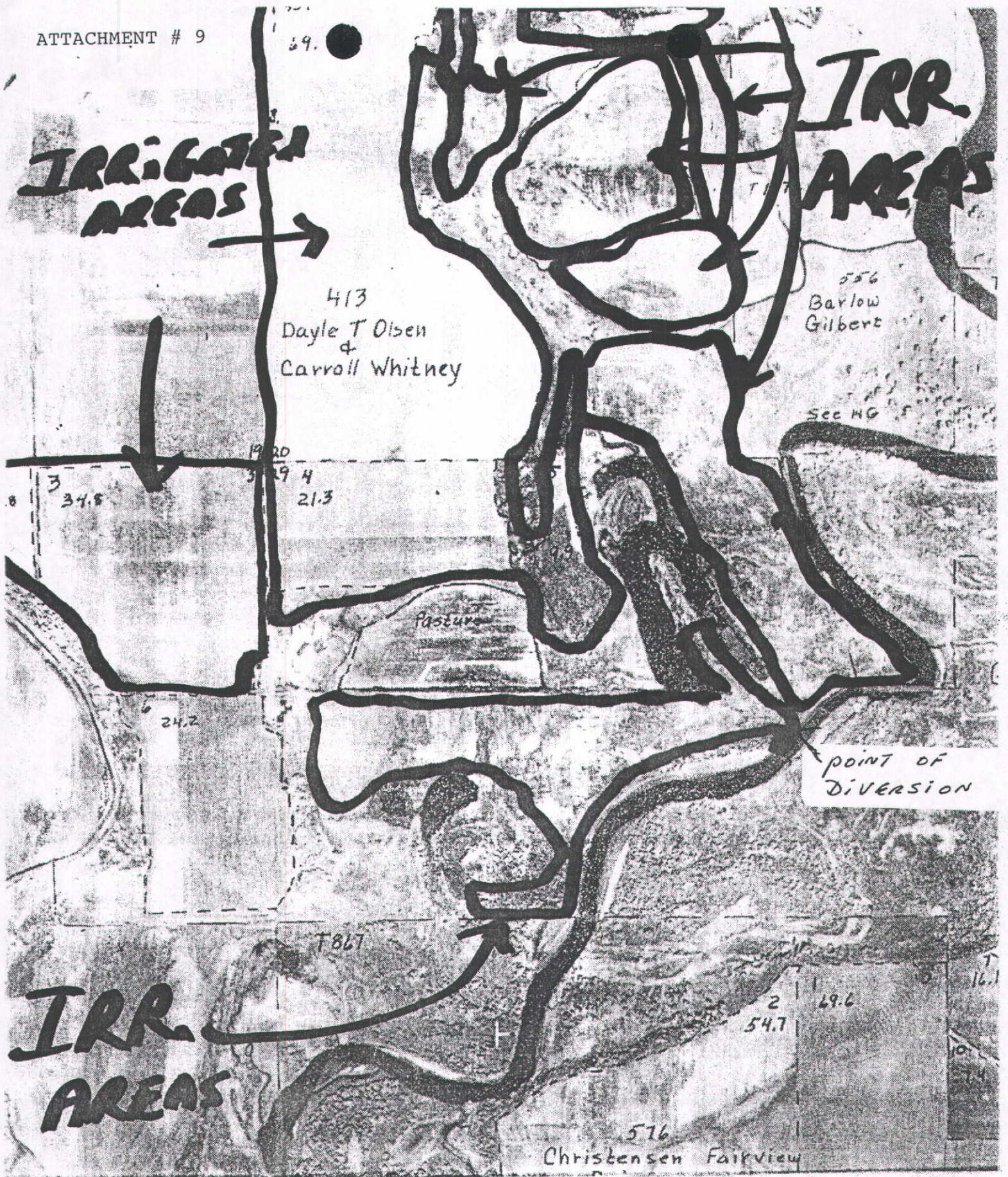




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Department of Water Resources Department of Water Resources
Eastern Region

R-39 E.

TO WESTON

19

Drain
RD.



29

T.
16
S.

Subdivisions 3
Land Irrigated 27 Acres

$Q = 2.519 \text{ c.f.s.}^x$
0.22' over $1\frac{1}{2}$ Cipolletti Weir

Sub. = 3
Area = 37a.
 $Q = .54 \text{ c.f.s.}$

in case he wishes to amend otherwise
2 Sub., and 30a.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Don E. Smith

, being duly sworn,

deposes and says:

That he is the Publisher of

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

Such notice was published in the issue beginning with

December 26, 1957, and endingwith the issue of January 16, 1958Fees, \$ 19.78Subscribed and sworn to before me this 12th dayof February, 1958

Notary Public, Residing at Preston, Idaho

My Commission Expires 5-1, 1961

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, 1958, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, Notary Public, proof will be submitted of the application to beneficial use of .50 cubic feet per second of the waters of an unnamed drain in accordance with the terms and conditions of Permit No. 26693 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Merlin Whitney, Weston, Idaho.

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

The amount applied to beneficial use is .50 cfs.

The place where said water is used: NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 29, Twp. 16 S. Rge 39 E.

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

The right to take water from such works is based upon Permit No. 26693.

The source of supply from which such water is diverted is an unnamed drain.

The date of priority which said user is prepared to establish is December 13, 1956.

MARK R. KULP

State Reclamation Engineer

First Pub. Dec. 26, 1957

Last Pub. Jan. 16, 1958

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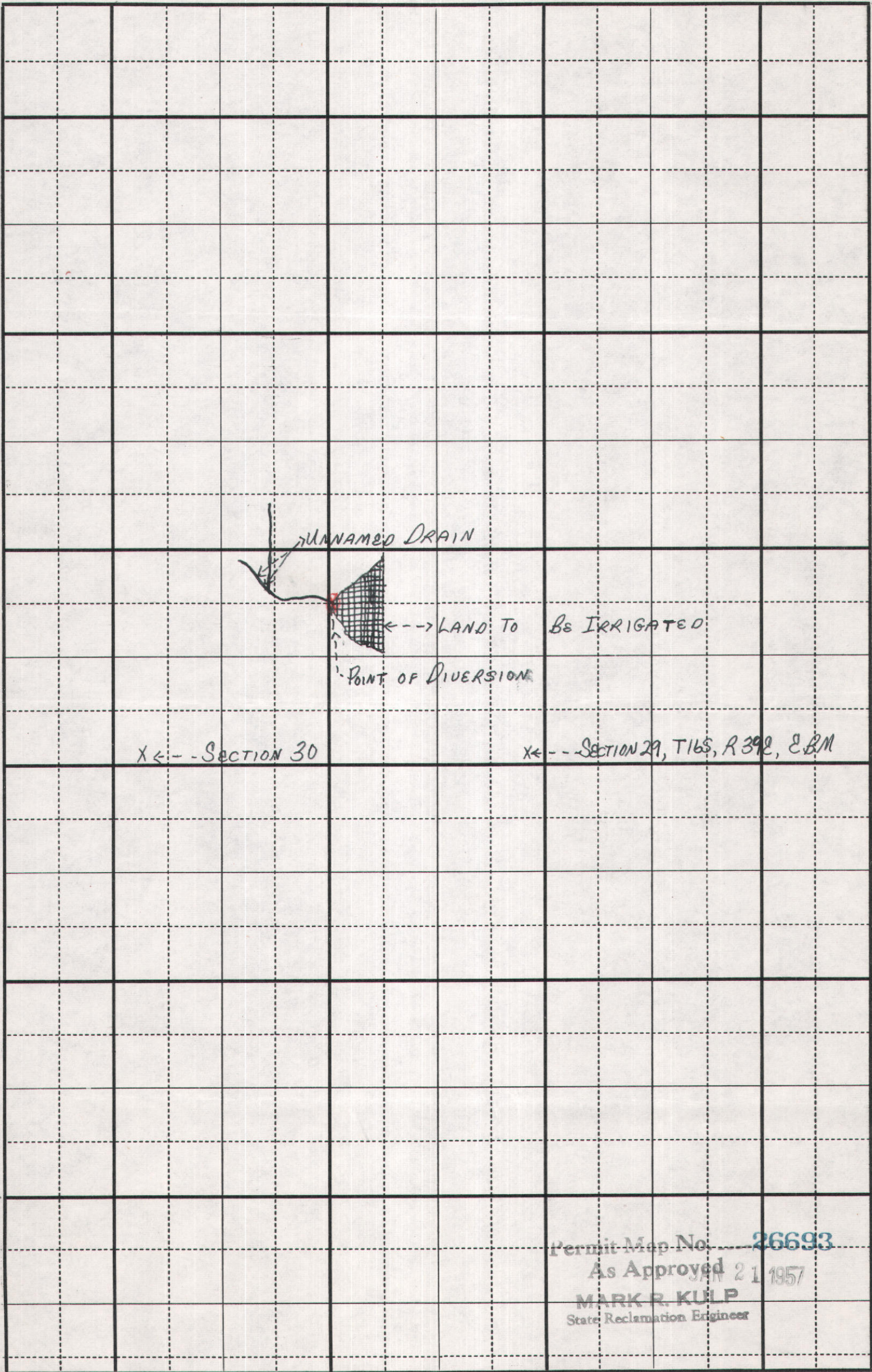
FEB 14 1958

