

J. N. LARSEN COMPANY

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



RECEIVED

AUG 4 1965

Department of Reclamation
State House
State of Idaho
Boise, Idaho

Department of Reclamation August 3, 1965

Gentlemen:

We would like to obtain some information concerning a water right which arises in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 Twp 15 SR 39 EBM, Franklin County, and runs through the SW $\frac{1}{4}$ said section 16, and into the NE $\frac{1}{4}$ Section 20, Twp 15 SR 39 EBM, where it is stored in reservoir on the property of H.R. Bingham.

Mr. Bingham has a right on this stream. However we would like to know if he has all of it. Whether or not part of it can be filed on for other land in the general vicinity.

Yours very truly,

J.N.LARSEN COMPANY

By


Ted B. Larsen

TBL/s

24153 p5699

24153

N.R. Nelson filed first.

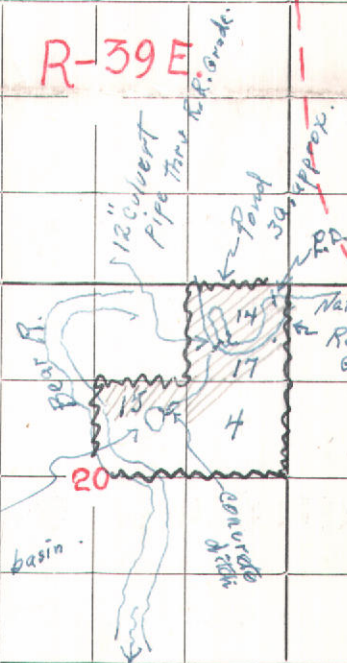
T.
15
S.

Mr. Palmer

W. B. Weller

50 acres tax district

R-39 E



US. HWY. No. 91

Carries water from a drain constructed by Preston & Franklin Co.

PRESTON

Subdivisions = Three
Area = 50 acres
Q = 50 inches

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Alon 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

April 28

1955, and ending

with the issue of

May 19

1955

Alon E. Smith

Fees, \$

19.27

Subscribed and sworn to before me this 28 day

of

May

1955

Notary Public, Residing at Preston, Idaho

My Commission Expires

Nov. 29

1958

NOTICE FOR PUBLICATION Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10 a.m. on the 28th day of May, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 24153 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 H. R. Bingham and Eldon B. Bingham, Weston, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used: 25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None.

The right to take water from such works is based upon Permit No. 24153.

The source of supply from which such water is diverted is Unnamed stream.

The date of priority which said user is prepared to establish is May 1, 1953.

Mark R. Kulp
State Reclamation Engineer.

17-20c

24153

Shaded portion indicates
land to be irrigated.

Sec. 20
Tp. 15S.
R. 39 E.B.M.

Airport

Line indicates ditch
Circle indicates location of
catch reservoir from which
diversion is made.

Permit Map No. 34153
As Approved
MAY 29 1953
MARK R. KULP
State Reclamation Engineer

State of Idaho

License and Certificate of Water Right

Water License No. 24153

Amount 1.0 c.f.s.

Water District No.

Priority May 1, 1953

THIS IS TO CERTIFY that H. R. BINGHAM AND ELDON B. BINGHAM
 of Weston, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated May 1, 1953; that Permit No. 24153
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 1.0 second foot, was issued thereunder on October 29, 1954, showing that said works
 were completed on the 18th day of May, 1954; and that on the 28th
 day of May, 1955,

H. R. BINGHAM and ELDON B. BINGHAM

of Weston, R. F. D., 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
 stream, a tributary of none, for the purpose of irrigation use
 under Use Permit No. 24153 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 9 of Licenses at page 5699, on the 26th day of April, 1956;

The right hereby confirmed dates from May 1, 1953;

The Point of Diversion is located ten rods West and ten rods South of the NE corner of Sec. 20 &
 in the NE 1/4 NE 1/4, Sec. 20, Tp. 15 S, R. 39 E., B. M. Franklin County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 1.0 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	39 E	20	NE 1/4 NE 1/4	25	31
			SW 1/4 NE 1/4	20	15
			SE 1/4 NE 1/4	5	4
			Total Number of Acres Irrigated -	- - -	50

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 April, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 22839 Amount 1.4 second feet
Water District No. Priority July 14, 1952

THIS IS TO CERTIFY that JOSEPH P. BRUMBACH
of Parma, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 12, 1952; that Permit No. 22839
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on June 18, 1954, showing that said works
were completed on the 14th day of June, 1954; and that on the 18th
day of July, 1955,
JOSEPH P. BRUMBACH
of Parma, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of drain ditch
~~contributory of~~ (un-named stream), for the purpose of irrigation use
, under Use Permit No. 22839 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5700, on the 26th day of April, 1956;
The right hereby confirmed dates from July 14, 1952;
The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 14, Tp. 5 N., R. 6 W., B. M. Canyon County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	6 W	14	SW 1/4 NE 1/4	40	35
			NE 1/4 SE 1/4	40	35
			Number of Acres Actually Irrigated	-	- 70

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 April, 1956.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

13-2175

APPLICATION No. 31929
 PERMIT No. 24153
 DISTRICT No.

H. R. Bingham
 Weston, Idaho

1. Name of Applicant: H. R. BINGHAM and ELDON B. BINGHAM

Postoffice address: Weston

County:

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: One cubic feet per second.

3. Source of water supply: Unnamed stream which is a tributary of none

4. Location of point of diversion: about 10 rods West and 10 rods^{South} distant from the NE corner of Section 20, T. 15 S, R. 39 E, B.M., and is in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, T. 15 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: \$ 3000.00

8. Kind of works: Dam to create a small catch reservoir with concrete headgate, with ditch and pump and sprinkling system.

9. Height of dam 4 feet; length of dam at top 30 feet; length of dam at bottom 30 feet; material used in dam: earth

The headgate will have to be large enough to take care of spring run off which sometimes amounts to 15 or 20 second feet. feet.

10. Size of headgate: Width feet; height 15 or 20 second feet. feet.
 Ditch sufficient for second foot of water and be about forty rods long.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
 Pipe for sprinkling system will be 5, 4 and 3 inch.
 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 one 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:

reservoir

16. (a) Is reservoir to be used? Just a small catch/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.

H. R. BINGHAM

Applicant.

By Eldon B. Bingham

Agent.

Date of first receipt at Department of Reclamation: 9:00 a.m. May 1, 1953

Returned to applicant for correction: May 15, 1953

Corrected application received: May 20, 1953

Approval of State Reclamation Engineer

The number of this permit is 24153
 Recorded in Book 85 Page 24153 Approved May 29, 1953
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve he 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 July 29, 1953 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before November 29, 1953
 The whole of said work to be completed on or before May 29, 1954
 Beneficial use of water appropriated in accordance herewith, to be made on or before May 29, 1955

WITNESS My hand this 29th day of May, 1953

MARK R. KULP
 State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 29th day of May, 1953.
 Countersigned:
 (SEAL) By IRA H. MASTERS, Secretary of State.
 By LEN JORDAN, Governor.

