

STATE OF IDAHO

LICENSE AND CERTIFICATE OF WATER RIGHT.

*Superceded in part*Water License No. ~~16174~~ 16174Priority- January 1, 1929
COUNTY

Amount- 215 second feet. ✓

This is to certify that FRANKLIN SUGAR COMPANY of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 15, 1924; that Permit No. 16174 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 215 second feet, was issued thereunder on July 28, 1930, showing that said works were completed on the 2nd day of May, 1930; and that on the 12th day of January, 1939, PRESTON WHITNEY IRRIGATION COMPANY, A CORPORATION, Assignee, of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Cub River, Worm Creek, and Worm Creek Reservoir, for irrigation and domestic purposes, under Use Permit No. 16174 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3909, on the 17th day of January, 1939.

The right hereby confirmed dates from January 1, 1929.

The point of diversion is located S. 67° 15' E. 2620 feet distant from the NW corner of Section 8, T. 15 S., R. 41 E., B. M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E., B. M., County of 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 215 cubic feet per second. ✓

Description and location of use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9. NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11. All Section 13. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 14. All Sections 15 & 16. NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21. All Sections 22, 23, 24 & 25. NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26. N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 27. NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33. All Sections 34, 35 & 36. All the above in Township 15 South, Range 39 East, B. M.

S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2. S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 4. W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10. All the above in Township 16 South, Range 39 East, B. M.

W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 19. SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20. W $\frac{1}{2}$ Section 29. All Sections 30 & 31. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32. All the above in Township 15 South, Range 40 East, B. M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3. E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4. S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 5. S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$. N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8. NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9. All the above in Township 16 South, Range 40 East, B.M. 72,766

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of January, 1939

(SEAL)

JAMES SPOTFORD
Commissioner of Reclamation.

DON SAMUELSON
GOVERNOR



RECEIVED

JAN 20 1969

R. KEITH HIGGINSON
State Reclamation Engineer

Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 15, 1969

RECL. ENGR.	
DEPUTY	
WATER RIGHTS	
APPROP.	
DIST.	
ADJ.	
INVESTIGATION	
WILLS	
MAINT.	
ACCOUNTING	
FILE	
RETURN TO	
DISCARD	

RE: Permit R-793
13-2108

Dell W. Smith
Attorney at Law
Preston, Idaho 83263

Dear Mr. Smith:

This is in reply to your letter of January 14, 1969, regarding the SE¹/₄SE¹/₄, Section 33, T 15 S., R 39 East, B.M. There are two licensed rights covering the land in question. These permits are owned or were at one time, by Franklin Sugar Company. There was 13,766 acres under these permits and the priority date of 13-2108 was January 1, 1929.

If we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Gentlemen:

Would you kindly send this office a copy of the two license water rights covering the above described real property. If there be any fee connected with this, kindly bill this office.

Very truly yours,

Dell W. Smith, Attorney at Law

R-793
13-2108

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 16174

Priority- January 1, 1929

Amount-215 second feet

THIS IS TO CERTIFY that FRANKLIN COUNTY SUGAR COMPANY, of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 15, 1924; that Permit No. 16174 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 215 second feet, was issued thereunder on July 28, 1930, showing that said works were completed on the 2nd day of May, 1930; and that on the 12th day of January, 1939, PRESTON-WHITNEY IRRIGATION COMPANY, A CORPORATION, Assignee, of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Cub River, Worm Creek, and Worm Creek Reservoir, for irrigation and domestic purposes, under Use Permit No. 16174 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3909, on the 17th day of January, 1939.

The right hereby confirmed dates from January 1, 1929.

The point of diversion is located S. 67° 15' E. 2620 feet distant from the NW corner of Section 8, T. 15 S., R. 41 E., B.M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E., B. M., County of 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 215 cubic feet per second.

Description and location of use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9.
NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11. All Section 13.
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 14;
All Sections 15 and 16;
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21; All Sections 22, 23, 24 & 25.
NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26.
N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 27.
NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33. All Sections 34, 35 & 36.
All the above in Township 15 South, Range 39 East, B. M.

S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2.
S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3.
S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 4.
W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10.
All the above in Township 16 South, Range 39 East, B.M.

W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 19.
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20.
W $\frac{1}{2}$ Section 29. All Sections 30 & 31. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32.
All the above in Township 15 South, Range 40 East, B.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3. E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4.
S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 5. S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6.
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8. NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9.
All the above in Township 16 South, Range 40 East, B. M.

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of January, 1939.

(SEAL)

16174

JAMES SPOFFORD
Commissioner of Reclamation

J. N. LARSEN COMPANY

BONDED REAL ESTATE BROKERS AND ABSTRACTERS
TITLES AND TITLE INSURANCE
FARM AND CITY LOANS
GREAVES BUILDING

RECEIVED
DEC 2 1938
Department of Reclamation

PAUL B. LARSEN

PRESTON. IDAHO.

November 30, 1938

Commissioner of Reclamation
Boise, Idaho

Dear Sir:

On November 17, 1927 at 9:00 A. M., your department filed for record in Book R 2 of Permits at page 364 and referred to under Permit #16174 in Book 58 of Permits at page 16174 and Assignment of Conveyance from Franklin County Sugar Company, a corporation to Preston Whitney Irrigation Company, a corporation.

We would like to be advised as to the conditions of this permit. Has title certificate issued to Preston-Whitney Irrigation Company? If so, what date was it issued. Please furnish us with certified copy. If it has not been issued, please advise. We are very anxious to get this information as the irrigation company is negotiating to float a bond, and they must have the information.

We are today wiring you as follows:

"Commissioner of Reclamation
Boise, Idaho

Please advise us the status of Application Number Twenty Two Thousand Nine Hundred Fifty Five and Permit Number Sixteen Thousand One Hundred Seventy Four and Application Number Twenty Two Thousand Nine Hundred Fifty Six and Permit Number Three Hundred Sixty Four assigned to Preston-Whitney Irrigation Company stop Has certificate ownership issued stop answer

J. N. Larsen
Preston, Idaho "

Very truly yours,

J. N. LARSEN COMPANY

By

JNL:MW

16174

See if other copy

November 12, 1938

✓
Re: Permits R-364 & 16174.

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

Dear Sir:

We have your letter of December 6th in which you request copies of the two above numbered permits, and also the necessary blanks for making final proof under these permits.

We are herewith enclosing copies of these permits, and also blank forms for notice of proof of application of water to beneficial use, and also a form for your authorization for us to have the notice published, which you will fill out and return to this office immediately.

As you doubtless know, publication for beneficial use proof must be made once each week for four consecutive weeks in a newspaper in the county in which a majority of the lands are situated. Therefore publication should be started as soon as possible, since it is our understanding that a bond issue hinges upon the making of final proof. We will give you the utmost cooperation in this matter.

There will be a fee of \$2.00 for these copies.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Deputy Commissioner

PHB:jl
Encl.
cc to Tom Heath.

16174

July 28, 1930

Re: Permits 16174 and R-364.

Mr. W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

We are sending you herewith Certificate of Completion of Works issued under Permit No. 16174 and Certificate of Completion of Reservoir and Right to Store Water issued under permit No. R-364, together with receipt for fees paid.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

Encl.

16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

16174

Date..... March 29, 1930

FRANKLIN COUNTY CITIZEN

Preston, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to..... May 2, 1930....., the date set for proof, the expense of the publication to be paid by the applicant,..... H. K. Barton, Sec.-Treas. Preston-Whitney Irr. Co.
Preston, 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.

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation

2 set - C.M. reim.

16174

NOTICE FOR PUBLICATION

Notice is hereby given that at 2 o'clock, p. m., on the 2nd day of May, 1930, at Preston, County of Franklin, State of Idaho, before Arthur W. Hart, notary public, proof will be submitted of the completion of works for the diversion of 6000 acre-feet of the waters of Cub River and Worm Creek for storage, and 215 cubic feet per second from said streams and Worm Creek Reservoir, in accordance with the terms and conditions of certain permits heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name of the person or corporation holding said permit is
Preston-Whitney Irrigation Company.

The postoffice address of such person or principal place of business of such corporation is Preston, County of Franklin, State of Idaho.

The numbers of such permits are Res. Permit No. 364 and Use Permit No. 16174, and the date set for the completion of such work was December 26, 1929.

Said water is to be used for irrigation and domestic purposes.

Said works of diversion were fully completed on the date set for such completion in accordance with the plans accompanying the applications for such permits.

The amount of lands for which said water is available is 13,766 acres, particularly described as follows:

Part of Secs. 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35 & 36, Twp. 15 S., R. 39 E., B.M.; part of Secs. 1, 2, 3, 4, 9 & 10, Twp. 16 S., R. 39 E., B.M.
part of Secs. 18, 19, 29, 30, 31, & 32, Twp. 15 S., R. 40 E., B.M.; part of Secs. 3, 4, 5, 6, 8 & 9, Twp. 16 S., R. 40 E., B.M.

Geon. N. Carter
Commissioner of Reclamation

Sho - 72 NW - 8 - 155 - 41 E

D.B. - 6.10. for reinstatement

16174

February 27, 1929.

Re: Permits -16174-R-364.

Mr. Thos. Heath, Manager,
Franklin County Sugar Co.,
Preston, Idaho.