Department of Reclamation

26693

NAME OF APPLICANT Orlin Whitney

Form No. 0



Permit Map No. 26693
As Approved 21 1957
MARK R. KULP
State Reclamation Engineer

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

26693

State of Idaho

License and Certificate of Water Right

Water License No. 26693

Amount .5 c.f.s.

Water District No.

Priority December 13, 1956

THIS IS TO CERTIFY that MERLIN WHITNEY
 of Weston, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated December 13, 1956; that Permit No. 26693
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 .50 second feet, was issued thereunder on December 11, 1957, showing that said works
 were completed on the 5th day of December, 1957; and that on the 19th
 day of March, 1958, MERLIN WHITNEY

of Weston, 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
 drain, a tributary of a constructed drain, for the purpose of Irrigation
 , under Use Permit No. 26693 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
 11 of Licenses at page 6578, on the 26th day of December, 1958;
 The right hereby confirmed dates from December 13, 1956;

The Point of Diversion is located
 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Tp. 16 S., R. 39 E., B. M. County Franklin

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 .5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	39 E.	29	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7	7
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	12	12
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	18	18
			Total number of acres irrigated	- - -	37

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

26th day of December, 1958.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-22867 Amount 5.32 c.f.s.
Water District No. _____ Priority June 23, 1952
THIS IS TO CERTIFY that JOHN N. HALVERSON - JOHN N. HALVERSON and ROY HALVERSON
of Jerome, Idaho, Assignee, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 23, 1952; that Permit No. G-22867
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.32 second feet, was issued thereunder on December 26, 1958, showing that said works
were completed on the 3rd day of July, 1958; and that on the 3rd
day of July, 1958, JOHN N. HALVERSON &
ROY HALVERSON

of Jerome, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean, for the purpose of Irrigation
, under Use Permit No. G-22867 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
11 of Licenses at page 6577, on the 26th day of December, 1958;
The right hereby confirmed dates from June 23, 1952;
The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 4, Tp. 7 S., R. 17 E., B. M. County Jerome
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 5.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	17 E.	4	NE 1/4 SW 1/4	--	40
			SW 1/4 SW 1/4	--	40
			SE 1/4 SW 1/4	--	40
		5	SE 1/4 SE 1/4	--	40
			NE 1/4 NE 1/4	--	40
			SE 1/4 NE 1/4	--	40
		8	NE 1/4 NW 1/4	--	40
			NW 1/4 NW 1/4	--	40
			SW 1/4 NW 1/4	--	40
			SE 1/4 NW 1/4	--	37
		9	SW 1/4 NE 1/4	--	20
			Total number of acres irrigated - - -		
			417		

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
26th day of December, 1958.
/s/ Geo. N. Carter
State Reclamation Engineer.
(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34559
PERMIT No. 26693
DISTRICT No.

13-2171

1. Name of Applicant: MERLIN WHITNEY

Postoffice address: Weston

County: Franklin

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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: .50

cubic feet per second.

3. Source of water supply: Unnamed drain, a constructed drain which is a tributary of Bear River

4. Location of point of diversion: 80 rods South

of feet distant from the NW

corner of Section 29, T. 16 S., R. 39 E., B. M., and is in the NW 1/4

of Section 29, T. 16 S., R. 39 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, 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: \$ 800.00

8. Kind of works: Ditch

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 1 feet; width at water line 3 feet; depth of water 2 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is none 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? 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/ Merlin Whitney

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. December 13, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26693

Recorded in Book 94 Page 26693 Approved January 21, 1957

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 March 21, 1957 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 July 21, 1957

The whole of said work to be completed on or before January 21, 1958

Beneficial use of water appropriated in accordance herewith, to be made on or before January 21, 1958

WITNESS My hand this 21st day of January, 1957.

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho,

and JAS. H. YOUNG, 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 21st

day of January, 19 57.

STATE OF IDAHO

Countersigned:

(SEAL)

By _____ ROBERT E. SMYLIE

Governor.

By.....JAS. H. YOUNG

Secretary of State.

REMARKS:

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 $\frac{1}{4}$	
16	39 E.	29					20 20												40
							Permit No. 23183 Certificate of Completion of Works												
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that MERLIN WHITNEY of Weston, County of Franklin, and State of Idaho, the holder of Permit No. 26693, issued upon Application No. 34559 bearing date of priority of December 13, 1956, authorizing the diversion of .50 second feet of the waters of an un-named drain, tributary to Bear River 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 .50 second feet of the waters of an un-named drain, tributary to Bear River that the point of diversion of said waters NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 16 South, Range 39 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 40 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, Township 16 South, Range 39 East, B.M. Proof of Completion of Works made: December 5, 1957																			
Witness my hand this 11th day of December, A.D. 1957																			
/s/ Mark R. Kulp State Reclamation Engineer																			
Proof of Completion of Works made: December 5, 1957 Certificate of Completion of Works issued: December 11, 1957.																			

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. 26693

Comes now MERLIN WHITNEY, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26693, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: NE $\frac{1}{4}$ NW $\frac{1}{4}$ (7ac), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (12a), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (18ac), Section 29, Township 16 South, Range 39 East, BM., making a total of 37 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at WESTON, IDAHO, this 11th day of December, 1958

/s/ Merlin Whitney

Date of receipt at office of Department of Reclamation
December 15, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 22693. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter
State Reclamation Engineer

Recorded: December 15, 1958

COPIES ISSUED FOR 15 SEC. 17.

Page 6578

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ATTACHMENT # 1

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

*** SEE FILE 13-02194 FOR SUPPORT DOCUMENTATION

1. Water Right Number(s) 13-4234, 13-4235, 13-4236, 13-4237, 13-2194

Adjudication Claim Number(s) _____

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2. The following REQUIRED information must be submitted with this form.