REMARKS: There is a drain used by Preston City which pours its water onto the land of H.R. Bingham, one of the applicants; this water floods over his land; it is designed to collect this water in a ditch and run it through an old railway grade thus creating a small catch reservoir from which the water will be pumped and run through a sprinkling system to the land to be irrigated.

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 S	39 E	20	25		20	5													50
Permit No. 24153 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that H. R. BINGHAM And ELDON B. BINGHAM of Weston, County of Franklin, and State of Idaho, the holders of Permit No. 24153, issued upon Application No. 31929 bearing date of priority of May 1, 1953, authorizing the diversion of one second foot of the waters of an un-named stream County of Franklin, State of Idaho, for irrigation purposes, have 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 One second foot of the waters of said un-named stream; that the point of diversion of said waters is about ten rods West and ten rods South of the Northeast Quarter of Section 20, Township 15 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: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B. M. Witness my hand this 29th day of October, A. D. 1954. Proof of Completion of Works made May 18, 1954. Certificate of Completion of Works issued October 29, 1954.																			
															/s/ MARK R. KULP State Reclamation Engineer LICENSE ISSUED FOR 2.2 SEC. 18 09 5699				

OCT 14 2003

Department of Water Resources

CANCELLATION NOTICE OF PLEDGE

STATE OF IDAHO
Department of Water Resources
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Loan Number: 3063542101

Attention: Reclamation Engineer

Please be advised that Western AgCredit, FLCA, formerly known as Federal Land Bank Association of Utah, FLCA, has released its security interest in the water rights described on the attached Notice of Pledge. Please retain this notice with your records as evidence of such.

Dated: September 17, 2003

Western AgCredit, FLCA

By: 
David G. Brown
Assistant Vice President

NOTICE OF PLEDGE

STATE OF IDAHO
Department of Water Resources
Statehouse
Boise, Idaho 83720

Loan No. 3063542101

Attention: Reclamation Engineer

Please be notified that the undersigned have this date executed a Mortgage in favor of the Federal Land Bank Association of Utah, FLCA, covering certain land in Franklin, State of Idaho, together with all of the Mortgagor's right to use the following:

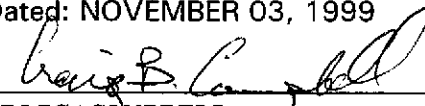
Water Right Nos. 13-02175 and 13-02226 for irrigation purposes, LESS AND EXCEPTING A 1/8 INTEREST THEREIN.

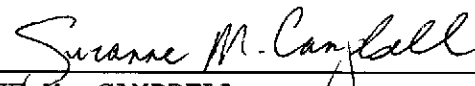
The said Mortgage, given to secure a promissory note of even date, was recorded

December 9, 1999, in the office of the County Recorder of the above referenced County,
as Instrument No. 208437.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Federal Land Bank Association of Utah, FLCA, 406 West South Jordan Parkway (Suite 500), South Jordan, Utah 84095

Dated: NOVEMBER 03, 1999

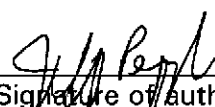

CRAIG CAMPBELL


SUZANNE M. CAMPBELL

ACKNOWLEDGEMENT FROM STATE DEPARTMENT OF WATER RESOURCES

Receipt of the Notice of Pledge, of which this is a duplicate original, is acknowledged. One original of this notice will be filed with the records of the subject water rights in this Office.

6/28/00
Date


Signature of authorized person representing
the Department of Water Resources

Manager, WR Permits Section
Title

DEPARTMENT OF RECLAMATION

**DISMISSAL
of
PROTEST**

13.2175
2.4153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of Protest of

Francis J. Rasmussen

Against Proofs of Application
to Beneficial Use under Permit
No. 24153 for 1.0 cubic foot
per second of the waters of
un-named stream by H. R. Bingham
and Eldon B. Bingham

DISMISSAL
of
PROTEST

On May 3, 1953, H. R. Bingham and Eldon B. Bingham made Application for Permit to appropriate 1.0 cubic foot per second of the unappropriated waters of an un-named stream with point of diversion in the NE¹/₄ NE¹/₄ Section 20, Township 15 South, Range 39 East, B.M. The Application was approved and Permit No. 24153 was issued.

Notice of intention to make proof of Application to Beneficial Use was published as required by statute and protest was made by Francis J. Rasmussen, an Attorney for Lars M. Rasmussen, Jr. and Smith Kent based on rights claimed in Weston Slough by Lars M. Rasmussen, Jr. and Smith Kent.

Inspection by the Department of Reclamation finds that Permit No. 24153 does not refer to the waters of Weston Slough and the protest is, therefore, dismissed and license will be issued under Permit No. 24153.

Anyone feeling himself aggrieved by this dismissal of protest may appeal the matter to the District Court for Franklin County within sixty (60) days as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the seal of the State Department of Reclamation, at Boise, Idaho, this 4th day of April, 1956.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

24153

18-2-15
24153

copy

STATEMENT OF PROTEST OF APPLICATION OF WATER TO BENEFICIAL USE

TO: STATE OF IDAHO,
DEPARTMENT OF RECLAMATION,
BOISE, IDAHO

STATE OF IDAHO)
 : ss.
COUNTY OF CARIBOU)

Francis J. Rasmussen, being first duly sworn, deposes and says:

That he is a duly licensed and practising attorney for and in the State of Idaho, residing at Soda Springs, Idaho; That he has been engaged as an attorney to act for and in behalf of Lars M. Rasmussen, Jr., and Smith Kent; That he makes this statement for the reasons that the protesting parties reside outside the county in which these papers were prepared.

That he is a citizen of the United States of America and State of Idaho, over the age of 21 years, fully competent to make this statement under oath;

That he hereby enters a protest for and in behalf of Lars M. Rasmussen, Jr., and Smith Kent to the statements made by the applicants, H. R. Bingham and Eldon B. Bingham of Weston, Idaho, possessing Permit No. 24153 issued by the Department of Reclamation of the State of Idaho, for the application to beneficial Use of one cubic foot per second of the waters of an unnamed stream, to the following described lands:

25 acres in the Northeast one-quarter of the Northeast one-quarter (NE $\frac{1}{4}$ -NE $\frac{1}{4}$), 20 acres in the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ -NE $\frac{1}{4}$), 5 acres in the Southeast one-quarter of the Northeast one-quarter (SE $\frac{1}{4}$ -NE $\frac{1}{4}$) all in Section 20, Township 15 South, Range 39 East of the Boise Meridian.

That the protestants make this protest on the grounds and for the reasons,

That Lars M. Rasmussen, Jr., and Smith Kent own and hold rights in and to the Weston Slough in the amount all waters up to and including two cubic feet per second; That your protestants, upon information and belief, know that the Weston Slough, or its source, is the same stream referred to in Permit No. 24153 as the unnamed stream; That it is further the belief of protestants that other rights exist in and on said stream prior to the rights of permit holders H. R. Bingham and Eldon B. Bingham; Protestants further aver that all of the waters of said unnamed stream, and/or Weston Slough or its source, as applied for in Permit No. 24153, have, prior hereto, been decreed and used by these protestants and others using said waters from the Weston Slough.