Dear Sir:-

Referring to your letter of the 25th inst. would say
the time for completion of works under the above permits was
extended to December 26, 1929.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

16174

September 5, 1928

Re: Permits 16174 and B-364

MR. J. T. PARADISE
Special Agent
U. S. Fidelity & Guaranty Co.
Salt Lake City, Utah

Dear Sir:

There has just been received in this office United States Fidelity & Guaranty Company bond No. 46-12-544-28 to cover water Permit No. 16174, now held by the Preston-Whitney Irrigation Company.

The bond as filed was incomplete regarding subject matter of the permit covered. I have taken the liberty of completing the bond in accordance with the permit record and I am sending you a copy of the bond form, showing exactly what data was added to said bond. I trust that the foregoing action is satisfactory and in accordance with your practice.

Now that the new bond is filed with Preston-Whitney Irrigation Company as principal as opposed to the previous bond, in which Franklin County Sugar Company was the principal, it is my understanding that no further obligation attaches on account of the original Bond No. 46-12-116-25.

The new bond has this day been approved and placed in the permit file.

Yours very truly,

Commissioner of Reclamation

GNC/eq
CC: Preston-Whitney Irrigation Company
McReynolds & Whitson

16174

March 15, 1928.

Re: Permit No. 16174-

Mr. W. K. BARTON, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho.

Dear Sir:-

Referring to your letter of the 8th inst; would say that the permit bond should be kept in force until the works of diversion are completed and proof submitted to this office. This proof is due December 26, 1929.

The premium on the bond may have been paid up to run the full five years allowed for completion of the works and, if so, there is nothing further to do about the bond. If the bond was not taken for the full time, you should communicate with the bonding company at Salt Lake relative to the premium.

Very truly yours,
GEO. N. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

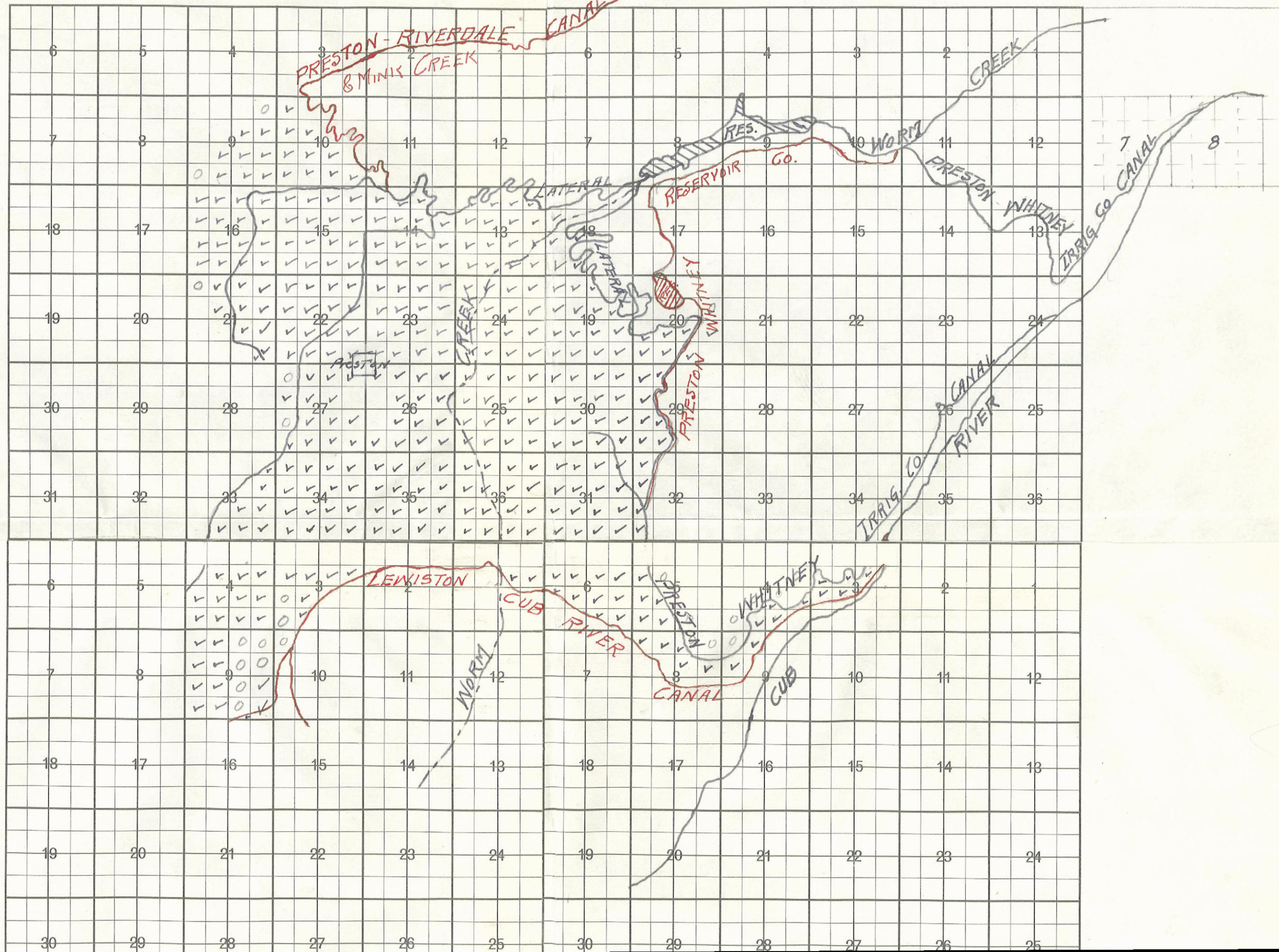
16174

SCALE: ONE INCH TO ONE MILE

SCALE: ONE INCH TO ONE MILE

Township 15 S Range 39 E

Township 15 S Range 40 E



STATE OF IDAHO

LICENSE AND CERTIFICATE OF WATER RIGHT.

Suspended in part

Water License No. 16174

Priority- January 1, 1929
COUNTY

Amount- 215 second feet.

This is to certify that FRANKLIN SUGAR COMPANY of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 15, 1924; that Permit No. 16174 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 215 second feet, was issued thereunder on July 28, 1930, showing that said works were completed on the 2nd day of May, 1930; and that on the 12th day of January, 1939, PRESTON WHITNEY IRRIGATION COMPANY, A CORPORATION, Assignee, of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Cub River, Worm Creek, and Worm Creek Reservoir, for irrigation and domestic purposes, under Use Permit No. 16174 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3909, on the 17th day of January, 1939.

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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 215 cubic feet per second.

Description and location of use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9. NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11. All Section 13. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 14. All Sections 15 & 16. NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21. All Sections 22, 23, 24 & 25. NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26. N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 27. NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33. All Sections 34, 35 & 36. All the above in Township 15 South, Range 39 East, B. M.

S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2. S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 4. W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10. All the above in Township 16 South, Range 39 East, B. M.

W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 19. SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20. W $\frac{1}{2}$ Section 29. All Sections 30 & 31. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32. All the above in Township 15 South, Range 40 East, B. M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3. E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4. S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 5. S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8. NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9. All the above in Township 16 South, Range 40 East, B.M.

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of January, 1939

(SEAL)

JAMES SPOFFORD
Commissioner of Reclamation.

APPLICATION FOR PERMIT 13-2108

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 22955
Permit No. 16174
District No. 5-H

1. Name of Applicant: Franklin County Sugar Company

Postoffice address: Preston County: Franklin State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: April 28, 1922, Ogden, Utah.

(b) Amount of capital stock: \$1,000,000.00

(c) Amount paid in: \$1,000,000.00

(d) Names and addresses of directors: H. A. Benning, P. T. Wright, Chas. Ziemer, Ogden, Utah;
A. L. Hoppaugh, Salt Lake City, Utah; E. A. Nickerson, San Francisco, Calif.
Henry C. Vidal, Denver, Colorado; A. C. Lighthall, Colorado Springs, Colorado.

II. The financial resources of the applicant are:

(a) Cash on hand: \$50,000.00

(b) Treasury stock: none

(c) Bonds to be issued: none

(d) Other resources: Sugar at present market value \$420,000.00; plant and equipment investment \$1,000,000.00

2. Quantity of water claimed: 215 cubic feet per second.

3. Source of water supply: Cub River and Worm Creek_ and Worm Creek Reservoir which is a tributary of Bear River

4. Location of point of diversion: S. 67°15' E. 2620 feet distant from the NW corner of Section 8, T. 15 S., R. 41 E., B. M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E., B. M., County of Franklin

5. Water is to be used for: Irrigation and domestic purposes.

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: \$186,000.00

8. Kind of works: Dam, reservoir, canal, diversion works, ditches, and laterals

9. Height of dam 80 feet; length of dam at top 560 feet; length of dam at bottom 70 feet; material used in dam: Selected earth

10. Size of headgate: Width 4'3" feet; height 4'6" feet

11. Ditch: Width at bottom 10 feet; width at water line 20 feet; depth of water 5 feet; dimensions of flume

Diameter of pipe inches; length of conduit 5 miles.

Average grade per mile feet

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

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

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

15. (a) Is reservoir to be used? Yes If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit: Worm Creek Reservoir. R-364
 (c) Date of filing of Application for Storage Permit and Name of Applicant: December 15, 1924, Franklin County Sugar Company.

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

Franklin County Sugar Company

Applicant.

By H. A. Benning, Vice-president

Agent.

Date of first receipt at Department of Reclamation. 9 A. M. December 15, 1924.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16174

Recorded in Book 58 Page 16174 Approved December 26, 1924

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 \$ 1000.00 to be filed on or before February 24, 1925

Work to begin on or before _____ 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 December 26, 1925

The whole of said work to be completed on or before December 26, 1926

Witness my hand this 26th day of December, 1924.