Department of Water Resources
Eastern Region

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Mervin E. or Merlin Whitney

Box 253, RR#1, Weston, Idaho 83286

4. New Owner/Claimant(s) Carroll E. Whitney or Whitney Gift Trusts

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/ORNew Mailing Address P.O. Box 151City, State and ZIP Code Weston, Idaho 83286New Telephone Number (435) 753 - 4598 or 281-292-3691

5. Date you acquired the property 8/24/93, 10/15/90, 12/30/92, 2/2/93, 10/23/98

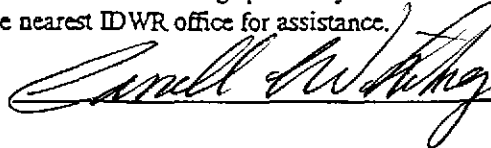
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

MICROFILMED Date 4/30/99

JUN 23 1999 Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

MICROFILMED

JUN 23 1999

May 5, 1999

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Gentlemen:

Attachment 1 - is a completed "Notice of Change of Water Rights Ownership" from indicating a change in ownership from Mervin E. & Merlin Whitney to Carroll E. Whitney and the "Whitney Gift Trusts".

The following provide supporting documentation:

Attachment 2 - Warranty Deed recorded 8/24/83 transfers 15% of the property from Mervin E. & Merlin Whitney to Carroll E. Whitney (7.5%) and Colleen W. Olsen (7.5%).

Attachments 3 & 4 - Deeds of Distribution recorded 10/15/90 transfer 42.5% of the property from the Mervin E. Whitney Estate to Carroll E. Whitney (21.25%) and Colleen W. Olsen (21.25%).

Attachments 5 & 6 - Warranty Deeds recorded 12/30/92 and 2/2/93 transfer 11.4% & 8.6% of the property from Carroll E. Whitney to the "Whitney Gift Trusts".

Attachment 7 - Personal Representative's Deed recorded 10/23/98 transfers 42.5% of the property from the estate of Merlin Whitney to Carroll E. Whitney (21.25%) and Colleen W. Olsen (21.25%).

Attachment 8 - Warranty Deed recorded 10/23/98 transfers 50% ownership of the property from Colleen W. Olsen to the "Whitney Gift Trusts".

The net effect of all the above changes is to make current ownership of the property. "Whitney Gift Trusts" 70%, Carroll E. Whitney 30%.

Attachment 9 - USDA Aerial photo outlining the acreage irrigated and the point of diversion for the water rights listed in attachment 1.

Sincerely,



Carroll E. Whitney
P.O. Box 151
Weston, Idaho 83286

Attachments

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Department of Water Resources
Eastern Region

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MAY 10 1999

Department of Water Resources

MICROFILMED

JUN 23 1999

163850

ALTC 4-2686

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MAY 05 1999

GIFT

WARRANTY DEED

Department of Water Resources
Eastern Region

For Value Received MERVIN WHITNEY and KATHRYN WHITNEY, husband and wife;
and MERLIN WHITNEY, a single man,

the grantors, do hereby grant, bargain, sell and convey unto CARROLL E. WHITNEY, as
to an undivided 7.5/100 interest; and COLLEEN W. OLSEN, as to an
undivided 7.5/100 interest,

whose current address is Route #1, Box 250
Weston, Idaho 83286

the grantees, the following described premises, in Franklin County Idaho, to wit:

Township 16 South, Range 39 East of the Boise Meridian

Section 29: NW $\frac{1}{4}$, ALSO, Commencing at the Northwest corner of the
NE $\frac{1}{4}$, thence East to the center of Bear River; thence
Southeasterly along said river to a point 80 rods, more
or less, East and 40 rods, more or less, South of the
point of beginning; thence Southwesterly to a point 50
rods South and 10 rods, more or less, East of the place
of beginning; thence West 10 rods; thence North 80 rods
to the place of beginning.

Section 30: All that portion of the South 18 rods of the W $\frac{1}{2}$ NE $\frac{1}{4}$ lying
East of the West Cache Canal Company.

All that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying East of the West
Cache Canal.

ALSO, all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying East of the
West Cache Canal.

ALSO, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 20: SW $\frac{1}{4}$.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantees do hereby covenant to and
with the said Grantors, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Mervin Whitney

Merlin Whitney

Kathryn Whitney

STATE OF IDAHO, COUNTY OF Franklin

the 24 day of August, 1983

appeared, a notary public in and for said State, personally
known Mervin Whitney and Kathryn Whitney,
and Merlin Whitney, a

Witness of the record of
Mervin Whitney and Kathryn Whitney

AUG 24 1983

MICHAEL A. FINE, RECORDER

MICROFILMED

JUN 23 1999

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ATTACHMENT # 3

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Recorded at the request of
Carroll E. Whitney
10:20 a.m. JUN 1 1999 p.m.Department of Water Resources
Eastern Region

LARA E. JOHNSON, RECORDER

By G. Shepherd Deputy
FRANKLIN COUNTY, IDAHODEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVES

THIS DEED, made by CARROLL E. WHITNEY and COLLEEN WHITNEY OLSEN, as personal representatives of the estates of MERVIN E. WHITNEY and KATHRYN CARROLL WHITNEY, both deceased, Grantors, to CARROLL E. WHITNEY whose address is 5013 South 2400 West, Weston, Idaho 83286.

WHEREAS, Grantors are the qualified personal representatives of said estates, filed as Probate Number 5219, in Franklin County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantors convey and release to Grantee the following described real property in Franklin County, Idaho:

An undivided 21.25% interest as tenant in common to the real property described in Exhibit "A" attached hereto and incorporated by reference SUBJECT to a life estate in and to Merlin M. Whitney, a single man of Weston, Idaho.

with all appurtenances.

EXECUTED this 16 day of October, 1990

Carroll E. Whitney

CARROLL E. WHITNEY
Personal Representative of the
Estates of Mervin E. Whitney and
Kathryn Carroll Whitney, both
deceased.

Colleen Whitney Olsen

COLLEEN WHITNEY OLSEN
Personal Representative of the
Estates of Mervin E. Whitney and
Kathryn Carroll Whitney, both
deceased.

RECORDED
JUN 23 1999

STATE OF IDAHO)
: ss.
County of Franklin)

On the 12 day of Oct, 1990, before me, a notary public, personally appeared CARROLL E. WHITNEY and COLLEEN W. OLSEN, known to me to be the persons whose names are subscribed to the within instrument, as personal representatives of the estates of Mervin E. Whitney and Kathryn Carroll Whitney, and acknowledged to me that they executed the same as such personal representatives.

G. Shepherd
Notary Public for Idaho
Residing at 2201 1st
My Commission expires: Aug 14, 1991

MAY 05 1999

Department of Water Resources
Eastern Region

EXHIBIT "A"

Parcel 1

Township 16 South, Range 39 East, Boise Meridian;
Section 29: NW1/4, ALSO Commencing at the NW Corner of the NE1/4, thence East to the center of Bear River; thence Southeasterly along said river to a point 40 rods, more or less, East and 80 rods, more or less, South of the point of beginning; thence southwesterly to a point 80 rods South and 10 rods, more or less, East of the place of beginning; thence West 10 rods; thence North 80 rods to the place of beginning. Excepting therefrom the following described property:

Commencing at a point 59 rods North of the Northwest Corner of the Southwest Quarter, Section 29, Township 16 South, Range 39 EBM; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

Section 30: All that portion of the South 18 rods of the W1/2NE1/4 lying East of the West Cache Canal Company.

Section 20: SW1/4.

Parcel 2

Township 16 South, Range 39 EBM
Section 30: All that portion of the SE1/4NE1/4 lying East of the West Cache Canal. ALSO, all that portion of the NW1/4NE1/4 lying East of the West Cache Canal.

Parcel 3

Township 16 South, Range 39 EBM
Section 30: NE1/4NE1/4.