FRANCIS J. RASMUSSEN

13-3175
24153

Subscribed and sworn to before me this 25th day of May, 1955.

(SEAL)

COLIN CHESTER
Clerk of the District Court
Caribou County, Idaho

By:
Deputy

132173
24152

copy -

STATEMENT OF PROTEST OF APPLICATION OF WATER TO BENEFICIAL USE

TO: STATE OF IDAHO,
DEPARTMENT OF RECLAMATION,
BOISE, IDAHO

STATE OF IDAHO)
 : ss.
COUNTY OF CARIBOU)

Francis J. Rasmussen, being first duly sworn, deposes and says:

That he is a duly licensed and practising attorney for and in the State of Idaho, residing at Soda Springs, Idaho; That he has been engaged as an attorney to act for and in behalf of Lars M. Rasmussen, Jr., and Smith Kent; That he makes this statement for the reasons that the protesting parties reside outside the county in which these papers were prepared.

That he is a citizen of the United States of America and State of Idaho, over the age of 21 years, fully competent to make this statement under oath;

That he hereby enters a protest for and in behalf of Lars M. Rasmussen, Jr., and Smith Kent to the statements made by the applicants, H. R. Bingham and Eldon B. Bingham of Weston, Idaho, possessing Permit No. 24153 issued by the Department of Reclamation of the State of Idaho, for the application to beneficial Use of one cubic foot per second of the waters of an unnamed stream, to the following described lands:

25 acres in the Northeast one-quarter of the Northeast one-quarter (NE $\frac{1}{4}$ -NE $\frac{1}{4}$), 20 acres in the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ -NE $\frac{1}{4}$), 5 acres in the Southeast one-quarter of the Northeast one-quarter (SE $\frac{1}{4}$ -NE $\frac{1}{4}$) all in Section 20, Township 15 South, Range 39 East of the Boise Meridian.

That the protestants make this protest on the grounds and for the reasons,

That Lars M. Rasmussen, Jr., and Smith Kent own and hold rights in and to the Weston Slough in the amount all waters up to and including two cubic feet per second; That your protestants, upon information and belief, know that the Weston Slough, or its source, is the same stream referred to in Permit No. 24153 as the unnamed stream; That it is further the belief of protestants that other rights exist in and on said stream prior to the rights of permit holders H. R. Bingham and Eldon B. Bingham; Protestants further aver that all of the waters of said unnamed stream, and/or Weston Slough or its source, as applied for in Permit No. 24153, have, prior hereto, been decreed and used by these protestants and others using said waters from the Weston Slough.

FRANCIS J. RASMUSSEN

13-2175
24153

Subscribed and sworn to before me this 25th day of May, 1955.

(SEAL)

COLIN CHESTER
Clerk of the District Court
Caribou County, Idaho

By:
Deputy

12-5-55
8-11-55

May 4, 1955

RE: Permit No. 24153

Preston Citizen
Preston
Idaho

Gentlemen:

On April 23 you acknowledged receipt of notice on Permit No. 24153 of H. R. & Eldon B. Bingham, in which you stated that publication would start April 28.

To date we have not received a copy of your paper containing this notice as requested and would appreciate receiving same in order that we may check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

18-2175
24153

✓
June 16, 1954

RE: Permit No. 24153

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Mr. Condie:

In reply to your letter of June 14 in regard to application of H. R. Bingham and Eldon Bingham for extension of time for making proof of completion of works on the above numbered permit.

We have received no application for such extension of time nor have we even received a request from Messrs. Bingham for the form upon which to make such application.

We enclose an application for extension herewith, and since this proof was due on or before May 29, 1954, as per notice dated March 1, it is important that the application for extension be submitted promptly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

13-8175
24153

August 4, 1965

Re: License No. 24153
H. R. & Eldon Bingham

Ted B. Larsen
10 West Oneida St.
Preston, Idaho

Dear Mr. Larsen:

I find no record of a permit for diversion in the SE 1/4, Sec. 16, T. 15 S., R. 39 E. in the name of H. R. Bingham.

License No. 24153 has been issued for 1.0 c.f.s. from unnamed stream with point of diversion and use of water in NE 1/4, Sec. 20, T. 15 S., R. 39 E. The report shows that there were two holding ponds on the property.

We do not know how much water is available in the stream.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

24153

J. N. LARSEN COMPANY

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



RECEIVED

AUG 4 1965

Department of Reclamation
State House
State of Idaho
Boise, Idaho

August 3, 1965

Gentlemen:

We would like to obtain some information concerning a water right which arises in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 Twp 15 SR 39 EBM, Franklin County, and runs through the SW $\frac{1}{4}$ said section 16, and into the NE $\frac{1}{4}$ Section 20, Twp 15 SR 39 EBM, where it is stored in reservoir on the property of H.R. Bingham.

Mr. Bingham has a right on this stream. However we would like to know if he has all of it. Whether or not part of it can be filed on for other land in the general vicinity.

Yours very truly,

J.N.LARSEN COMPANY

By


Ted B. Larsen

TBL/s

24153

April 27, 1956

RE: Permit No. 24153

Mr. H. R. Bingham
R. F. D.
Weston, Idaho

Dear Mr. Bingham:

We enclose License and Certificate of Water Right issued on Permit No. 24153 confirming the right of yourself and Eldon B. Bingham to the use of 1 cubic foot per second of the waters of an un-named stream with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B.M., and priority of May 1, 1953, for irrigation of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B.M.

We also enclose departmental receipt No. 27927 for the \$6.00 License fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

24153

CK Encl ^{\$}6.00
Preston, Idaho.
April 24, 1956

Mark R Kulp,
State Reclamation Engineer

State House
Boise, Idaho.

Dear Sir:

Enclosed, please find a check for six dollars (\$6.00)
which I am sending to pay the license fee for permit
no. 24153.

Yours truly
Edmund B. Bingham

24153

April 5, 1956

RE: Permit No. 24153

Messrs. H. R. and Eldon B. Bingham
RFD
Weston, Idaho

Gentlemen:

We now have on file the report of our field engineer on examination for beneficial use on Permit No. 24153.

This report shows that you have irrigated fifty acres in the $S\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}NE\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B.M. with water from an un-named stream, point of diversion being in the $NE\frac{1}{4}NE\frac{1}{4}$ Section 20.

A License can, therefore, be issued for fifty inches or 1.0 second foot of water upon receipt of the License fee amounting to \$6.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll

24153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24153

REPORT ON PROOF OF Beneficial Use

H. R. BINGHAM and ELDON B. BINGHAM, R.F.D. Weston & R.F.D. Preston, Idaho

app. 1.0 cfs
Sub. 3
acres 50

1.0 cfs
mark

N.R. Nelson filed first.

T.
15
S.

Wm. P. Palmer

Wm. P. Palmer

50 acres total

R-39 E

12" culvert
Pipe thru drainage

30' Pond

30' Pond

U.S. HWY. No. 91

Natural draw.
Railroad Grade

Carries water
from a drain
Constructed by
Preston & Franklin Co.

PRESTON

Small
holding basin

20'

20'

Subdivisions = Three
Area = 50 acres
Q = 50 inches

Form 23

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

Permit No. 24153

This proof is for Beneficial use

In Water District No.