W. G. SWENDESEN

Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
15 S.	39 E.	9	10✓		5	35					5		15✓	30	40	30	40	250		
		10					30	40	20	40	40	40	40		20	40	20	330		
		11											2						2	
		13	20	30	40	40	25	5	40	40	40	40	40	40	40	40	40	40	560	
		14	3✓	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	588	
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		21	40	40	40	40	40	25✓		25					40	25	2	26	343	
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	560	
		27	40	40	40	40	40	40✓	40	40	40	40✓	40	40	40	40	40	40	560	
		33	4			25								8	40	20	40	40	177	
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		16 S.	39 E.	1			30	36												66
				2							2									2
3					35	20			40	40	31	40✓	32	2		2✓			242	
4					40	40			30	40	40	25	40	40	40	40	40	40	415	
9	40✓			40✓	40✓	40✓	40	40	40	40	40	40	40	40	40	40✓	40✓	40	640	
15 S.	40 E.	10						16✓	8			10✓	33						67	
		18						10	40	35	40	40	40		6✓	35✓	5✓	251		
		19	35✓	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	635	
		29								8	17								25	
		30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		32						25	30		35	36							126	
		3			15				20	25	3	14							77	
16 S.	40 E.	4			6✓					5✓		8✓	39	25	10	22	1	116		
		5						40	5✓	27	40	40	40		17✓			209		
		6			40	40			40	40	22	7			40	38	7	32	306	
		8	8✓	35	7	30	27	13											120	
		9					23	15✓	20		1✓								59	
		Total number of acres to be irrigated															13,766			

EXTENSION OF TIME

Permit No. 16174

Approval of Commissioner of Reclamation

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the public waters of the State of Idaho, No. 16174, to December 26, 1929, and the time for proof of beneficial use of water to December 26, 1934.

WITNESS My hand this 23rd day of April, 1926

W. G. SWENDSEN
Commissioner of Reclamation

By Geo. N. Carter
Assistant.

See assignment to Preston-Whitney Irrigation Company, recorded under Reservoir Permit No. R-364, Nov. 17, 1927.

Permit No. 16174

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Preston-Whitney Reservoir Company, of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 16174, issued upon Application No. 22955, bearing date of priority of December 15, 1924, authorizing the diversion of 215 second feet of the waters of Cub River, Worm Creek and Worm Creek Reservoir, County of Franklin, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 215 second feet of the waters of Cub River, Worm Creek and Worm Creek Reservoir; that the point of diversion of said waters is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8, Twp. 15 S., R. 41 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Parts of Secs. 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35 and 36, Twp. 15 S., R. 39 E., B.M.; Parts of Secs. 1, 2, 3, 4, 9 and 10, Twp. 16 S., R. 39 E., B.M.; Parts of Secs. 18, 19, 29, 30, 31 and 32, Twp. 15 S., R. 40 E., B. M.; Parts of Secs. 3, 4, 5, 6, 8 and 9, Twp. 16 S., R. 40 E., B. M.

Witness my hand this 28th day of July, A. D. 1930.

GEO. N. CARTER

By Myron Swendsen, Assistant.

Proof of Completion made May 2, 1930.
Certificate issued July 28, 1930.

LICENSE ISSUED FOR 215 SEC. FT.

See page 3909

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2108

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0068	LARSEN, Lynn J. Rt. #1 Preston, Idaho	6-09-1923	Irrigation	4-1	11-1	105.0	0.97	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S.13 T16S, R39E	Sec. 14 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 T16S, R39E	Decree
			Point of injection into unnamed stream: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S.14, T16S, R39E Point of re-diversion from unnamed stream: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S.14, T16S, R39E							30.0
✓13-2102 &	PRESTON-WHITNEY RESERVOIR COMPANY	9-18-1923	Irrigation	4-1	11-1	4265.0	10.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$, S.10 T15S, R40E	Same as listed under 13-2022	License
✓13-2287	Preston, Idaho	9-18-1923	Diversion to storage	11-1	6-15	---	---			Johnson Reservoir outlet located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T15S, R40E
	<i>amended by final decree</i>	9-18-1923	Storage for irrigation	1-1	12-31	730.0 4265.0	--- 10.0			
		The amount of water diverted using this right and 13-2022, shall not exceed 40 c.f.s. or 5457.0 af/yr.								
✓13-2103	PRESTON WHITNEY IRRIGATION COMPANY	3-14-1924	Irrigation	4-1	11-1	10,662.0	25.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.8 T15S, R40E	Same as listed under 13-0271	License
✓13-2108 &	PRESTON WHITNEY IRRIGATION COMPANY	12-15-1924	Irrigation	4-1	11-1	6000.0	---	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.8 T15S, R40E	Same as listed under 13-0271	License
✓13-2288	Preston, Idaho	12-15-1924	Diversion to storage	11-1	6-15	---	---			Glendale Reservoir
		12-15-1924	Storage for irrigation	1-1	12-31	6000.0 6000.0				

Diversion from storage is limited to a total of 215 c.f.s. when combined with the
diversions from Worm Creek and Cub River.

APPROVED

LAND LIST ATTACHMENT

①

Description and location of place of use:

13-2108

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	9	10		5	35					5		15	30	40	30	40	40	
		10						30	40	20	40	40	40	40		20	40	20	
		11											2						
		13	20	30	40	40	25	5	40	40	40	40	40	40	40	40	40	40	
		14	3	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		21	40	40	40	40	25		25						40	25	2	20	
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		26	40	40	40	40	40	40		40	40		40	40	40	40	40	40	
		27	40	40	40		40	40	40	40	40	40	40	40		40	40	40	
		33	4			25								8	40	20	40	40	
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
110S	39E	1			30	30													
		2						2											
		3			35	20			40	40	31	40	32	2		2			
		4			40	40				30	40	25	40	40	40	40	40	40	
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		10						10	8			10	33						
15S	40E	18						10	40		35	40	40	40		6	35	5	
		19	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		29									8	17							
		30	40																→
		31	40																→
		32						25	30		35	30							

Total number of acres irrigated _____

WATER

April 2, 1975

Re: Licensed Rights 13-2108 & 13-2288

Preston Whitney Irrigation Co.
Mr. Angus Condie
Preston, ID 83263

Dear Mr. Condie:

In the recent Fact Finding Hearing held in Preston on March 27, 1975, you requested a copy of the above referenced licenses. Enclosed is a copy of a licensed right which essentially pertains to both of the above referenced licenses.

Whenever a reservoir was involved with a water filing, the Department at one time issued two permits. One was a permit to construct the reservoir, in this case identified as Permit No. 13-2288; and the second permit was to appropriate the water of the State; in this case identified as Permit No. 13-2108. The two permits eventually evolved into one water right license, a copy of which is enclosed.

I am currently analyzing the finding with regard to the Cub River claim. As soon as I have a potential solution I'll advise you of the progress.

Sincerely,

L. Glen Saxton
Water Resource Engineer

LGS: rb

Enclosure

Re: License R-793 and 13-2108

RECEIVED

NOV 4 1957

1174

R-493
13-2108

RECEIVED

January 21, 1969

RE: License R-793 and 13-2108

Dell W. Smith
Attorney at Law
Preston, Idaho 83263

Dear Mr. Smith:

Enclosed please find the copies of the above referenced permits as requested.

There is a \$1.00 fee for these copies which you may remit to our office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosures

*Rec'd # 2635
mailed
2-10-69*

*R-793
13-2108*

C
O
P
Y

DON SAMUELSON
GOVERNOR



RECEIVED

JAN 20 1969

R. KEITH HIGGINSON
State Reclamation Engineer

Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 15, 1969

	RECL. ENGR.	
	DEPUTY	
	WATER RIGHTS	
	APPROP	
	DIST	
	ADJ	
	INVESTIGATION	
	CHIEF	
	CLERK	
	ACCOUNTING	
	FILE	
	RETURN TO	
	DISCARD	

RE: Permit R-793
13-2108

Dell W. Smith
Attorney at Law
Preston, Idaho 83263

Dear Mr. Smith:

This is in reply to your letter of January 14, 1969, regarding the SE 1/4, Section 33, T 15 S., R 39 East, B.M. There are two licensed rights covering the land in question. These permits are owned or were at one time, by Franklin Sugar Company. There was 13,766 acres under these permits and the priority date of 13-2108 was January 1, 1929.

If we can be of further assistance please let us know.

Very truly yours,

M. Russell Bosch
M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Gentlemen:

Would you kindly send this office a copy of the two license water rights covering the above described real property. If there be any fee connected with this, kindly bill this office.

Very truly yours,

Dell W. Smith
Dell W. Smith, Attorney at Law

R-793
13-2108

January 15, 1969

RE: Permit R-793
13-2108

Dell W. Smith
Attorney at Law
Preston, Idaho 83263

Dear Mr. Smith:

This is in reply to your letter of January 14, 1969, regarding the SE¹/₄SE¹/₄, Section 33, T 15 S., R 39 East, B.M. There are two licensed rights covering the land in question. These permits are owned or were at one time, by Franklin Sugar Company. There was 13,766 acres under these permits and the priority date of 13-2108 was January 1, 1929.