Parcel 4

House and lot:
Commencing at a point 59 rods North of the Northwest corner of the Southwest Quarter, Section 29, Township 16 South, Range 39 EBM; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

MICROFILMED
JUN 23 1999

The above four parcels, for the purpose of simplification and the consolidation of the legal descriptions, can also be described as follows:

Township 16 South, Range 39 East, Boise Meridian;
Sec. 20: SW1/4
Sec. 29: NW1/4, also that portion of the NE1/4 lying West of the Bear River.
Sec. 30: All that portion of the NE1/4 lying East of the West Cache Canal.

182462 1-2

Recorded at the request of

ATTACHMENT # 4

RECEIVED

MAY 05 1999 10:10 a.m. OCT 15 1990 p.m.

Department of Water Resources
Eastern RegionLARA E. JOHNSON, RECORDER
By M. Shepherd Deputy
FRANKLIN COUNTY, IDAHODEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVES

THIS DEED, made by CARROLL E. WHITNEY and COLLEEN WHITNEY OLSEN, as personal representatives of the estates of MERVIN E. WHITNEY and KATHRYN CARROLL WHITNEY, both deceased, Grantors, to COLLEEN WHITNEY OLSEN, Grantee, whose address is 4988 South 2400 West, Weston, Idaho 83286.

WHEREAS, Grantors are the qualified personal representatives of said estates, filed as Probate Number 5219, in Franklin County, Idaho; and

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MAY 10 1999

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

Department of Water Resources

THEREFORE, for valuable consideration received, Grantors convey and release to Grantee the following described real property in Franklin County, Idaho:

An undivided 21.25% interest as tenant in common to the real property described in Exhibit "A" attached hereto and incorporated by reference SUBJECT to a life estate in and to Merlin M. Whitney, a single man of Weston, Idaho.

with all appurtenances.

EXECUTED this 12 day of Oct, 1990

Carroll E. Whitney

CARROLL E. WHITNEY
Personal Representative of the
Estates of Mervin E. Whitney and
Kathryn Carroll Whitney, both
deceased.

Colleen W. Whitney Olsen

COLLEEN WHITNEY OLSEN
Personal Representative of the
Estates of Mervin E. Whitney and
Kathryn Carroll Whitney, both
deceased.

STATE OF IDAHO)
 : ss.
County of Franklin)

MICROFILMED
JUN 23 1999

On the 12 day of Oct, 1990, before me, a notary public, personally appeared CARROLL E. WHITNEY and COLLEEN W. OLSEN, known to me to be the persons whose names are subscribed to the within instrument, as personal representatives of the estates of Mervin E. Whitney and Kathryn Carroll Whitney, and acknowledged to me that they executed the same as such personal representatives.

Callie Whitaker
Notary Public for Idaho
Residing at Idaho
My Commission expires: 8/14/92

RECEIVED

MAY 05 1999

Department of Water Resources
Eastern Region

EXHIBIT "A"

Parcel 1

Township 16 South, Range 39 East, Boise Meridian;

Section 29: NW1/4, ALSO Commencing at the NW Corner of the NE1/4, thence East to the center of Bear River; thence Southeasterly along said river to a point 40 rods, more or less, East and 80 rods, more or less, South of the point of beginning; thence southwesterly to a point 80 rods South and 10 rods, more or less, East of the place of beginning; thence West 10 rods; thence North 80 rods to the place of beginning. Excepting therefrom the following described property:

Commencing at a point 59 rods North of the Northwest Corner of the Southwest Quarter, Section 29, Township 16 South, Range 39 EBM; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

Section 30: All that portion of the South 18 rods of the W1/2NE1/4 lying East of the West Cache Canal Company.

Section 20: SW1/4.

Parcel 2

Township 16 South, Range 39 EBM

Section 30: All that portion of the SE1/4NE1/4 lying East of the West Cache Canal. ALSO, all that portion of the NW1/4NE1/4 lying East of the West Cache Canal.

Parcel 3

Township 16 South, Range 39 EBM

Section 30: NE1/4NE1/4.

Parcel 4

House and lot:

Commencing at a point 59 rods North of the Northwest corner of the Southwest Quarter, Section 29, Township 16 South, Range 39 EBM; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

The above four parcels, for the purpose of simplification and the consolidation of the legal descriptions, can also be described as follows:

Township 16 South, Range 39 East, Boise Meridian;

Sec. 20: SW1/4

Sec. 29: NW1/4, also that portion of the NE1/4 lying West of the Bear River.

Sec. 30: All that portion of the NE1/4 lying East of the West Cache Canal.

MICROFILMED

JUN 23 1999

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MAY 05 1999

ATTACHMENT # 5

WARRANTY DEED

Department of Water Resources
Eastern Region

For Value Received CARROLL E. WHITNEY, of 9 Coralvine Ct., The Woodlands, TX 77380

the grantor, does hereby grant, bargain, sell and convey unto the "Whitney Gift Trusts", CHARLES R. CHURCHWELL, Trustee, of 2907 Laurel Cherry Way, The Woodlands, TX 77380

the grantee, the following described premises, to-wit:

An undivided 11.4% interest in and to the following described premises located in Franklin County, State of Idaho:

REAL PROPERTY:

Township 16 South, Range 39 East, Boise Meridian:

Section 20: SW1/4

Section 29: NW1/4, also that portion of the NE1/4 lying West of Bear River

Section 30: All of that portion of the NE1/4 lying East of the West Cache Canal

The DAYLE T. OLSEN and COLLEEN WHITNEY OLSEN house and residence more fully described as follows:

Commencing at a point 59 rods North of the NW Corner of the SW1/4, Section 29, Township 16 South, Range 39 EBM; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

The purpose of this conveyance is to transfer by gift said undivided interest in and to the premises described above with all appurtenances and water rights to the "Whitney Gift Trusts" for the benefit of ERIC A. WHITNEY, JILL C. WHITNEY, and SCOTT D. WHITNEY in equal shares to said beneficiaries' respective accounts.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: DEC 28, 1992

Carroll E. Whitney
CARROLL E. WHITNEY

MICROFILMED

JUN 23 1999

STATE OF TEXAS COUNTY OF

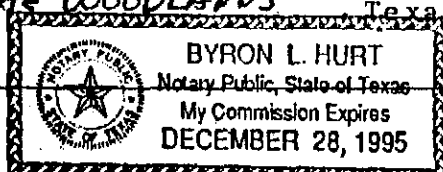
On this 28th day of December, 1992, before me, a notary public in and for said State, personally appeared

CARROLL E. WHITNEY

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Byron L. Hurt
Notary Public

Residing at THE WOODLANDS, Texas
Comm. Expires



STATE OF IDAHO, COUNTY OF Franklin

I hereby certify that this instrument was filed for record at the request of D.L. Evans

at 10 minutes past 2:00 o'clock P. M., this 30th day of December, 1992. In my office, and duly recorded in Book of deeds at page

Larae E. Johnson
Ex-Officio Recorder

By Ruth K. Rawlings
Deputy

Fees \$ 3.00
Mail to:

137 E. 50 South
Malad City, Idaho 83252
(208) 766-2201

D.L. EVANS, ESQ.
Attorney at Law

MAY 05 1999

Department of Water Resources
Eastern Region

ATTACHMENT # 6

WARRANTY DEED

For Value Received CARROLL E. WHITNEY, of 9 Coralvine Ct., The Woodlands, TX 77380

the grantor, does hereby grant, bargain, sell and convey unto the "Whitney Gift Trusts", CHARLES R. CHURCHWELL, Trustee, of 2907 Laurel Cherry Way, The Woodlands, TX 77380

the grantee, the following described premises, to-wit:

An undivided 8.6% interest in and to the following described premises located in Franklin County, State of Idaho:

REAL PROPERTY:

Township 16 South, Range 39 East, Boise Meridian:

Section 20: SW1/4

Section 29: NW1/4, also that portion of the NE1/4 lying West of Bear River

Section 30: All of that portion of the NE1/4 lying East of the West Cache Canal

The DAYLE T. OLSEN and COLLEEN WHITNEY OLSEN house and residence more fully described as follows:

Commencing at a point 59 rods North of the NW Corner of the SW1/4, Section 29, Township 16 South, Range 39 EBM; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

The purpose of this conveyance is to transfer by gift said undivided interest in and to the premises described above with all appurtenances and water rights to the "Whitney Gift Trusts" for the benefit of ERIC A. WHITNEY, JILL C. WHITNEY, and SCOTT D. WHITNEY in equal shares to said beneficiaries' respective accounts.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1/27/93

Carroll E. Whitney
CARROLL E. WHITNEY

MICROFILMED

JUN 23 1999

STATE OF TEXAS COUNTY OF MONTGOMERY
On this 27 day of January 1993,
before me, a notary public in and for said State, personally appeared

CARROLL E. WHITNEY

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at
Comm.