1. Name of applicant H.R. Bingham, RFD Weston, and Eldon B. Bingham, RFD Preston, Idaho

2. Source of water supply: An un-named stream

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20

T. 15 S. R. 39 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Most of this water is distributed by pump and sprinkler systems. 38 sprinklers $5\frac{1}{2}$ " x $1\frac{3}{4}$ " Rainbird 40 Pipe size is 5" main 3" laterals. Centrifugal pump 5" x 4" out. driven by tractor. Approx. 3 acre lake for holding basin. Also small regulating basin under the hill.

5. Water is used for: Irrigation.

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

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B. M.

See map

(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.

Remarks: Crops = hay & pasture

Talked to Mr. Fellows - says he has no objections - just didn't want him to get any hold on his (Fellows') water. Bingham says Rasmussen with drew his protest. He was understood. This is not located on the Weston Blough.

This examination was made on the 28 day of March, 1956

(Signed)

E. M. Humphrey

Examiner.

24153

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
APR 3 1956
Department of Reclamation

H.R. Bingham, R.F.D. Weston, Idaho
Eldon B. Bingham, " Preston, Idaho

Permit No. 24153

Examination for Beneficial Use

County Franklin

20-15S.-30E.

Q = 100 c.f.s.

S = Un-named stream

P.D. = NE. NE. Sec. 20, T. 15S. - R. 39E.

Use = Irrigation

Priority = May 1, 1953
Due = May 29, 1955

C/W = 10-29-54

#5416368

Berkeley Pump
5" in x 4" out
centrifugal Mod 4 GRGH

Oliver Super 77 Diesel
Tractor 6-B belt drive

38 sprinkler heads

5/32 x 1/3 50# press
64

5" main 600' al.

36-40' x 3" al. } Portable
2-20' x 3" al. }

March 19, 1956

RE: Permit No. 24153

Mr. H. R. Bingham
R. F. D.
Weston, Idaho

Dear Mr. Bingham:

Unless hindered by bad weather, I intend to make inspection in connection with the above numbered permit sometime on Wednesday afternoon, March 28, or Thursday morning, March 29.

Please be prepared to accompany me on the inspection.

If I am unable to contact you as soon as I arrive in that area, I will drive to the farm where the water is used.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

24153

V
June 1, 1955

RE: Permit No. 24153

Mr. H. R. Bingham
Weston
Idaho

Dear Mr. Bingham:

We have received from Mr. P. M. Condie the depositions of yourself and two witnesses also Affidavit of Publication in the Preston Citizen in proof of Beneficial Use on Permit No. 24153.

We enclose copy of two Protests filed in connection with this proof.

Before final action is taken the matter will be carefully investigated by this Department and you will be notified at the time the inspection is made in order that you may make arrangements to show our Engineer over the Project.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.
CC: Mr. P. M. Condie

24153

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Clay 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

April 27

1955, and ending

with the issue of May 19, 1955

Clay E. Smith

Fees, \$ 19.27

Subscribed and sworn to before me this 28 day

of May, 1955

P. M. Condie

Notary Public, Residing at Preston, Idaho

My Commission Expires Nov. 29, 1955

NOTICE FOR PUBLICATION Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10 a.m. on the 28th day of May, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 24153 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 H. R. Bingham and Eldon B. Bingham, Weston, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used: 25 acres in NE1/4 NE1/4, 20 acres in SW1/4 NE1/4, and 5 acres in SE1/4 NE1/4 Section 20, Township 15 South, Range 30 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None.

The right to take water from such works is based upon Permit No. 24153.

The source of supply from which such water is diverted is Unnamed stream.

The date of priority which said user is prepared to establish is May 1, 1953.

Mark R. Kins
State Reclamation

24153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 31 1955
Department of Reclamation

Permit No. 24153

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. H. R. Bingham, 70 years old, reside in Weston, R. F. D. Idaho, farmer.
Eldon B. Bingham, 33 years, reside in Preston R. F. D. 3, Idaho, farmer.

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

Ans. _____

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

Ans. No. 24153, approved May 29, 1953, date of priority May 1, 1953.

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

Ans. Unnamed stream. Point of diversion about 10 rods West and 10 rods South of Northeast quarter of Section 20, Township 15 South, Range 39 East of Boise, Meridian.

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. Works consist of: Collected water into ditch leading into a storage pond, from which we have 11 galvanized steel pipe with a headgate through old R.R. grade to meter out water from pond as needed into catch basin for pumping which irrigates higher ground, or into a ditch leading water around hill and down a slope down a concrete ditch to another catch basin from which can either be pumped for sprinkling or used to flood land. Pump will discharge 800 gallons per minute. Have Berkley pump. Have 38 ~~heads~~ sprinkler heads discharging 12½ gallons each per minute.

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

Ans. Irrigation of 25 acres in NE¼ of NE¼, 20 acres in SW¼ of NE¼, and five acres in SE¼ of NE¼ of Section 20, Tp. 15 South, Range 39 E. B. M.

24153

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. At least one second foot . Stream is not constant.

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 was first used in 1953 for sprinkling; used water prior to that for maintaining a meadow. Have used one cubic foot per second during the years 1954 and 1955 when the same has been available.

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. Have no other water for this land.

(Sign)

H. R. Bingham
Edm. 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 28th day of May, A. D. 1955.

J. M. Leaudie

My commission expires Nov. 29, 1956.

24153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 24153

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. Harold B. Larson, age 52 years, Preston, Idaho, farmer.

Ques. 2. Are you acquainted with H. R. Bingham and Eldon B. Bingham, the holder of Permit No. 24153? How long have you known him and where does he reside?

Ans. Have known H. R. Bingham 40 years, and Eldon B. Bingham five years

Ques. 3. Have you read or heard read said Permit No. 24153, 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. Unnamed stream, place of diversion about 10 rods West and 10 rods South from NE. corner of Section 20, Township 15 South, Range 39 East of Boise Meridian. There is a pipe put through old railroad grade, this diverts water to the South, it runs about 20 rods to a hill ~~whanem~~ into a ditch down the hill to the Southwest into a pond made by earth dam, and diverted into a little ditch and scatterd along hill, also is pumped out into a sprinkling system. Sprinkling system is in operation.

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. At least one second foot; I have seen one second foot so conveyed.

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. As nearly as I can say, the water has been used to irrigate 25 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, Tp. 15 South, Range 39 East of Boise Meridian. Land is cutlivated. It has turned a sagebrush hill into a grain crop in one portion, and into grass and alfalfa in another portion.

24153

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. Sandy loam. It ~~requires~~ at least one cubic foot per second
for profitable cultivation during the irrigation season.

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

Ans. When it is backed up in the pond there might be a little indirect benefit to my land; but there is no direct benefit, and I have no interest in the land or water system.

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 seen the water used on said lands, both by flooding and by sprinkling. I saw this in 1954 and 1955. Saw some use made of water for flooding pasture land prior to 1954.

(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 Freston,,
County of Franklin, State of Idaho, on this 28th day of May,
A. D. 19 55.

Notary Public.