If we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

R-493
13-2108

RECEIVED

JAN 15 1969

Department of Reclamation

	RECL. ENGR.	
	DEPUTY	
	WATER RIGHTS	
	APPROP	
	DIST	
	ADJ	
	INVESTIGATION	
	WELLS	
	MMS	
✓	ACCOUNTING	
	FILE	
	RETURN TO	
	DISCARD	

Law
Office

Dell W. Smith

Preston
Idaho
83263

January 14, 1969

Department of Reclamation
State House
Boise, Idaho 83700

Gentlemen:

Mr. Dean Shaffer of Preston, Idaho has requested that I inquire of your office as to whether or not there has ever been any water filing or rights recorded in your office concerning the following described real property situated in Franklin County, Idaho, to-wit: Southeast quarter of the Southeast quarter of Section 33, Township 15 South, Range 39 East, Boise Meridian.

If there be any fees connected with this information, would you kindly bill this office.

Very truly yours,



Dell W. Smith
Attorney at Law

DWS/sm

CC: Dean Shaffer
Preston, Idaho

15929-13-2103

15933-13-2104

16174-13-2108

R-793 6000 AF.

Franklin Sugar Co.

215 C.F.S.

13,766 ACRES.

PRIORITY 1/1/29

R-793
13-2108

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 16174

Priority- January 1, 1929

Amount-215 second feet

THIS IS TO CERTIFY that FRANKLIN COUNTY SUGAR COMPANY, of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 15, 1924; that Permit No. 16174 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 215 second feet, was issued thereunder on July 28, 1930, showing that said works were completed on the 2nd day of May, 1930; and that on the 12th day of January, 1939, PRESTON-WHITNEY IRRIGATION COMPANY, A CORPORATION, Assignee, of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Cub River, Worm Creek, and Worm Creek Reservoir, for irrigation and domestic purposes, under Use Permit No. 16174 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3909, on the 17th day of January, 1939.

The right hereby confirmed dates from January 1, 1929.

The point of diversion is located S. 67° 15' E. 2620 feet distant from the NW corner of Section 8, T. 15 S., R. 41 E., B.M., and is in the NE $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E., B. M., County of 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 215 cubic feet per second.

Description and location of use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9.
NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11. All Section 13.
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 14;
All Sections 15 and 16;
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21; All Sections 22, 23, 24 & 25.
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26.
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 27.
NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33. All Sections 34, 35 & 36.
All the above in Township 15 South, Range 39 East, B. M.

S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2.
S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3.
S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 4.
W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10.
All the above in Township 16 South, Range 39 East, B.M.

W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18. NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 19.
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20.
W $\frac{1}{2}$ Section 29. All Sections 30 & 31. W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32.
All the above in Township 15 South, Range 40 East, B.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3. E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4.
S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 5. S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6.
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8. NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9.

All the above in Township 16 South, Range 40 East, B. M.

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of January, 1939.

(SEAL)

16174

JAMES SPOFFORD
Commissioner of Reclamation

James Spofford ~~xxxxxxx~~

~~xxxxxxxxxxxx~~
O. A. Bottolfson

January 23, 1939

Re: Permit No. 16174
Preston-Whitney Irrigation Company.

Mr. P. H. Condie,
Attorney-at-law,
Preston, Idaho.

Dear Sir:-

Thank you very much for returning License and Certificate of Water Right No. 18291, also letter transmitting same to Mr. Manford Murphy, of Jarbridge, Nevada, which were erroneously enclosed in an envelope addressed to you.

We have received a similar communication from Mr. Murphy, and are herewith enclosing License No. 16174, in the name of the Preston-Whitney Irrigation Company, together with receipt, and letter addressed to you under date of January 17th.

We regret the error, and trust that you have not been seriously inconvenienced thereby.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA
Enc.

Chief Clerk

16174

James Spofford XXXXXXXX

XXXXXXXXXXXX

C. A. Bottolfson

January 17, 1939

Re: Permit No. 16174
Preston-Whitney Irrigation Company.

Mr. P. M. Condie,
Attorney-at-law,
Preston, Idaho.

Dear Sir:-

We are herewith enclosing License and Certificate of Water Right issued under the above numbered permit, confirming the right of the Preston-Whitney Irrigation Company, a corporation, to the use of 215 second feet of the waters of Cub River, Worm Creek, and Worm Creek Reservoir, with a date of priority of January 1, 1929, for irrigation and domestic purposes, upon the tracts described in Township 15 South, Range 39 East, B. M.; Township 15 South, Range 39 East, B. M.; Township 15 South, Range 40 East, B. M.; and Township 16 South, Range 40 East, B. M.

The Department's Receipt No. 16823, for the \$176.00 fee in connection with this License, is also enclosed.

Very truly yours,

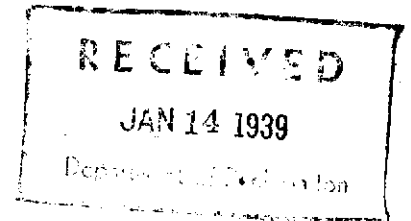
JAMES SPOFFORD
Commissioner of Reclamation
BY

JLA
Encs.

Chief Clerk.

16174

P. M. Condie
ATTORNEY-AT-LAW
LARSON BUILDING
PRESTON, IDAHO



Jan. 12, 1939.

Mr. James Spofford,
Commissdner of Reclamation,
Boise, Idaho.

Dear Sir:

I enclose depositions by president of holder of permits Nos. 16174 and R-364, which I trust you will find in order. Also proof of publication of notice of hearing, and check for \$176.00.

In arriving at the number of acres actually irrigated, we had recourse to Mr. J. J. Sanford, who made the inspection for your office. He agreed with the acreage we have set out in these proofs, which is a little different from what he had reported to your office.

The water is early flood water and is used to supplement the water which is held under decree, much of it being impounded in the reservoir for later use, while some water is taken directly from Cub River and applied directly to the land without going through the reservoir.

If any amendment is necessary, I shall be pleased to make it upon receipt of your advice to that effect.

Very truly yours,

A large, stylized handwritten signature that reads "P. M. Condie". The letters are fluid and connected, with a prominent "P" and "M".

16174

A handwritten signature that appears to read "J. F. Lic.". It is written in a cursive style with a long, sweeping underline.

AFFIDAVIT OF PUBLICATION

I, Louise Monson, Clerk
(Foreman or Publisher)

of the Franklin County Citizen, a newspaper published weekly at Preston, Idaho, do solemnly swear that the notice as per clipping attached was published in the regular and entire issue of said newspaper, and not in any supplement

thereof, for four

(4) consecutive weeks, commencing with the issue dated,

December 21, 1938
and ending with the issue dated,

January 11, 1939

Louise Monson
Subscribed and sworn to before me

this 12 day of January,
1939

P. M. Condie

Notary Public

Preston Idaho

16174

NOTICE FOR PUBLICATION

Notice of Permit Application of Water to Beneficial Use

Notice is hereby given that at ten A.M. on the 12th day of January, 1939, at Preston, County of Franklin, State of Idaho, before P. M. Condie, a notary public, proof will be submitted of the application to beneficial use of 215 cubic feet per second of the waters of Cub River and Worm Creek, and Worm Creek Reservoir, in accordance with the terms and conditions of Permit No. 16174 & R-364 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Preston-Whitney Irrigation Company, a corporation, Preston, Idaho.

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

The amount applied to beneficial use is 215 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9; NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; All Secs. 13; 14, 15 & 16; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$, Sec. 21; All Secs. 22, 23, 24 & 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 33; All Secs. 34, 35 & 36, T. 15 S., R. 39 E., B. M.; S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 4; All Sec. 9; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10, T. 16 S., R. 39 E., B. M.; W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18; All Sec. 19; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; All secs. 30 & 31; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32, T. 15 S., R. 40 E., B. M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 16 S., R. 40 E., B. M., totaling 13,766 acres of land.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Preston-Whitney Irrigation Company canal and laterals, and reservoirs of said company.

The right to take water from such works is based upon Permit No. 16174 and R-364.

The source of supply from which said water is diverted is Cub River and Worm Creek, tributaries of Bear River.

The date of priority which said user is prepared to establish is January 1, 1929.

R. W. FARIS, Commissioner
d21J11t4 of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

PERMIT No. 16174 & R-364.

Proof of Application of Water to Beneficial Use**Deposition of Holder**

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

Ans. H. C. Nelson, 61 years of age, residing in Preston, Idaho, by occupation a farmer. Post office address: Preston, Idaho.

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

✓ Ans. Preston-Whitney Irrigation Company, principal place of business is Preston, Idaho. I am president of said corporation and authorized to make this deposition.

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

✓ Ans. No. R-364 and 16174

✓ Ans. Date of priority January 1, 1929.

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

✓ Ans. Cub River and Worm Creek, tributaries to Bear River; diverted at S. 67°15' E. 2620 feet distant from the NW corner of Section 8, T. 15 S., R. 41 E. B. M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E. B. M., County of Franklin.

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.

✓ Ans. Dam, reservoir, canal, diversion works, ditches, and laterals. Dam 80 feet high, 560 long at top, 70 feet at bottom, made of selected earth; headgates (2) 4'3" x 4'6"; Ditch 10 feet wide, width at water line 20 feet; 5 feet deep. Length of conduit 5 miles. or more. Distributing canals: one 12 miles long and will carry 40 c. f. s. One 10.5 miles and will carry 30 c. f. s. and One 7 or 8 miles and will carry 40 c. f. s. Main filling canal will carry 125 c. f. s. While this is being used, other canals are also being used, one of them taking out water directly from Cub River to extent of about 40 c. f. s.