BYRON L. HURT
Notary Public, State of Texas
My Commission Expires
DECEMBER 28, 1995

Texas

STATE OF IDAHO, COUNTY OF Franklin

I hereby certify that this instrument was filed for record at the request of D.L. Evans

at 35 minutes past 10:00 o'clock A.m.,
this 2nd day of February, 1993. In my office, and duly recorded in Book of deeds at page

Larae E. Johnson

Ex-Officio Recorder

By *Ruth K. Rawlings*

Deputy

Fees \$ 3.00
Mail to:

137 E. 50 South
Malad City, Idaho 83252
(208) 766-2201

D.L. EVANS, ESQ.
Attorney at Law

STEVEN R. Muller

ATTACHMENT # 7

203955 1-2

— a.m. OCT 23 1998

3:25
— p.m.

V. ELLIOTT LARSEN, RECORDER

By Shauna Geddes Deputy**PERSONAL REPRESENTATIVE'S DEED** FRANKLIN COUNTY, IDAHO

THIS DEED made this 3rd day of September, 1998, between **COLLEEN OLSEN**, as Personal Representative of the Estate of **MERLIN M. WHITNEY**, deceased, hereinafter called "Grantor" and **CARROLL E. WHITNEY and COLLEEN OLSEN**, hereinafter called "Grantee".

WHEREAS, Colleen Olsen is the duly appointed and acting Personal Representative of the Estate of Merlin M. Whitney, deceased, having been appointed in Case No. SP-98-65 by the Magistrate Court of the Sixth Judicial District in Franklin County, Idaho on the 19th day of June, 1998; and,

NOW, THEREFORE, WITNESSETH, that the said Grantors, for valuable consideration, and for the purpose of distributing certain real property from the Estate of Merlin M. Whitney, deceased, do by these presents hereby distribute, bargain, sell, convey, and confirm unto the said Grantees and their heirs and assigns forever, a 42.5% interest, to be divided equally between the Grantees, each to own an undivided 21.25% interest, in that certain parcel of land, situate, lying and being in Franklin County, State of Idaho, as described as follows:

Township 16 South, Range 39 East, Boise Meridian:

Section 20: SW $\frac{1}{4}$

Section 29: NW $\frac{1}{4}$, also that portion of the NE $\frac{1}{4}$ lying West of Bear River

Section 30: All of that portion of the NE $\frac{1}{4}$ lying East of the West Cache Canal

EXCEPTING Olsen house and lot: Commencing at a point 59 rods North of the NW Corner of the SW $\frac{1}{4}$, Section 29, Township 16 South, Range 39 East of the Boise Meridian; thence North 16 rods; thence East 10 rods; thence South 16 rods; thence West 10 rods to the place of beginning.

RECEIVED

MICROFILMED

MAY 10 1999

JUN 23 1998

RECEIVED

PERSONAL REPRESENTATIVE'S DEED - Page 1

Department of Water Resources

MAY 15 1999

Department of Water Resources
Eastern Region

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders rents, issues and profits thereof;

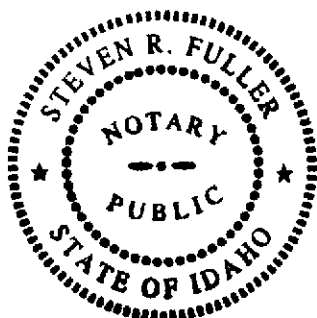
TO HAVE AND TO HOLD, all and singular the said premises together with the appurtenances unto the Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.

Colleen Olsen
COLLEEN OLSEN
Personal Representative

STATE OF IDAHO)
) ss.
County of Franklin)

On this 3rd day of September, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared **COLLEEN OLSEN**, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of MERLIN M. WHITNEY and acknowledged to me that she executed the same as Personal Representative of the Estate of MERLIN M. WHITNEY.



Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, ID
Comm. Expires: 2/17/99

MICROFILMED RECEIVED

JUN 23 1999

MAY 10 1999

Department of Water Resources

RECEIVED
MAY 10 1999

Department of Water Resources
Eastern Region

STEVEN R. FULGER

a.m. OCT 23 1998 3:30 p.m.

V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy
FRANKLIN COUNTY, IDAHO**WARRANTY DEED****FOR VALUE RECEIVED**

DAYLE T. OLSEN and COLLEEN WHITNEY OLSEN, husband and wife,
Grantors,

do hereby grant, bargain, sell and convey unto

CHARLES R. CHURCHWELL, Trustee of the "WHITNEY GIFT TRUSTS",

whose current address is: 2907 Laurel Cherry Way, The Woodlands,
Texas 77380, the Grantee, an undivided 50.0 % interest in and to
the following described premises located in Franklin County, State
of Idaho:

Township 16 South, Range 39 East, Boise Meridian

Section 20: SW $\frac{1}{4}$.

**Section 29: NW $\frac{1}{4}$, also that portion of the NE $\frac{1}{4}$ lying West of
Bear River.**

**Section 30: All of that portion of the NE $\frac{1}{4}$ lying East of the
West Cache Canal.**

The purpose of this conveyance is to transfer said undivided
interest in and to the premises described above with all
appurtenances and water rights including the following:

State of Idaho
Claim to Water Right #

13-4234
13-4235
13-4236
13-4237

State of Idaho
License of Water Right #

26693 and 13-2194

ALSO, 162.05 Shares of the Capital Stock of West Cache
Irrigation Company.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, its heirs and assigns forever.
And the said Grantors do hereby covenant to and with the said
Grantee, that they are the owners in fee simple of said premises;
that said premises are free from all encumbrances and that they
will warrant and defend the same from all lawful claims whatsoever.

MICROFILMED
JUN 23 1999

RECEIVED

MAY 10 1999

Department of Water Resources

RECEIVED

MAY 05 1999

Department of Water Resources
Eastern Region

DATED: September 3, 1998Dayle T. Olsen
DAYLE T. OLSENColleen Whitney Olsen
COLLEEN WHITNEY OLSEN

STATE OF IDAHO)

County of Franklin)

On this 3rd day of September, 1998, before me, the undersigned a Notary Public in and for said State, personally appeared **DAYLE T. OLSEN** and **COLLEEN WHITNEY OLSEN**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Picton, ID
Comm. Exp.: 2/19/99

RECEIVED

MICROFILMED MAY 10 1999

JUN 23 1999 Department of Water Resources

RECEIVED

MAY 05 1999

Department of Water Resources
Eastern Region

59.