My commission expires Nov. 29, 1958.

24153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 24153

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. Gottfred Spatig, age 55 years, Preston, Idaho, farmer.

Ques. 2. Are you acquainted with H. R. Bingham and Eldon B. Bingham, the holder of Permit No. 24153? How long have you known him and where does he reside?

Ans. Have known H. R. Bingham 20 years, and Eldon B. Bingham 6 years.

Ques. 3. Have you read or heard read said Permit No. 24153, 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. Unnamed stream, place of diversion about 10 rods West and 10 rods South from NE. corner of Section 20, Tp. 15 South, Range 39 E. B. M. There is a pipe put through old railroad grade, this diverts water to the South, it runs about 20 rods to a hill into a ditch down the hill to the Southwest into a pond made by earth dam, and diverted into a little ditch and scattered along hill, also is pumped ~~in~~ out into a sprinkling system. Sprinkling system is in operation.

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. At least one second foot. I have seen one second foot so conveyed.

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. As nearly as I can say, the water has been used to irrigate 25 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 20 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, Tp. 15 South, Range 39 E. B. M. Land is cultivated. It has turned a sagebrush hill into a grain crop ~~x~~ in one part, and into grass and alfalfa in another portion.

24153

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. Sanda loam. It requires at least one cubic foot per second for profitagle irrigation and cultivation of this land.

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

Ans. None.

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

Ans. I have seen the water used on said lands, both by flooding and by sprinkling. I saw this in 1954 and 1955. Saw some used prior to 1954 on pasture land.

(Signed) _____

Hottel & Spatz

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 28 day of May,
A. D. 19 55.

J. M. Candie

Notary Public.

My commission expires Nov. 29, 1958.

24153

✓
May 31, 1955

RE: Permit No. 24153

Mr. Orin V. Fellows
Preston
Idaho

Dear Mr. Fellows:

We acknowledge receipt of your protest in connection with proof of beneficial use on Permit No. 24153 of H. R. and Eldon B. Bingham.

This has been placed on file and the matter will be given full consideration before final action is taken.

Very truly yours,

MARK R. KOLP
State Reclamation Engineer
By

Chief Clerk

A:hl1

24153

Copy -

PROTEST

PROTEST IS HEREBY FILED HEREIN TO THE COMMISSIONER OF RECLAMATION, THE HONORABLE

MARK R. KULP, OF BOISE, IDAHO.

- - - - -

Comes now Orin V. Fellows and protests to the above named commissioner under the claim made by H. R. Bingham and Eldon B. Bingham, of Weston, Idaho, in their claim to the beneficial use or right to use all of One cubic feet of water under permit number 24153, wherein it is claimed under the notice set for hearing and the taking and making of final proofs as the same is published in the Preston Citizen, proof scheduled to be made May 28th, 1955, at the hour of 10:00 A. M. of said day, before, P. M. Condie, a Notary Public, of Preston, Idaho, upon the grounds and for the reasons:

1. That the water claimed to have been filed upon was water that protestant has used for a beneficial purpose continuously since the year 1953.

2. That said water claimed to have been filed on arises upon the lands of the said undersigned protestant, Orin V. Fellows, and the said protestant, never has at any time before a Notary Public or any other officer authorized to take oaths given his consent in writing or otherwise for the said H. R. Bingham and Eldon B. Bingham of any one else to file on said waters.

3. That the statements made by the said permit holders are not true.

4. This protest made this 27th day of May, 1955, one sent the Department of Reclamation, Boise, Idaho, one to H. R. Bingham and Eldon B. Bingham, and one to Mr. P. M. Condie, a Notary Public, of Preston, Idaho.

ORIN V. FELLOWS
Protestant

STATE OF IDAHO)
)SS.
County of Franklin,)

ORIN V. FELLOWS, being first duly sworn deposes and says that he has read the foregoing protest and knows the contents thereof and believes the same to be true of his own knowledge.

Subscribed and sworn to before me this 27th day of May, 1955.

(SEAL)

ORIN V. FELLOWS

DELL W. SMITH
Notary Public

24153

copy -

PROTEST

PROTEST IS HEREBY FILED HEREIN TO THE COMMISSIONER OF RECLAMATION, THE HONORABLE
MARK R. KULP, OF BOISE, IDAHO.

- - - - -

Come now Orin V. Fellows and protests to the above named commissioner under the claim made by H. R. Bingham and Eldon B. Bingham, of Weston, Idaho, in their claim to the beneficial use or right to use all of One cubic foot of water under permit number 24153, wherein it is claimed under the notice set for hearing and the taking and making of final proofs as the same is published in the Preston Citizen, proof scheduled to be made May 28th, 1955, at the hour of 10:00 A. M. of said day, before, P. M. Condie, a Notary Public, of Preston, Idaho, upon the grounds and for the reasons:

1. That the water claimed to have been filed upon was water that protestant has used for a beneficial purpose continuously since the year 1953.

2. That said water claimed to have been filed on arises upon the lands of the said undersigned protestant, Orin V. Fellows, and the said protestant, never has at any time before a Notary Public or any other officer authorized to take oaths given his consent in writing or otherwise for the said H. R. Bingham and Eldon B. Bingham or any one else to file on said waters.

3. That the statements made by the said permit holders are not true.

4. This protest made this 27th day of May, 1955, was sent the Department of Reclamation, Boise, Idaho, one to H. R. Bingham and Eldon B. Bingham, and one to Mr. P. M. Condie, a Notary Public, of Preston, Idaho.

ORIN V. FELLOWS
Protestant

STATE OF IDAHO)
) ss.
County of Franklin,)

ORIN V. FELLOWS, being first duly sworn deposes and says that he has read the foregoing protest and knows the contents thereof and believes the same to be true of his own knowledge.

Subscribed and sworn to before me this 27th day of May, 1955.

(SEAL)

ORIN V. FELLOWS
DELL W. SMITH
Notary Public

P R O T E S T

PROTEST IS HEREBY FILED HEREIN TO THE COMMISSIONER OF RECLAMATION, THE HONORABLE
MARK KULP, OF BOISE, IDAHO.

Comes now Orin V. Fellows and protests to the above named commissioner under the claim made by H. R. Bingham and Eldon B. Bingham, of Weston, Idaho, in their claim to the beneficial use or right to use all of One cubic feet of water under permit number 24153, wherein it is claimed under the Notice set for hearing and the taking and making of final proffs as the same is published in the Preston Citizen, proof scheduled to be made May 28th, 1955, at the hour of 10:00 A. M. of said day, before, P. M. Condie, a Notary Public, of Preston, Idaho, upon the grounds and for the reasons:

1. That the water claimed to have been filed upon was water that protestant has used for a beneficial purpose continuously since the year 1953.
2. That said water claimed to have been filed on arises upon the lands of the said undersigned protestant, Orin V. Fellows, and the said protestant, never has at any time before a Notary Public or any other officer authorized to take oaths given his consent in writing or otherwise for the said H. R. Bingham and Eldon B. Bingham of any one else to file on said waters.
3. That the statements made by the said permit holders are not true.
4. This protest made this 27th day of May, 1955, one sent the Department of Reclamation, Boise, Idaho, one to H. R. Bingham and Eldon B. Bingham, and one to Mr. P. M. Condie, a Notary Public, of Preston, Idaho.