Then there are laterals leading from main canals. The balance of the water is conducted into reservoir directly by Worm Creek across which the reservoir dam is constructed. Main filling canal from Cur River is 12 feet wide on the average and of varying depths.

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 cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

✓ Ans. Irrigation and domestic purposes. Land covered is under cultivation, and the chief improvement has been in the larger crops which have been raised, and making it possible for more homes to be erected, and a considerable increase in the population in the section irrigated

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

Ans. none

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

Ans. 215 cubic feet per second; in other words we need all the water there is available after prior rights have been taken care of.

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. By assignment from Franklin County Sugar Company.

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

Ans. All available water has been used since prior to January first, 1929, and applied to the irrigation of land for crops and for domestic purposes. The amounts have varied according to the water available, and more land could be brought under cultivation if the water were available.

The water applied for is only subject to appropriation by us during the high water period, and is chiefly impounded in the reservoir and used for early irrigation.

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 right claimed thereunder.

Ans. We have decreed water to amount of 55 cubic feet per second, subject to certain prior rights and this is largely used during the early irrigation season. There is also water from Preston, Riverdale and Mink Creek Canal which is used on the same or part of the same land to amount of 20 cubic feet per second. This is not generally brought in until rather late in the season owing to condition of ditches, and only covers a small portion of the land described above. Other appropriators in Cub River are Cub River Irrigation Company, and several individual land owners on Cub River, the Cub River Irrigation Co. is only prior owners.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston, County of Franklin,

State of Idaho, on this 12th day of January, A. D. 1939.

Notary Public, Preston, Idaho.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
15S.	39E.	9	10		5	35					5		15	30	40	30	40	40
		10						30	40	20	40	40	40	40		20	40	20
		11											2					
		13	20	30	40	40	25	5	40	40	40	40	40	40	40	40	40	40
		14		30	40	40	15	40	40	40	40	40	40	40	40	40	40	40
		21	40	40	40	40	40			40					40	25	2	26
		26	40	40	40	40	40	40		40	40		40	40	40	40	40	40
		27	40	40	40		40		40	40	40		40	40	40	40	40	40
		33	4		20	40							40		40	40	40	40
16S.	39E.	1			30	36												
		2						10										
		3			35	20		40	40	35			10		10			
		4			40	40			40	40	40	40	40	40	40	40	40	40
		9					40	40	40	40	40	40	40	40	40		40	40
		10					16	8		10	33							
15S.	40 E.	18					10	40		35	40	40	40		6			
		19		15	40	10	40	40	40	40	40	40	40	40	40	40	40	40
		29					20	40	40	5	20	40	40	25				
		32					25	30		35	36							
16S.	40E.	3			15			20	25	3	14							
		4							5		39	15	10	22	1			
		5						40	5	27	40	40	40					
		6			40	40		40	40	22	7			40	38	7	32	
		8		5	35	30	40	13								5	15	
		9					40	40	40	40	20							
			154	206	460	340	548	472	526	455	436							
					411	339	495	446	544	419	434							

Or a total of ~~6679 acres~~ 6679 acres
 All of Sections 15, 16, 22, 23, 24, 25, 34, 35, 36 of
 Township 15 South, Range 39 East or a total of 5760 acres
 All of Sections 30 and 31, Township 15 South, Range 40
 East, or a total of 1280 acres
 Total 13,719 acres

Water has also been applied to land in Section 20, Tp. 15
 South, Range 40 E. as follows:

25 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres
 in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$
 SW $\frac{1}{4}$, and 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, or a total of

170 acres
 13,889

Water has also been applied to other land of which we do not
 have the description.

16174

Twp.	Range	Sec.	NE $\frac{1}{4}$	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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
15S.	39E.	9	10			5	35					5		15	30	40	30	40	40
		10							30	40	20	40	40	40	40		20	40	30
		11												2					
		13	20	30	40	40	25	5	40	40	40	40	40	40	40	40	40	40	40
		14		30	40	40	15	40	40	40	40	40	40	40	40	40	40	40	40
		21	40	40	40	40	40			40						40	25	2	26
		26	40	40	40	40	40	40		40	40			40	40	40	40	40	40
		27	40	40	40	40	40		40	40	40			40	40	40	40	40	40
		33	4		20	40								40		40	40	40	40
16S.	39E.	1			30	36													
		2							10										
		3			35	20			40	40	35			10		10			
		4			40	40				40	40	40	40	40	40	40	40	40	40
		9					40	40	40	40	40	40	40	40	40	40		40	40
		10						16	8			10	33						
15S.	40 E.	18						10	40			35	40	40	40		6		
		19		15	40	10	40	40	40	40	40	40	40	40	40	40	40	40	40
		29					20	40	40	5	20	40	40	25					
		32						25	30			35	36						
16S.	40E.	3			15				20	25	3	14							
		4									5			39		15	10	22	1
		5							40	5	27	40	40	40					
		6			40	40			40	40	22	7				40	38	7	32
		8		5	35	30	40	13										5	15
		9					40	40	40	40		20							
			154	200	460	340		548	472	526	455	436							
					411	339		495	446	544	419	434							

Or a total of ~~6679~~ acres
 All of Sections 15, 16, 22, 23, 24, 25, 34, 35, 36 of
 Township 15 South, Range 39 East or a total of 5760 acres
 All of Sections 30 and 31, Township 15 South, Range 40
 East, or a total of 1280 acres
 Total 13,719 acres

Water has also been applied to land in Section 20, Tp. 15
 South, Range 40 E. as follows:
 25 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres
 in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$
 SW $\frac{1}{4}$, and 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, or a total of

170 acres
 13, 889

Water has also been applied to other land of which we do not
 have the description.

16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16174 & R-364

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. Victor Peterson, age 47 years, residing in Preston, Idaho, occupation
water master for Preston-Whitney Irrigation Company.

Ques. 2. Are you acquainted with Preston-Whitney Irrigation Company, the
holder of Permit No. 16174 and R-364? How long have you known him and where does he reside?

Ans. Yes I am acquainted with this company; known it since its organiza-
tion. Helped build reservoir dam, etc.

Ques. 3. Have you read or heard read said Permit No. 16174 and R-364, 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. Cub River and Worm Creek, tributaries of Bear River. Place of diversion
S. 67°15' E. 2620 feet distant from NW corner of Section 8, T. 15 S.,
R. 41 E. B. M., and is in NE¼ NW¼ of Section 8, T. 15 S., R. 41 E. B. M.,
in Franklin County. Works consist of large canal leading from Cub River to
the Reservoir which is in the channel of Worm Creek, together with Reservoir,
outlets, two canals leading from reservoir, one canal leading directly from
Cub River to Whitney, which does not touch the reservoir, also laterals and
ditches. Together with headgates, weirs, etc. necessary for distribution.
In addition to these, there is the natural channel of Worm Creek through which
a large spring run-off enters the reservoir and canals.

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. Ditches will conduct 165 cubic feet per second; natural channel of
Worm Creek will carry almost unlimited amount. All of 215 cubic feet
per second has been so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each
sub-division 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 improvement which have
been made as a direct result of said use.

Ans. Irrigation and domestic purposes. Land ~~known~~ covered is under cul-
tivation, and the chief improvement has been in larger crops which have been
raised, making it possible for more homes to be erected and a considerable
increase in the population in the ~~known~~ section irrigated.

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

Ans. no

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, clay loam. land has been reclaimed, and this water has been used to increase the productivity of land already under cultivation. All decreed water together with all the water applied for by the Preston-Whitney Irrigation Company up to 215 cubic feet per second, is required.

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

Ans. Have not interest in the company. Have worked for the company at times.

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. Years 1931 to 1938, inclusive, have seen water being run into the reservoir, and have seen water being conveyed out of the reservoir and also directly from Oub River, to the lands described, and I have also distributed much of this water to the shareholders in the company.

(Signed)

Victor Peterson

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 day of 12 January, A. D. 1939.

G. M. Leandrie

Notary Public.

My commission expires Oct. 29, 1942.

Preston, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16174 & R-364.

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. George C. Peterson, age 56 years old, residing in Preston, Idaho,
occupation farmer. Po. O. Address Preston, Idaho.

Ques. 2. Are you acquainted with Preston-Whitney Irrigation Company, the holder of Permit No. 16174 and R-364? How long have you known him and where does he reside?

Ans. Yes; I have known the company and been a sharehold in it since it was organized.

Ques. 3. Have you read or heard read said Permit No. 16174 & R-364, 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. Cub River and Worm Creek, tributaries of Bear River. Place of diversion S. 67°15' E. 2620 feet distant from NW corner of Section 8, T. 15 S., R. 41 E. B.M. and is in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 15 S., R. 41 E. B. M., in Franklin County, Idaho. Works consist of a large canal leading from Cub River to the Reservoir which is in the channel of Worm Creek, together with Reservoir outlets, two canals leading from reservoir, one canal leading directly from Cub River to Whitney, which does not touch the reservoir, also laterals ~~from~~ and ditches. Together with headgates, weirs, etc. necessary for distribution. In addition to these, there is the natural channel of Worm Creek through which a large spring run-off enters the reservoir and canals.

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. Ditches will conduct 165 cubic feet per second; natural channel of Worm Creek will carry almost an unlimited amount. All of 215 cubic feet per second has been so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes. Land covered is under cultivation, and the chief improvement has been in larger crops which have been raised, making it possible to build more homes and to maintain a considerable larger population in and around Preston in the section irrigated.