IRRIGATED
AREAS

IRR
AREAS

413
Dayle T Olsen
&
Carroll Whitney

556
Barlow
Gilbert

Sec HG

21.3

POINT OF
DIVERSION

IRR
AREAS

Christensen Fairview

NOT TO SCALE
MICROFILMED
JUN 23 1999

15 G
RECEIVED RECEIVED
MAY 10 1999 MAY 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARROLL E WHITNEY
WHITNEY GIFT TRUSTS
PO BOX 151
WESTON ID 83286

RE: Water Right 13-02194 & Claims 13-04234/04235/04236/04237

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right and claims to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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

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

Sincerely,

LGS L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR-Western Region

MICROFILMED

SEP 23 1999

December 26, 1958

Re: Permit No. 26693

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

In connection with Permit No. 26693 we enclose the following:

1. Amendment to land list
2. License and Certificate of Water Right
3. Departmental receipt #29405 for fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

26693

RT

December 15, 1958

Re: Permit No. 26693

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

Our September 30, 1958, letter was in error. The Certificate of Completion of Works was issued in December 1957. Therefore the fee due for completion of water right is only six dollars for the License and Certificate of Water Right.

We return your check for \$11.00 and ask that you remit one for six dollars for the License.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc. Check \$11.00

26693

DEC 15 1958
U.S. Department of Reclamation

To Permit to Appropriate the Public Waters
of the State of Idaho, No. 26693

Comes now MERLIN WHITNEY, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 26693, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ (7ac), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (12ac), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (18ac), Section 29, Township 16 South,

Range 39 East, P.M.

making a total of 37 acres.

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

Signed at WESTON, IDAHO this 11th day of December, 1958.

Date of receipt at office of Department of Reclamation December 15, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 22693. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

26693

GEO. N. CARTER
State Reclamation Engineer

September 30, 1958

Re: Permit No. 26693

Mr. Merlin Whitney
Weston.
Idaho

Dear Mr. Whitney:

Our field engineer's report on his inspection of the beneficial use of the water under the terms of Permit No. 26693 shows that the works are capable of conveying 10 miners' inches (.5 c.f.s.) of water from an unnamed drain and that you have irrigated 37 acres in the $W\frac{1}{2}NW\frac{1}{4}$, and $NE\frac{1}{4}NW\frac{1}{4}$ of Section 29, Township 16 South, Range 39 East, B.M. The record of the permit does not include the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 29, therefore, if you wish license to be issued to include the 7 acres which are irrigated in this "40" it will be necessary to amend the permit to include the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 29. We enclose an Application for Amendment for this purpose.

Upon receipt of the amendment, mentioned above, and the statutory fees, totaling \$11.00, we will issue the Certificate of Completion of Works and the License and Certificate of Water Right (fees are five dollars for the Certificate of Completion of Works and six dollars for the license) confirming the right with priority of February 11, 1957, to the use of .5 second foot of water from an unnamed drain, with point of diversion in the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 29, for irrigation of 37 acres in the $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$ of Section 29, Township 16 South, Range 39 East, B.M.

If you do not wish to amend the permit to include the seven acres in the $NE\frac{1}{4}NW\frac{1}{4}$, the fee for the license will be \$4.00 (fee is based at the rate of two dollars for each 40-acre subdivision) and the license will be issued confirming the right to .5 second foot of water for irrigation of 30 acres in the $W\frac{1}{2}NW\frac{1}{4}$ of Section 29.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

EPR:nls
Enc.

Chief Clerk

26693

RWJ

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26693

REPORT ON PROOF OF Beneficial Use

Merlin Whitney, Weston, Idaho

26693

R-39E

TO WESTON

19

RD.

29



T.
16
S.

Subdivisions 3
Land Irrigated 27 Acres

$Q = 2.519 \text{ c.f.s.}^x$
0.22' over $1\frac{1}{2}$ Cipolletti weir

bed = 3
Area = 37a.
 $Q = .54 \text{ c.f.s.}$

in case he wishes to amend otherwise
2 bed, and 30a.

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

Permit No. 26693This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Merlin Whitney2. Source of water supply: Un-named drain, a constructed drain3. Location of point of diversion: Is in the NW 1/4 of Section 29T. 16 S R. 39 E. B.M. County of Franklin OLWS

4. Describe works as they exist, giving dimensions and capacities of same: Approximately 1 mile of drains develops the water. A pond immediately above the point of diversion stores about 1/2 Acre foot of water; 1/2 mile of unlined ditch distributes the water to the land. 8 acres is in alfalfa the remainder is pasture. High river stages may flood some of the pasture land.

5. Water is used for: irrigation6. 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):

^{20 each}
40 acres in NW 1/4 of Sec. 29., Twp. 16 S., Rge. 39 E., B. M. OLWS

filed 12/19/56

Due 1/21/58

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

8. What large stream would the water here appropriated finally reach? Bear River if not dissipated on flats before reaching it.

Remarks: The 8-15-58 examination was made with Mr. Merlin Whitney. He requests to add NE 1/4, NW 1/4, Sec. 29, T16S, R39E to the subdivisions irrigated

This examination was made on the 15 day of Sept., 1958

(Signed)

[Signature]
Examiner.

Merlin Whitney
Weston, Idaho

Permit No. 26693

Examination for Beneficial Use

County Franklin

29-168-34E

Q2 0.5 a.f.s.

S2 Un-named drain

P.D. 2 NW. NW, Sec. 29, T. 16 S. - R. 34 E

Use = Irrigation

Filed = Dec. 13, 1956

Due = Jan. 21, 1958

J.W. - 12-11-57

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.

RECEIVED
SEP 24 1958

Department of Irrigation

26693

Q = 0.22' over 15' slope
= 26 Miners inches

May 16, 1958

RE: Permit No. 26693

Mr. Merlin Whitney
Weston, Idaho

Dear Mr. Whitney:

This acknowledges receipt of the depositions of Holder and two witnesses and the affidavit of publication in The Preston Citizen in proof of beneficial use under Permit No. 26693.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

26693

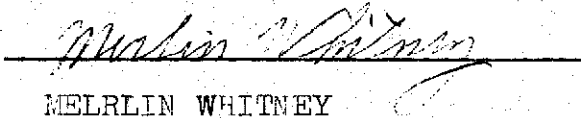
RECEIVED
MAY 11 6 1958
Department of Reclamation

A F F I D A V I T

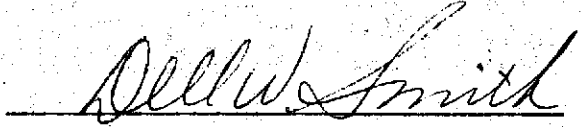
STATE OF IDAHO,

COUNTY OF FRANKLIN, SS.

MERLIN WHITNEY, being first duly sworn deposes and says:
That I did not go before the Notary Public on the 21st day of
January, 1958, on the grounds and for the reasons that at that
time and until the 19th day of March, 1958, I was at home confined
with the flu, an illness, which keep me in bed and under a Dr.'s
care, and I was unable to appear before him on the date first
above mentioned, because of said illness.


MERLIN WHITNEY

Subscribed and sworn to before me this 9th day of May, 1958.


Notary Public for Idaho
Residing at: Preston, Idaho

266 93

A F F I D A V I T

RECEIVED
MAY 16 1958
Department of Reclamation

STATE OF IDAHO

COUNTY OF FRANKLIN, SS.

DELL W. SMITH, being first duly sworn deposes
and says:

That I was present in my office during the
office hours of January 21, 1958. The day set
for notice for proof of application of water to
beneficial use in connection with Permit No. 26693.

No person appeared in my office that day
before nor since to protest the issuance of said
proof.

Dell W. Smith

DELL W. SMITH

Subscribed and sworn to before me this 9th day of
May, 1958.

Dana Muir

Notary Public for Idaho
Residing at Preston, Idaho

26693

May 1, 1958

26693

Mr. Merlin Whitney
Weston, Idaho

Dear Mr. Whitney:

We are enclosing a copy of a letter mailed to you
under date of March 21, 1958.