Orin V. Fellows
Protestant

STATE OF IDAHO,
COUNTY OF FRANKLIN, SS.

ORIN V. FELLOWS, being first duly sworn deposes and says that he has read the foregoing protest and knows the contents thereof and believes the same to be true of his own knowledge.

Orin V. Fellows
Della W. Smith

Subscribed and sworn to before me this 27th day of May, 1955.

24153

24153

May 26, 1955

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

We acknowledge receipt of your letter of May 25th, enclosing the protest of Lars M. Rasmussen, Jr. and Kent Smith, in connection with Permit No. 24153 in the name of H. R. and Eldon B. Bingham.

This protest has been placed on file, and will be given full consideration by this Department before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

24153

FRANCIS J. RASMUSSEN
Attorney at Law
Soda Springs, Idaho

May 25, 1955

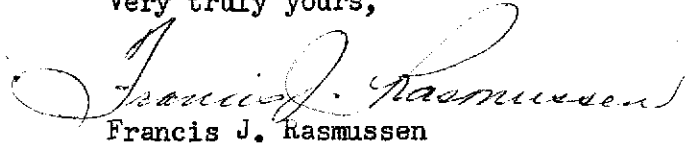
RECEIVED
MAY 26 1955
Department of Reclamation

Department of Reclamation
Boise,
Idaho

Dear Sirs:

Please find enclosed a Statement of Protest of Application of
Water to Beneficial Use on Permit No. 24153.

Very truly yours,


Francis J. Rasmussen

FJR:msd

24153

STATEMENT OF PROTEST OF APPLICATION OF WATER TO BENEFICIAL USE

TO: STATE OF IDAHO,
DEPARTMENT OF RECLAMATION,
BOISE, IDAHO

STATE OF IDAHO)
 : ss.
COUNTY OF CARIBOU)

Francis J. Rasmussen, being first duly sworn, deposes and says:

That he is a duly licensed and practising attorney for and in the State of Idaho, residing at Soda Springs, Idaho; That he has been engaged as an attorney to act for and in behalf of Lars M. Rasmussen, Jr., and Smith Kent; That he makes this statement for the reasons that the protesting parties reside outside the county in which these papers were prepared.

That he is a citizen of the United States of America and State of Idaho, over the age of 21 years, fully competent to make this statement under oath;

That he hereby enters a protest for and in behalf of Lars M. Rasmussen, Jr., and Smith Kent to the statements made by the applicants, H. R. Bingham and Eldon B. Bingham of Weston, Idaho, possessing Permit No. 24153 issued by the Department of Reclamation of the State of Idaho, for the application to beneficial use of one cubic foot per second of the waters of an unnamed stream, to the following described lands:

25 acres in the Northeast one-quarter of the Northeast one-quarter ($NE\frac{1}{4}-NE\frac{1}{4}$), 20 acres in the Southwest one-quarter of the Northeast one-quarter ($SW\frac{1}{4}-NE\frac{1}{4}$), 5 acres in the Southeast one-quarter of the Northeast one-quarter ($SW\frac{1}{4}-NE\frac{1}{4}$) all in Section 20, Township 15 South, Range 39 East of the Boise Meridian.

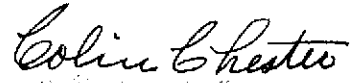
That the protestants make this protest on the grounds and for the reasons,

That Lars M. Rasmussen, Jr., and Smith Kent own and hold rights in and to the Weston Slough in the amount all waters up to and including two cubic feet per second; That your protestants, upon information and belief, know that the Weston Slough, or its source, is the same stream referred to in Permit No. 24153 as the unnamed stream; That it is further the belief of protestants that other rights exist in and on said stream prior to the rights of permit holders H. R. Bingham and Eldon B. Bingham; Protestants further aver that all of the waters of said unnamed stream, and/or Weston Slough or its source, as applied for in Permit No. 24153, have, prior hereto, been decreed and used by these protestants and others using said waters from the

Weston Slough.



Subscribed and sworn to before me this 25th day of May, 1955.



Clerk of the District Court
Caribou County, Idaho

By: _____
Deputy

24153

May 9, 1955

RE: Permit No. 24153

Preston Citizen
Preston
Idaho

Gentlemen:

We are this morning in receipt of a clipping from your issue of May 5 in connection with notice of Permit No. 24153 of H. R. and Eldon B. Bingham.

We find same to be correct with one exception. In the first line of the second paragraph, the word address is omitted. It should read, "The name and postoffice address of", etc.

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1

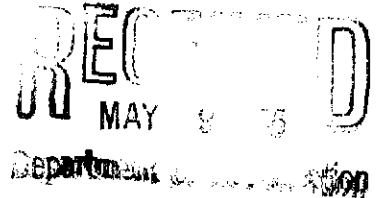
24153



ROBERT E. SMYLLIE
GOVERNOR

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

May 4, 1955



RE: Permit No. 24153

Preston Citizen
Preston
Idaho

Gentlemen:

On April 23 you acknowledged receipt of notice on Permit No. 24153 of H. R. & Eldon B. Bingham, in which you stated that publication would start April 28.

To date we have not received a copy of your paper containing this notice as requested and would appreciate receiving same in order that we may check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

24153

Just A Short Message From *The Preston Citizen* PRESTON, IDAHO

April 23, 1955

This is to acknowledge receipt of publication
re permit No. 24153, H. R. & Eldon B. Bingham
of Weston. Publication will start April 28.

The Preston Citizen

W. E. Smith

24153



THIS SIDE OF CARD IS FOR ADDRESS

RECEIVED
APR 26 1955

Department of Reclamation

*Met
H*

Jeanne L. Anderson
Chief Clerk
Department of Reclamation
Boise, Idaho

24153

✓
April 23, 1955

RE: Permit No. 24153

Mr. H. R. Bingham
Weston
Idaho

Dear Mr. Bingham:

We have sent to the Preston Citizen, notice for proof of beneficial use to be made on your Permit No. 24153 May 28, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. P. M. Condle, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing depositions, forms for which are being sent to Mr. Condle by this same mail.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Mr. P. M. Condle
Notary Public
Preston, Idaho

24153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 24153

Date: April 22, 1955

Preston Citizen

Preston, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 28, 1955** the date set for proof, the expense of the publication to be paid by the applicant, **H.R. & Eldon B. Bingham** 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

Chief Clerk

24153

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

Notice is hereby given that at 10 A. M. on the 28th day of May, 1955,
at Preston, County of Franklin, State of Idaho, before
P. M. Condie, Notary Public, proof will be submitted of the
application to beneficial use of one cubic feet per second of the waters of unnamed stream
in accordance with the terms and conditions of Permit No. 24153
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 H. R. Bingham
and Eldon B. Bingham, Weston, Idaho,

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used (if for irrigation, give full and exact description of the lands irrigated)
25 acres in NE NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 20, Township 15 South, Range 39 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
None

The right to take water from such works is based upon Permit No. 24153

The source of supply from which such water is diverted is Unnamed stream

The date of priority which said user is prepared to establish is May 29, 1953.