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

Ans. no

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, clay loam land has been reclaimed, and this water has been used to increase the productivity of land already under cultivation. All decreed water together with all the water applied for by the Preston-Whitney Irrigation Co. up to 215 cubic feet per second is required.

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

Ans. I am a stockholder in Preston-Whitney Irrigation Company.

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. Years 1928 to the present time, I have seen water being run into the reservoir, and have seen water being conveyed out of the reservoir and also directly from Cub River to the lands described, and I have worked on the canals, and I have been a director part of the time and helped to manage the company.

(Signed)

George L. Peterson

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 12 day of January, A. D. 19 39

J. M. Condie

My commission expires October 29, 1942.

Notary Public.
Preston, Idaho.

Acting

James Spofford ~~XXXXXXXX~~

~~XXXXXXXXXXXX~~
C. A. Bottolfson

January 10, 1939

Re: Permit No. 16174
Preston-Whitney Irrigation Co.

Mr. W. M. Condie,
Attorney-at-law,
Preston, Idaho.

Dear Sir:-

We are now in receipt of the Engineer's Report in connection with beneficial use proof under the above numbered permit.

This report shows that the holder of the permit is irrigating 13,176 acres in 359 40-acre legal subdivisions.

However, previous inspections have been made on 182 of these 40-acre subdivisions; therefore, your fee, figured at the rate of \$1.00 per 40-acre legal subdivision or fraction thereof which is being irrigated, will be \$176.00.

Upon receipt of this fee, and the depositions of the holder and two witnesses, and affidavit of publication in connection with this proof, license will issue.

We trust that you will attend to these matters, so that there will be no delay in the issuance of this license.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

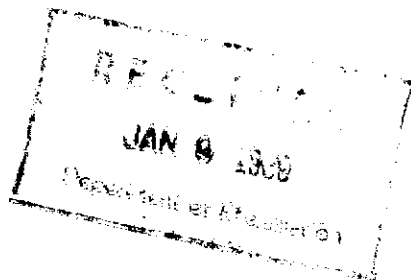
B:A

Acting Deputy Commissioner

16174

Preston, Idaho.

Jan. 5, 1939.



Department of Reclamation,

Boise, Idaho.

Attention: Mr. Paul H. Berg

Gentlemen:

I am enclosing report on proof of Beneficial Use for permit
No. 16174- Preston Whitney Irrigation Company.

I here with submit a bill for \$ 35.00, having had to hire
a man with a car for two days to assist me.

Very truly yours,

J. J. Sanford.

16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16174 & R-364.

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Preston-Whitney Irrigation Company
2. Source of water supply: Cub River, Worm Creek & Worm Creek Reservoir.
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8
15 S. 40 E.
15 S. 41 E. County of Franklin.
4. Describe works as they exist, giving dimensions and capacities of same:
36 inch steel pipe through dam with valve control. Capacity of main lateral
below reservoir 100 c. f. s.
Concrete diversion dam and headgate with two gates, each 5 feet wide,
diverts the water from Cub River into the feeder canal to the reservoir.
The capacity of the feeder canal is 125 c. f. s.
5. Water is used for: irrigation and domestic purposes
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 for other than irrigation): NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9; NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; All Secs. 13, 14, 15 & 16; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 21; All Secs. 22, 23, 24 & 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 33; All Secs. 34, 35 & 36, T. 15 S., R. 39 E., B. M.; S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 4; All Sec. 9; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10, T. 16 S., R. 39 E., B. M.; W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18; All Sec. 19; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; All Secs. 30 & 31; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32; T. 15 S., R. 40 E., B. M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 16 S., R. 40 E., B. M., totaling 13,766 acres of land.

(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: Part of the land shown on the plat is irrigated by other canals thro exchanges.

The Preston Riverdale & Mink Creek Canal, the Preston Whitney Irrig. CO.,
and the Preston Whitney Reservoir Co. use the same ditches in many cases - most of
the users being stockholders in at least two of the companies.

Part of the lands irrigated by the lower Preston Whitney Irrig. Co. Canal - Cub R.
has a supplementary water right from the reservoir while the lands near the head
have only a high water right.

This examination was made on the 5th day of JANUARY, 1939

(Signed)

J. J. Sanford
 16174
 Examiner.

Preston-Whitney Irrigation Co.
Preston, Idaho

Permit No. 16174 & R-364

Examination for Beneficial Use

County Franklin

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 a 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.
-

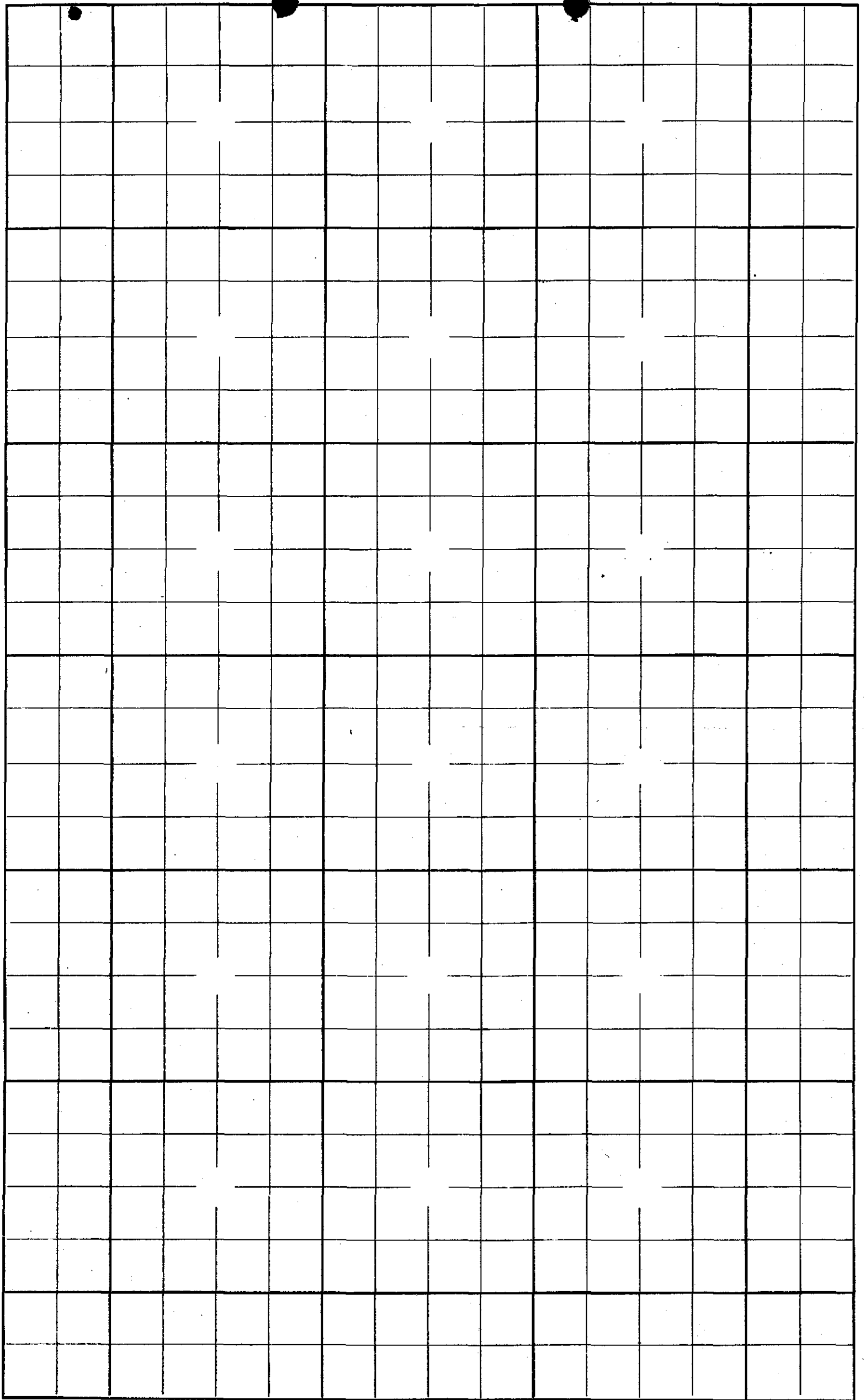
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 16174

REPORT ON PROOF OF BENEFICIAL USE

O.K. RHD.
35¢ 40's
2.15 sec. ft.
13,176 Acres.
Fee. 35¢ - 16174
1¢ 2 - other.
\$176.00



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 16174 & R-364

BOISE, IDAHO, January 3, 1939

Mr. P. M. Condie,

Preston, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 16174 & R-364.

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On January 12th, 1939, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Preston, Idaho before P. M. Condie, a Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

JAMES SPOFFORD

Commissioner of Reclamation.

16174

December 30, 1938

P. 16174

J. J. Sanford
Twin Lakes Canal Company
Preston, Idaho

Dear Mr. Sanford:

We have your letter of December 28 in which you inquire as to whether or not it is necessary that the engineer making the examination in connection with beneficial use proof, for the Preston Whitney Irrigation Company, holds a license.