This is a reminder that we have not received any
communication from you in regard to said letter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Enclosure

26693

March 2, 1958

Re: Permit No. 26693

Mr. Merlin Whitney
Weston, Idaho

Dear Mr. Whitney:

We wish to acknowledge receipt of the Proof of Application of Water to Beneficial Use in connection with Permit No. 26693, in connection with the water filing on an un-named drain.

In checking over the answers to the deposition of holder and the two witnesses, we find that the depositions are in good good form, except we observe that the depositions were made and signed before a Notary dated March 19, 1958. On the publication notice published in the paper your depositions were to be taken before Dell W. Smith, Notary Public, on January 21, 1958.

The reason why publication notice is necessary is to state the time and before whom proofs are to be made, so that any person or persons protesting said proofs may be able to appear and state their objections.

Since you have failed to have the depositions taken on January 21, 1958, as stated in the publication notice, it will now be necessary for you to furnish this department with an affidavit sworn before a notary public giving the reason why you did not appear and have your depositions taken on the 21st day of January, in place of March 19, 1958. Also it will be necessary to show by affidavit that no one appeared before said notary on the 21st day of January, 1958 or before, to protest the issuance of said proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

26693

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 20 1958
Department of Reclamation

Permit No. 26693

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. MERLIN WHITNEY, 51 age, WESTON, 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.

Ans. _____

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

Ans. 26693 ~~26693~~ January 21st, 1957. → 12-13-56

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

Ans. Unnamed drain, 80 rods south of the NW corner of section 29, T. 16 S. R. 39 E.B.M.

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. Drain ditch, will convey .50 cubic feet per second, conducted by drain 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, NW $\frac{1}{4}$ NW $\frac{1}{4}$ - SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29 Twp. 16 R. 39 E.B.M.
cultivated land, was dry farming now is irrigated, and raises
row crops.

29 ✓

26693

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. .50 Cubic feet per second.

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. .50 Cubic feet per second has been used to irrigated row crops.
during the summer of 1957.

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) Martin A. Smith

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 Praston, County of Franklin,

State of Idaho, on this 19th day of March, A. D. 1958.

Dell W. Smith

My commission expires April 4th, 1960

26693

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**RECEIVED**
MAR 20 1958
Department of ReclamationPERMIT NO. 26693**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. DOUGLAS ROSE, 43, WESTON, IDAHO

Ques. 2. Are you acquainted with MERLIN WHITNEY, the holder of Permit No. 26693? How long have you known him and where does he reside?

Ans. Known for 40 years, and resides at Weston, Idaho

Ques. 3. Have you read or heard read said Permit No. 26693, 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. Source of water: Unnamed drain, 80 rods south of the NW corner of Section 29 T. 16 S. R. 39 E. B. M. Conveyed by drain ditch.

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. .50 cubic feet per second, works will carry and seen used.

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, nw¹/₄ nw¹/₄ - sw¹/₄ nw¹/₄ sec. 29, T. 16 S. R. 39 E. B. M.

26693

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. Dry before irrigation, now raising row crops, .50 Cubic feet per sec.

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

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. During the summer of 1957 the irrigation season. and used
.50 Cubic feet per second.

(Signed) Douglas Rose

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 19th day of March,
A. D. 19 58.

DeW. Smith
Notary Public.

My commission expires April 4th, 1960.

26693

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 20 1958
Department of Reclamation

PERMIT NO. 26693

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. JASPER RASMUSSEN, 53, WESTON, IDAHO

Ques. 2. Are you acquainted with MERLIN WHITNEY, the holder of Permit No. 26693? How long have you known him and where does he reside?

Ans. Known for 40 years, and resides at Weston, Idaho

Ques. 3. Have you read or heard read said Permit No. 26693, 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. Source of water: Unnamed drain, 80 rods South of the NW corner of Section 29, Township 16 South, Range 39 East of the Boise Meridian. Conveyed by drain ditch.

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. .50 cubic feet per second, works will carry and seen used.

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, NW $\frac{1}{4}$ NW $\frac{1}{4}$ -SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, Township 16 South, Range 39 E.B.M.

26693

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. Dry before irrigation, now raising row crops, .50 cubic feet per sec.

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

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. During the summer of 1957 the irrigation season, and used .50 cubic feet
per second.

(Signed) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston,
County of Franklin, State of Idaho, on this 19th day of March,
A. D. 1958.

DeW. Smith

Notary Public.

My commission expires April 4, 1960.

26693

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Walter E. Smith

, being duly sworn,

deposes and says:

That he is the *Publisher* of

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

December 24

19*57*, and ending

with the issue of

January 16

19*58*

Walter E. Smith

Fees, \$ *19.77*

Subscribed and sworn to before me this *12th* day

of *February*, 19*58*

Notary Public, Residing at Preston, Idaho

My Commission Expires *2-1* 19*61*

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, 1958, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, Notary Public, proof will be submitted of the application to beneficial use of 50 cubic feet per second of the waters of an unnamed drain in accordance with the terms and conditions of Permit No. 26693 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Merlin Whitney, Weston, Idaho.

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

The amount applied to beneficial use is .50 cfs.

The place where said water is used: NW1/4NW1/4 and SW1/4-NW1/4, Sec. 29, Twp. 16 S. Rge 39 E.

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

The right to take water from such works is based upon Permit No. 26693.

The source of supply from which such water is diverted is an unnamed drain.

The date of priority which said user is prepared to establish is December 13, 1956.

MARK R. KULP

State Reclamation Engineer

First Pub. Dec. 26, 1957

Last Pub. Jan. 16, 1958

RECEIVED
FEB 14 1958

DEPARTMENT OF AGRICULTURE

26693

February 14, 1958

Re: Permit No. 26693

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

To date, we have not received the depositions of holder and two witnesses regarding beneficial use proof under the terms of Permit No. 26693. Please send them. We received the Affidavit of Publication today.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

26693

RECEIVED
DEC 9 1957

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

Department of Reclamation

Notice is hereby given that at 10:00 A. M. on the 21st day of January, 1958,
at Preston, County of Franklin, State of Idaho, before
Dell W. Smith a Notary Public for Idaho, proof will be submitted of the
application to beneficial use of .50 cubic feet per second of the waters of an unnamed drain
in accordance with the terms and conditions of Permit No. 26693
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
Merlin Whitney, Weston, Idaho.

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is .50 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
20 acres in the nw 1/4 and 20 acres in the sw 1/4 of section 29,
Township 16 South, Range 39 East of the Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
an unnamed drain.

The right to take water from such works is based upon Permit No. 26693

The source of supply from which such water is diverted is an unnamed drain.

The date of priority which said user is prepared to establish is Dec. 13, 1956
January 21st, 1958

State Reclamation Engineer.

26693

11/27/57

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, 1958,
at Preston, County of Franklin, State of Idaho, before
Dell W. Smith, Notary Public, proof will be submitted of the
application to beneficial use of .50 cubic feet per second of the waters of an unnamed drain
in accordance with the terms and conditions of Permit No. 26693
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person ~~of application~~ holding said permit ~~is~~ is

Merlin Whitney, Weston, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is .50 cfs.

The place where said water is used ~~is for irrigation, by the following and accurate description of the lands irrigated~~

NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 16 S., Rge. 39 E.

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

unnamed drain

The right to take water from such works is based upon Permit No. 26693

The source of supply from which such water is diverted is an unnamed drain

The date of priority which said user is prepared to establish is December 13, 1956

MARK R. KULP

State Reclamation Engineer.

26693

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 26693
Merlin Whitney

Date: December 10, 1957

Preston Citizen
Franklin, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **January 21st, 1958** the date set for proof, the expense of the publication to be paid by the applicant, **Merlin Whitney** of **Weston, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm
Encl.