MARK R. KULP

State Reclamation Engineer.

24153

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 21, 1955.

(P. O.) Weston, 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, published in

the county in which the works are situated.

H. R. Bingham
Edw. B. Bingham

(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.

24153

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

March 1, 1955

Messrs. H. B. and Eldon B. Bingham
Weston
Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 24153. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than May 29, 1955, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

24153

✓
November 1, 1954

Re: Permit No. 24153

Messrs. H. R. & Eldon Bingham
Route 3
Weston, Idaho

Gentlemen:

We enclose Certificate of Completion of Works issued on Permit No. 24153 for the diversion of one second foot of water from an un-named stream with point of diversion in the NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B. M., for irrigation of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{4}$ NE $\frac{1}{4}$ of said section.

We also enclose departmental receipt No. 27008 for the \$5.00 fee paid in connection with Completion of Works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

24153

Oct 27, 1954.
Preston, Idaho.

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

Dear Sir:

Enclosed, please find the \$5.00 fee for the completion of
Works certificate for Permit no 21453.

Thank you -

Yours truly,
Eldon B. Bingham

24153

RECEIVED
OCT 28 1954
Department of Reclamation

✓
October 11, 1954

24153
RE: Permit No. 21453

H. R. and Eldon Bingham
Weston
Idaho

Gentlemen:

We have received no reply to office letter addressed you on September 7th in which we acknowledged your affidavit in proof of Completion of Works on Permit No. 21453 and called your attention to the fact that a \$5.00 fee was required by statute for the issuance of a Certificate of Completion of Works.

You no doubt have overlooked this matter so we are bringing it to your attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

24153

✓
September 7, 1954

RE: Permit No. 21453

H. R. and Eldon Bingham
Preston
Idaho

Gentlemen:

Your affidavit in proof of Completion of Works on Permit No. 24153 has been approved and a Certificate of Completion of Works can be issued upon receipt of the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

24153

Permit No. 24153STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
MAY 19 1954
Department of Reclamation

STATE OF IDAHO

ss.

County of Franklin.H. R. Bingham and Eldon B. Binghambeing 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. 24153, and that his postoffice address is Weston,
State of IdahoSecond: That the name of the stream from which said water is to be diverted is Unnamed stream.Third: That the point of diversion of said water is about 10 rods West and 10 rods South from Northeast corner of Sec. 20, T. 15 S., 39 E. B. M.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 29th,, 19 54.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: Steel galvanized headgate connects big reservoir with catch reservoir, with ditch (reservoir, dam, ditch, flume, pipe or otherwise) and movable pump, used with tractor, sprinkling system which is also movable
- II. is also movable
- (a) Height of dam 2 feet, length of dam at top 30 feet, length of dam at bottom 30 feet. Material used in construction earth

(State whether wood, earth, stone or concrete) Natural reservoir 400 feet av. length by 100 feet av. width, with

- (b) Capacity of reservoir 3-4 acre feet. 3-4 feet depth of water.
- (c) Size of headgate: Width 1 ft. 10 in. height 10 in. on east end of pipe.

- (d) Conduit ditch width at bottom 1 feet, width at water line 2 feet, depth of water 3/4 feet; diameter of pipe 5, 4 and 3 inch pipe line inches, average grade per mile is 40 rods feet. Length of conduit is 40 rods in a ditch.

Seventh: That said works are capable of conducting to the place of intended use one second feet of water.Eighth: That water appropriated under said permit is available for fifty acres of land described as follows: 25 acres in NE 1/4 and 20 acres in SW 1/4 and 5 acres in SE 1/4, all in Northeast quarter of Section 20, T. 15 South, Range 39 E. B. M.Ninth: Remarks: That We have found that by relocating the catch basin to the West of where formerly contemplated, and by connecting catch basin with pond, the head gate mentioned in the permit to accommodate 15 or 20 second feet was unnecessary, as water runs into pond (reservoir) and can be taken right out of pond for sprinkling purposes. This has simplified the matter and has meant considerable less work to be done with less expense.

Applicant desires an inspection and approval of works.

(Sign Here)

Subscribed and sworn to before me this 18th day of May, 19 54.My commission expires Nov. 29, 1954.

Notary Public.

24153

August 30, 1954

RE: Permit No. 24153

Mr. H. R. Bingham
Weston
Idaho

Dear Mr. Bingham:

I will call on you Wednesday evening, September 1, to make an inspection in connection with your Completion of Works on your Permit No. 24153.

Please be prepared to accompany me on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. H. Humphrey
Deputy State Reclamation Engineer

H:br

24153

✓
July 29, 1954

RE: Permit No. 24153

Messrs. H. R. and Eldon Bingham
Weston
Idaho

Dear Sirs:

The volume of correspondence and work in this office is extremely heavy at this time and the cancellation notice was sent out to you in error.

The inspection will be made as you were advised in our office letter of June 26th.

I hope this will take care of this matter for the present.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

A:br

24153

RECEIVED
JUL 29 1954

Weston, Idaho
July 27, 1954

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

Department of Reclamation

Dear Sir;

In accordance with the request of your office that we show cause why Permit No. 24153 should not be cancelled within forty days, we are submitting to you the following information for your consideration.

1. The general construction required in this project has been completed for over a year, it having been done in May and June, 1953.
2. The water involved in this permit has been diverted through this construction, and used by us to irrigate our ground, for two seasons, 1953 and 1954.
3. Because of conditions over which we had no control, it was necessary for us to change the nature of the diversion works from that which was specified in our original application.
4. In May, 1954, realizing that there existed a discrepancy in our papers which should be corrected before receiving our Certificate, we wrote to your office, explained the nature of the changes, and requested that they be approved. We have never received any direct answer to this request, but;
5. On June 28, 1954, Mr. P.M. Condie, our Attorney, received a letter from Mr. E.N. Humphrey, of your office, stating that an inspection would be made in connection with Proofs of completion of Works, before the Certificate would be issued; That such inspection would not be made until possibly fall, and that we would be notified of the inspection at the time it was made. To our knowledge, this inspection has not been made. We have been waiting to hear from you in connection with it. We were shocked to receive, instead, our notice of pending cancelation.

The conditions which caused the change in construction plans are as follows:

1. The unnamed stream, which is the water source, is separated from the land on which most of the water is to be used by an old railroad grade which is approximately 50 ft. wide and 30 ft. high at the point where we planned to cross it. This grade runs through our property in a half-horseshoe shape. The water supply, running along the inside of the grade, fills a natural pond about 150 ft. wide, 400 ft. long, and varying in depth from inches to about 4 ft.