The statutes provide that prior to the issuance of a license an examination of the lands to be irrigated under the permit must be made by a representative of the Department of Reclamation, and I believe your former letter is sufficient to designate you as a representative of this department. If it is convenient for you, we would like to have you make this examination as soon as possible so that a license will issue at the earliest possible date and the Preston Whitney Irrigation Company will be able to complete their financial arrangements.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

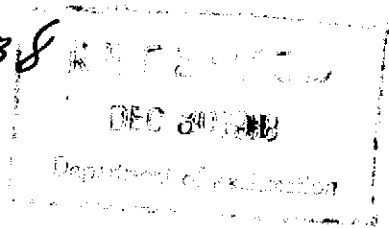
By PAUL H. BERG
Deputy Commissioner of Reclamation

PHB:mb

1 6174

OFFICE OF
TWIN LAKES CANAL CO.
PRESTON, IDAHO

Dec 28, 1938



Department of Reclamation
Boise Idaho.

Attention: Mr Paul H. Berg.

Gentlemen:-

After reading your letter,
concerning the examination to be
made for final proof of the Proctor
-Whitney Irrigation Company, I take
it that the examiner should be
a licensed engineer.

If this is the case, I would
not be qualified to make the examination.

Very truly yours.

J. J. Sanford.

16174

16174
R-364

December 20, 1938

Mr. J. J. Sanford
Preston, Idaho

Dear Mr. Sanford:

The Preston-Whitney Irrigation Company contemplates making proof of beneficial use under permit number 16174 and permit R-364 on January 12, 1939.

As we understand it, they are negotiating for a loan and it must be made prior to January 1, and the company making the loan must have some evidence that a license will issue when proof is submitted, and in any event as near January 12, as possible. Therefore, we wish to ask that you make the examination in connection with beneficial use proof and submit your report to us so that we may issue a license as quickly as possible.

We are herewith inclosing our form for the report of the engineer. This form shows the point of diversion and the outlet of the reservoir, and it also shows the legal description of the lands to be irrigated. We will greatly appreciate it if you will make this inspection and show a plat on the space provided for such in the report showing the number of acres irrigated in each forty acre subdivision. We are also inclosing a plat showing the lands listed under permit number 16174 and permit number 15583.

When you submit your report, you may also submit a bill for services, and this will be taken care of by this department.

Thanking you, we are,

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By PAUL H. BERG
Deputy Commissioner

PHB:mh
Inc.

16174

December 19, 1938

✓
Re: Permit Nos. 16174 and R-364

F. P. Champ
Cache Valley Banking Company
Logan, Utah

Dear Sir:

We have had some correspondence with the Preston-Whitney Irrigation Company in connection with proof of beneficial use under the above numbered permits. The notice of proof is being published now, and the date set for proof is January 12, 1939. The Department of Reclamation is causing an examination to be made, and a license will issue as soon as we are in receipt of the depositions in connection with this proof, providing no protest is filed. As we understand it, there is not likely to be a protest on this proof, however, we cannot promise a license will issue until we find that there is no protest.

We trust that this information will aid you in the pending transaction with the Preston-Whitney Irrigation Company.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By PAUL H. BERG
Deputy Commissioner

PHB:ah
cc Preston-Whitney Irrigation Company
cc Tom Heath

16174

December 19, 1938

Re: Permit Nos. 16174 and R-364

Mr Tom Heath
Owyhee Hotel
Boise, Idaho

Dear Sir:

In accordance with your telephone conversation of this morning, we are herewith inclosing a copy of a letter to F. P. Champ of the Cache Valley Banking Company in connection with the above numbered permit held by the Preston-Whitney Irrigation Company.

At present, we plan to contact Mr. J. J. Sanford of Preston, Idaho, and have him make the necessary inspection in connection with the proof of beneficial use under the above numbered permits. Mr. Sanford is qualified to make these inspections, and it would be much cheaper than for us to send a man down.

We trust that this arrangement will be satisfactory.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By PAUL H. BERG
Deputy Commissioner

PHB:mh
cc Preston-Whitney Irrigation Company

16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date December 17, 1938

THE FRANKLIN COUNTY CITIZEN
Preston, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 12, 1939, the date set for proof, the expense of the publication to be paid by the applicant, Preston-Whitney Irrigation Company, Preston, 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.

Very truly yours,

R. W. PARIS

Commissioner of Reclamation

16174

December 17, 1938

Re: Permits 16174 & R-364.

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

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Franklin County Citizen, Preston, Idaho, all in connection with Permits 16174 and R-364.

You will note that we made some changes, corrections and additions in the notice. We set the date for proof as January 12, 1939. We substituted a new land list, which is in simpler form and is sufficient for publication purposes. We changed the date of priority to January 1, 1929, which is the date the application was first received in this department advanced by the amount of time the proof was late.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to January 12, 1939. Perhaps it would be well for you to contact the newspaper and make sure that this notice will start in the December 21 issue of the paper. About ten days prior to the date for proof, depositions, consisting of one for the holder and one each for two witnesses, will be mailed to you so that you will have them in ample time for the proof.

You no doubt will make the arrangements for the agent of the holder of the permit, together with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, to appear at your office on the date designated for the purpose of executing the depositions.

The Department's Receipt No. 16795 for the \$2.00 fee you paid in connection with securing copies of the two above numbered permits is herewith enclosed.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl
Encl.

16174

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 13th, 1938.

(P. O.) Preston, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Franklin County Citizen of Preston, Idaho, published in the county in which the works are situated.

Preston-Whitney Irrigation Company,

By H. E. Carlson President.

(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.

16174

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9; NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; All Secs. 13, 14, 15 & 16; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 21; All Secs. 22, 23, 24 & 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 33; All Secs. 34, 35 & 36, T. 15 S., R. 39 E., B. M.; S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 4; All Sec. 9; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10, T. 16 S., R. 39 E., B. M.; W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18; All Sec. 19; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; All Secs. 30 & 31; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32, T. 15 S., R. 40 E., B. M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 16 S., R. 40 E., B. M., totaling 13,766 acres of land.

R. Sec.		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 $\frac{1}{4}$		TOTALS
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	14	3	25	40	40	40	40	40	40	40	40	40	40	40	40	40	588	
	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	21	40	40	40	40	40	25		25				40	25	2	28	343	
	22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	680	
	33	4			25								40	40	40	40	580	
	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	177	
	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
16S.39E.	1		30	35						40	40	40	40	40	40	40	640	
	2							2									66	
	3		35	20			40	40	31	40	32	2		2			2	
	4		40	40					30	40	25	40	40	40	40	40	242	
	9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	415	
	10						18	8		10	33		40	40	40	40	640	
16S.40E.	18						10	40	35	40	40	40	6	35	5		251	
	19	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	635	
	29								8	17							25	
	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	32						25	30	35	36			40	40	40	40	640	
16S.40E.	3		15					20	25	3	14						126	
	4			8					5			8	39	25	10	22	77	
	5						40	5	27	40	40	40				1	116	
	6		40	40			40	40	22	7			40	38	7	32	209	
	8	8	35	7	30	27	13										306	
	9	8				23	15	20		1							120	
																	59	
Total																	13,766	

16174

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

Notice is hereby given that at ten A. M. on the 12th day of January, 1929
 at Preston, County of Franklin, State of Idaho, before
P. M. Condie, a notary public, proof will be submitted of the
 application to beneficial use of 215 cubic feet per second of the waters of Cub River and
Worm Creek, and Worm Creek Reservoir
 in accordance with the terms and conditions of Permit No. 161748 R-364
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

Preston-Whitney Irrigation Company, a corporation, Preston, Idaho

The use to which said water has been applied is irrigation and domestic purposes

The amount applied to beneficial use is 215 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) 15,700 acres as shown in table below:

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is Preston-Whitney Irrigation Company canal and laterals, and reservoir
of said company.

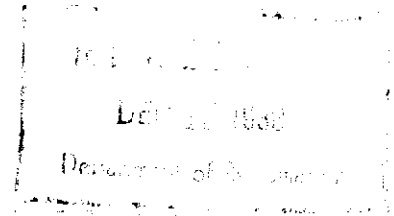
The right to take water from such works is based upon Permit No. 16174 and 364

The source of supply from which such water is diverted is Cub River and Worm Creek,
tributaries of Bear River.

The date of priority which said user is prepared to establish is January 1, 1929
December 22, 1925

Commissioner of Reclamation.

P. M. Candie
ATTORNEY-AT-LAW
LARSON BUILDING
PRESTON, IDAHO



Dec. 13, 1938.

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

I am in receipt of your letter of Dec. 12th with enclosures. I hasten to send the notice to make proof and notice for publication. I am not sure that this notice meets your specifications in all particulars. For instance I only mention the one Permit No. 16174. If it is necessary to make proof also under Permit No. 364, kindly add this number to the notice. This might also necessitate some other changes. It was my impression that the only permit we have to do with here is the one mentioned in the notice as drawn.

Also, I tried to describe the land without using the long table, but decided it was rather difficult to do that, so used the same table as used in the permit. I trust you will find these in order, as I have rather drawn them hurriedly, I confess, in order to save as much time as possible.

Very truly yours,

P. S. Am I right in the date of priority to be established?

P. M. C.

16174

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1201

SYMBOLS

DL = Day Letter

NL = Night Letter

LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

Received at 910 Main Street Boise Idaho Always

KHA77 26=PRESTON IDA 10 1020A

THOS HEATH=

OWYHEE HOTEL BOISE IDA=

PLEASE SEE COMMISSIONER OF RECLAMATION REGARDING PRESTON
WHITNEY IRRIGATION COMPANYS PROOF TO WATER STOP MUST MAKE
FINAL PROOF TO CLOSE LOAN. SEE MY LETTER TO COMMISSIONER=
P M CONDIE.