26693

December 11, 1957

Re: Permit No. 26693

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

Enclosed is the Certificate of Completion of Works issued under Permit No. 26693 for the diversion of .50 second foot of water from an un-named drain, with the point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 16 South, Range 39 East, B.M., for irrigation of 40 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, Township 16 South, Range 39 East, B.M.

#28892 for

Enclosed also is departmental receipt No. /\$5.00, issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

26693

Permit No. 26693

STATE OF IDAHO
Department of ReclamationRECEIVED
DEC 9 1957

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of FRANKLIN

ss.

MERLIN WHITNEY

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. 26693, and that his postoffice address is WESTON

State of IDAHO

Second: That the name of the stream from which said water is to be diverted is

✓ Unnamed drain.

Third: That the point of diversion of said water is 80 rods south of the NW corner of section 29, Township 16 South, Range 39 East of Boise M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 21st, 1958.

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: ✓ Ditch.

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(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 Ditch width at bottom 1 feet, width at water line 3
(State whether ditch, flume or pipe)

feet, depth of water 1 feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use .50 second feet of water.

Eighth: That water appropriated under said permit is available for 40 acres of land described as follows:

20 acres nw 1/4 nw 1/4 20 acres sw 1/4 nw 1/4.

Ninth: Remarks: That

(Sign Here)

Subscribed and sworn to before me this 5th day of December, 1957

My commission expires April 4, 1960.

Notary Public.
Residing at: Preston, Idaho

26693

RHS

December 10, 1957

RE: Permit No. 26693

Mr. Merlin Whitney
Weston, Idaho

Dear Mr. Whitney:

This acknowledges receipt of the Notice of proof of application of water to beneficial use under Permit No. 26693, to be made at Preston at 10:00 A.M. on the 21st day of January, before Dell W. Smith, Notary Public.

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

In completing the enclosed depositions, it is very important that they be executed by you and two disinterested witnesses, who are familiar with the terms and the work done thereunder, at the time, date, place and before the Notary as advertised in the publication Notice, as well as all other necessary information called for. The signatures and the Notary's seal are essential.

When returning the depositions to this office, please be sure to include the affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm
Encl.

cc. Dell W. Smith

26693

RECEIVED
DEC 9 1957

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATION **Department of Reclamation**

(Date) Dec 5th, 1957

Weston, Idaho
Address

 City State

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

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.

Franklin Co.

By

Martin N. [Signature]

(In case of canals or other works requiring 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

26693

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. 26693

FOISE

November 1, 1957

Mr. Merlin Whitney
Weston, Idaho

Dear Sir:

Under the terms of your permit No. 26693 you are required to complete your diversion works and make proof of beneficial use on or before January 21, 1958.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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 of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is January 21, 1958, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK B. KULP

State Reclamation Engineer

26693

February 14, 1957

Re: Permit No. 26693

Mr. Merlin Whitney
Weston, Idaho

Dear Mr. Whitney:

We enclose Permit No. 26693 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental receipt No. 28309 is enclosed which was issued covering payment of the \$5.00 filing fee in connection with the above captioned permit.

We have received the original and two copies of the "Consent to File on Water" of which we have attached one copy thereof to your Permit.

Thank you kindly for your note received, however.

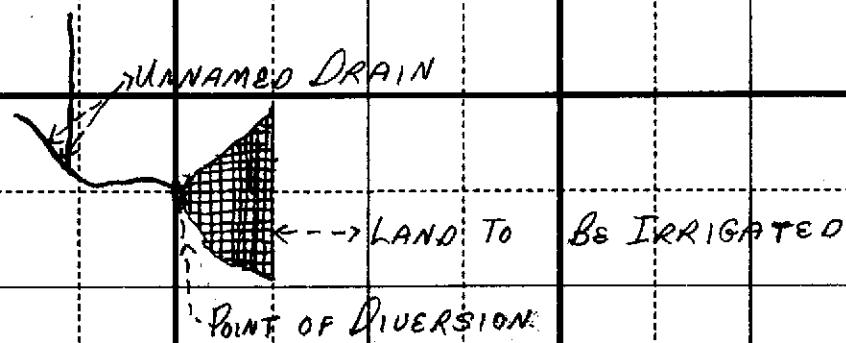
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:ab
Enclosures (3)

26693



X ← - - SECTION 30

X ← - - SECTION 29, T16S, R39E, EBM

Permit No. 26693

As Approved 21 1957

WILLIAM K. KULP
State Reclamation Engineer

January 4, 1957

Re: Application No. 34559

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

We acknowledge receipt of your Application for Permit to appropriate the waters from an un-named drain, a constructed drain, which is a tributary of Bear River.

Before we can process your application it will be necessary for you to furnish us a statement from the owners or who ever built said drain, giving you permission to file on the waters of the drain ditch.

If this is not possible, please give us all the information in connection with said drain as to who constructed it, for what purpose and whether anyone else is using the waters of the drain.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RET:nls

26493



ROBERT E. SMYLIE
GOVERNOR

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

BOISE

January 4, 1957

RECEIVED
JAN 11 1957

Department of Reclamation

Re: Application No. 34559

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

We acknowledge receipt of your Application for Permit to appropriate the waters from an un-named drain, a constructed drain, which is a tributary of Bear River.

Before we can process your application it will be necessary for you to furnish us a statement from the owners or who ever built said drain, giving you permission to file on the waters of the drain ditch.

If this is not possible, please give us all the information in connection with said drain as to who constructed it, for what purpose and whether anyone else is using the waters of the drain.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Roy W. Thompson
Office Manager

RWT:nls

Would you kindly look in your file to see if there was not a consent to use the water by the owner of the drain. It was sent with the application.

Very truly yours,

Merlin Whitney
jc

26693

CONSENT TO FILE ON WATER

I, Jasper Rasmussen, hereby give my consent to one Merlin Whitney to file on the water entering into and leaving an unnamed drain. Said drain is a constructed drain, and located along the East line of the South-West quarter of the Southeast quarter of section nineteen (19), Township 16 South, Range 39 East of the Boise, Meridian


Jasper Rasmussen

26693

CONSENT TO FILE ON WATER

I, Jasper Rasmussen, hereby give my consent to one Merlin Whitney to file on the water entering into and leaving an unnamed drain. Said drain is a constructed drain, and located along the East line of the South-West quarter of the Southeast quarter of section nineteen (19), Township 16 South, Range 39 East of the Boise, Meridian


Jasper Rasmussen

December 3, 1956

Mr. Merlin Whitney
Weston
Idaho

Dear Mr. Whitney:

We acknowledge receipt of your Application to Appropriate the Public Waters of the State of Idaho from an un-named drain. For approving said application it will be necessary to have more information on this un-named drain.

Is this un-named drain a constructed drain, and by whom? If the drain does not belong to you, it will be necessary to have permission from the owner of said drain before you can file on same.

If this is a natural drainage course, so state.

You failed to answer question number seven (7); estimated cost of works: which you state is a ditch. Give the estimated cost of constructing said ditch. Answer number eleven (11) in the application.

We are returning said application for the above stated correction, also your check which is attached to same, which you can return with the corrected application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls

Encl:

26693

~~26693~~

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, 1958, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, Notary Public, proof will be submitted of the application to beneficial use of .50 cubic feet per second of the waters of an unnamed drain in accordance with the terms and conditions of Permit No. 26693 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Merlin Whitney, Weston, Idaho.

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

The amount applied to beneficial use is .50 cfs.

The place where said water is used; NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 29, Twp. 16 S. Rge 39 E.

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

The right to take water from such works is based upon Permit No. 26693.

The source of supply from which such water is diverted is an unnamed drain.

The date of priority which said user is prepared to establish is December 13, 1956.

MARK R. KULP

State Reclamation Engineer

First Pub. Dec. 26, 1957

Last Pub. Jan. 16, 1958

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