24153

2. In our original plan, we were to have diverted the water before it reached the pond, and to have taken it over the top of the railroad grade in a ditch 40 rods long.
3. When we began the actual construction of the open ditch which was to have carried the water around and over the top of the old railroad grade, we found, to our dismay, that the old grade was completely honeycombed with muskrat holes, thus making an open ditch impractical.
4. Since our crops were already planted and needing water, we had to get an alternative plan, and quick, so we dug through the grade with a backhoe, laid in 44 ft. of 10 in. galvanized pipe, with a headgate attached, and refilled with a bulldozer.
5. This pipe was laid in such a manner that in addition to diverting the water from the stream, we can also drain the natural pond. Thus, we gained a natural storage, in addition to elimination the need for the large 20 c.f.s. headgate, and 40 rods of open ditch along a muskrat infested bank as called for in our original plan. This construction was all completed before July 1, 1953.
6. We have since built a dam across the outlet to the natural pond, and by doing so have increased its capacity to about $1\frac{1}{2}$ acre feet. Owing to the nature of our water supply, which varies constantly from $\frac{1}{4}$ to 5 or more c.f.s., this storage has really become the backbone of our entire operation, and we are very glad we had to change our plan. One could very truthfully say that we were dumb, but lucky.

We believe that the works which we have completed prove beyond doubt our good intentions in connection with Permit No. 24153. We regret very much the inconvenience which the changes have caused to you and your staff, but we truly believe that if you will make your inspection, as promised, you, too, will agree that it has all been for the better, and that you will permit us to change the discrepancy which exists in our papers and issue us a Certificate. We surely do need this water.

Yours truly

H. R. Bingham *Charles B. Bingham*

24153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

..... July 20, 194⁵₄

Re: Permit No. 24153

To H. R. & Eldon B. Bingham
Weston, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 24153
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works May 29, 1954

you are hereby notified in compliance with Sec. ⁴²⁻³¹¹~~41-311~~, Idaho Code annotated that said Permit No. 24153
is hereby held for cancellation.

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

Said Permit No. 24153 claims the use of one cubic feet per second of the
waters of an un-named stream with point of diversion located
in the NE¹/₄ NE¹/₄ Section 20, Twp. 15 South, Range 29 East, B. M., and
was approved May 29, 1953

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

20th day July, 194⁵₄

Mark R. Kulp
State Reclamation Engineer.

By
Assistant.

24153

✓
June 26, 1954

RE: Permit No. 24153

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Mr. Condie:

An inspection will be made in connection with Proofs of
Completion of Works before Certificate for same is issued.

I will make inspection on the next trip into that area,
which may not be until fall.

Mr. Bingham will be advised at the time.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

24153



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

June 16, 1954

RE: Permit No. 24153

RECEIVED
JUN 21 1954
Department of Reclamation

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Mr. Condie:

In reply to your letter of June 14 in regard to application of H. R. Bingham and Eldon Bingham for extension of time for making proof of completion of works on the above numbered permit.

We have received no application for such extension of time nor have we even received a request from Messrs. Bingham for the form upon which to make such application.

We enclose an application for extension herewith, and since this proof was due on or before May 29, 1954, as per notice dated March 1, it is important that the application for extension be submitted promptly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:hll
Enc.

Mr. Kulp: I was in error in requesting information as to an extension of time. What Messrs. Bingham wish to know is if you approve of the proof of completion of works with the changes as indicated, which proof was sent to you about May 20th.

Very truly,

24153

P. M. Condie

RETURN RECEIPT

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

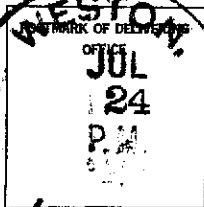
1 H. R. & Eldon B. Bingham
(Signature or name of addressee)

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

Date of delivery 7-24-54, 19____

Post Office Department
OFFICIAL BUSINESS

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



Return to STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Street and Number,
or Post Office Box, BOISE, IDAHO

REGISTERED ARTICLE

No. 87556
INSURED PARCEL

No. _____

BOISE,

IDAHO.

24153

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

LICENSED ABTRACTER

RECEIVED
JUN 16 1954
Department of Reclamation

June 14, 1954.

State Department of Reclamation,
Boise, Idaho.

Gentlemen:

Re: Permit No. 24153.

Several days ago H. R. Bingham and Eldon Bingham made application for extension of time in which to make proof of completion of works on Permit No. 24153. They are wondering what action has been taken.

Very truly,

P. M. Condie

24153

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

H. R. & Eldon B. Bingham
C/O Eldon B. Bingham
Weston, Idaho

Boise, Idaho March 1, 1954

Dear Sir:-

Under the terms of your permit No. 24153 you are required to complete your diversion works on or before May 29, 1954. I enclose herewith 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.

Yours truly,

MARK R. KULP

State Reclamation Engineer

24153

June 5, 1953

RE: Permit No. 24153

Mr. P. M. Condie
Preston
Idaho

Dear Mr. Condie:

We enclose Permit No. 24153 in the name of H. R. and Eldon B. Bingham, and direct 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. 25946 for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.

24153

Shaded portion indicates
land to be irrigated.

Sec. 20
Tp. 15S.
R. 39 E.B.M.

Airport

Line indicates ditch.
Circle indicates location of
catch reservoir from which
diversion is made.

Permit Map No. 34153
As Approved
MAY 29 1963
MARK R. KULP
State Reclamation Engineer



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

May 15, 1953

RECEIVED
MAY 20 1953
Department of Reclamation

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Mr. Condie:

We acknowledge receipt of the application of H. R. and Eldon B. Bingham to appropriate 1 second foot of water from the Preston City Drain, accompanied by your check for the \$5.00 filing fee.

If this water is diverted from a constructed drain, it will be necessary to have written permission from the owner of the drain. Otherwise, if it drains into a natural draw such permission will not be necessary and in this case the source of supply should be given as an unnamed stream.

Also, the point of diversion should not be from the catch reservoir but from the point where the ditch takes out from the drain ditch or natural channel.

We return the application herewith for the necessary corrections.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Jeannie L. Anderson

Chief Clerk

A:fg
Enc.

Dear Sir: The ditch mentioned simply acts to collect the water into a channel and keep it from flooding the lands of the applicant. This drain has heretofore done applicant considerable damage and so applicant has decided to collect the water together and put it to use. So far as Preston City is concerned it has no other place to empty the water than on applicant's land and applicant does not need any permission to use the water after it reaches his land. No one else uses this water. City of Preston is glad to get rid of it. I suppose we had better state the source as unnamed stream. The ditch begins about 10 rods West and 10 rods South of NE corner of Section 20.

P. M. Condie.

11153

NOTICE FOR PUBLICATION

Notice of Application of Water for Beneficial Use

Notice is hereby given that at 10 a.m. on the 28th day of May, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 24153 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice of the person or corporation holding said permit are H. R. Bingham and Eldon B. Bingham, Weston, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used: 25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None.

The right to take water from such works is based upon Permit No. 24153.

The source of supply from which such water is diverted is Unnamed stream.

The date of priority which said user is prepared to establish is May 1, 1953.

Mark R. Kulp
State Reclamation Engineer
17-20

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10 a.m. on the 28th day of May, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 24153 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 H. R. Bingham and Eldon B. Bingham, Weston, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used: 25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None.

The right to take water from such works is based upon Permit No. 24153.

The source of supply from which such water is diverted is Unnamed stream.

The date of priority which said user is prepared to establish is May 1, 1953.

Mark R. Kulp

State Reclamation Engineer.

5-19-55

17-20c