16174

16174

R 364

15933-29

P. M. Condie
ATTORNEY-AT-LAW
LARSON BUILDING
PRESTON, IDAHO

Dec. 6, 1938.

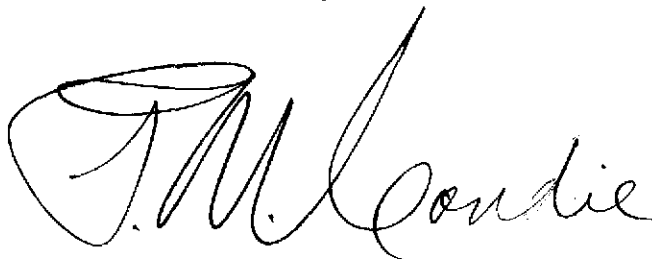
Hon. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Re: Permits Nos. R-364 & 16174.

Your letter of Dec. 1 addressd to J. N. Larsen has been referred to me. It appears that the permits mentioned have been mislaid or lost. So that this matter can be completed, will you kindly forward to me a copy of each of these permits. Also send along blanks for use in making final proof of beneficial use of the water, as it is the desire of the Preston-Whitney Irrigation Company to complete this matter, and that as soon as possible.

Very truly yours,



16174

December 1, 1938

Re: Permits Nos. R-364 & 16174

J. N. LARSEN
Preston, Idaho

Dear Mr. Larsen:

Referring to your wire of November 30, I wish to state that completion of works was made under the two above-numbered permits on May 2, 1930, and a certificate of completion of works was issued on July 28, 1930.

These permits were taken out under the old companion permit law, whereby each reservoir permit entitling the holder to store a certain amount of water, was accompanied by what is known as a use permit, giving the holder the right to divert a certain amount of water from the reservoir and use it upon certain lands. In other words, the use permit makes the water from the reservoir permit appurtenant to definite parcels of lands.

Certificate of completion of works was issued under Permit No. 16174 for two hundred fifteen (215) second feet, and under Permit No. R-364 for six thousand (6,000) acre feet.

In referring to your mention of a certificate of ownership, we wish to state that it is not the policy for this department to issue any such certificate. We merely accept and record any formal assignment or conveyance. This is done merely to make the transfer of record so that we may know that the party making proof is the true holder of a permit. Under the two above-mentioned permits, an assignment was made, dated October 29, 1927.

Further information that may be of value to you is that beneficial use proof under these permits was due December 26, 1934, and are now approximately four (4) years late. Therefore when these proofs are made, the date of priority of the original filings will be set up by the length of time that these proofs are late.

We trust that this information will be of some help to you.

Yours very truly,
R. W. FARIS,
Commissioner of Reclamation

By PAUL H. BERG
Deputy Commissioner

PHB/c1

16174

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER ☒	DEFERRED
NIGHT MESSAGE	NIGHT LETTER
NIGHT LETTER	SHIP RADIOGRAM

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

COPY OF WESTERN UNION TELEGRAM

DECEMBER 1, 1938

R-364
16174
J. N. LARSEN
PRESTON, IDAHO

RE TEL 30th. CERTIFICATE OF COMPLETION OF WORKS ISSUED ON BOTH PERMITS TO
PRESTON WHITNEY IRRIGATION COMPANY. CANNOT UNDERSTAND MEANING OF CERTIFICATE
OF OWNERSHIP ALTHOUGH ASSIGNMENT OF BOTH PERMITS IS RECORDED. LETTER FOLLOWS.

PAUL H. BERG
Deputy Commissioner of Reclamation

Chg. Dept. Reclamation

16174

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1201

SYMBOLS

DL = Day Letter

NL = Night Letter

LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

Received at 919 Main Street, Boise, Idaho. Always Open

KHA258 50 DL=PRESTON IDA 30 425P

NOV 30 PM 4 44

COMMISSIONER OF RECLAMATION=

BOISE IDA=

ADVISE THE STATUS OF APPLICATION NUMBER TWENTY TWO THOUSAND
NINE HUNDRED FIFTY FIVE AND PERMIT NUMBER SIXTEEN THOUSAND
ONE HUNDRED SEVENTY FOUR AND APPLICATION NUMBER TWENTY TWO
THOUSAND NINE HUNDRED FIFTY SIX AND PERMIT NUMBER THRE HUNDRED
SIXTY FOUR ASSIGNED PRESTON WHITNEY IRRIGATION COMPANY STOP
HAS CERTIFICATE OWNERSHIP ISSUED ANSWER=

J N LARSEN.

16 174

J. N. LARSEN COMPANY
BONDED REAL ESTATE BROKERS AND ABSTRACTERS
TITLES AND TITLE INSURANCE
FARM AND CITY LOANS
GREAVES BUILDING

RECEIVED
DEC 2 1938
Department of Reclamation

PRESTON, IDAHO.

November 30, 1938

Commissioner of Reclamation
Boise, Idaho

Dear Sir:

On November 17, 1927 at 9:00 A. M., your department filed for record in Book R 2 of Permits at page 384 and referred to under Permit #16174 in Book 58 of Permits at page 16174 and Assignment of Conveyance from Franklin County Sugar Company, a corporation to Preston Whitney Irrigation Company, a corporation.

We would like to be advised as to the conditions of this permit. Was title certificate issued to Preston-Whitney Irrigation Company? If so, what date was it issued. Please furnish us with certified copy. If it has not been issued, please advise. We are very anxious to get this information as the irrigation company is negotiating to float a bond, and they must have the information.

We are today wiring you as follows:

"Commissioner of Reclamation
Boise, Idaho

Please advise us the status of Application Number Twenty Two Thousand Nine Hundred Fifty Five and Permit Number Sixteen Thousand One Hundred Seventy Four and Application Number Twenty Two Thousand Nine Hundred Fifty Six and Permit Number Three Hundred Sixty Four assigned to Preston-Whitney Irrigation Company stop Has certificate ownership issued stop answer

J. N. Larsen
Preston, Idaho "

Very truly yours,

J. N. LARSEN COMPANY

Bv

JNL:MW

16174

November 12, 1938

✓
Re: Permits R-354 & 16174.

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

Dear Sir:

We have your letter of December 6th in which you request copies of the two above numbered permits, and also the necessary blanks for making final proof under these permits.

We are herewith enclosing copies of these permits, and also blank forms for notice of proof of application of water to beneficial use, and also a form for your authorization for us to have the notice published, which you will fill out and return to this office immediately.

As you doubtless know, publication for beneficial use proof must be made once each week for four consecutive weeks in a newspaper in the county in which a majority of the lands are situated. Therefore publication should be started as soon as possible, since it is our understanding that a bond issue hinges upon the making of final proof. We will give you the utmost cooperation in this matter.

There will be a fee of \$2.00 for these copies.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Deputy Commissioner

PHB:jl
Encl.
cc to Tom Heath.

16174

October 23, 1931

Re: Permit No. 16174

Preston Whitney Irrigation Co.
Preston, Idaho

Gentlemen:

In reply to your letter of October 12th, would say that you should make proof of beneficial use before December 26, 1931. We are enclosing blanks that are to be filled out and returned to this Department.

We will mail the blanks for deposition of the holder and deposition of two witnesses about two weeks prior to the date you set for making proof, so that you will have them in ample time to make proof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16174

16174

FRANKLIN COUNTY SUGAR COMPANY

THOMAS HEATH
MANAGER

GENERAL OFFICES
COLORADO SPRINGS
COLORADO

PRESTON, IDAHO.

September 23, 1931.

Mr. Geo. N. Carter, Commissioner of Reclamation
State of Idaho
Boise, Idaho.

Dear Sir:-

Your form letter No. 9, enclosing blanks Form #10 - # 11 covering notice of Proof Application of Water to beneficial use on permit No. 16174 received.

If you will refer to your files you will note that we have transferred our interest in this permit to the Preston Whitney Irrigation Company of Preston, Idaho.

I am turning the blanks over to them for their attention.

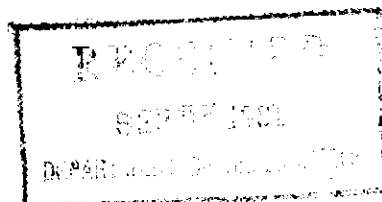
Yours very truly,



Thomas Heath.

TH:L

CC:- W. K. Barton, Sec.
Preston Whitney Irrigation Company



16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

September 21, 1931

H. A. Banning, Vice Pres.
Franklin Sugar Company
Preston, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 16174, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is Dec. 26, 1931, 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.

Yours truly,

GEO. N. CARTER,
Commissioner of Reclamation.

16174

August 22, 1930

Re; Permits 16174 and R-364.

United States Fidelity and Guaranty Co.
810 Continental National Bank Building
Salt Lake City, Utah.

Gentlemen:

Referring to your letter of the 20th inst., would say that proof of completion of works was made under the above numbered permits on May 2, 1930, and the certificates issued. The bonding company is therefore released from any further liability under the bond filed in connection with these permits.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

CB/co



R. HOWARD BLAND, PRESIDENT.

UNITED STATES FIDELITY AND GUARANTY COMPANY

E. A. BJORKLUND
MANAGER

R. T. HARBACH
ASST. MANAGER

CLAIM DEPARTMENT
M. C. FAUX
SUPERINTENDENT

810 CONTINENTAL NATIONAL BANK BUILDING
P. O. BOX 2048

IN REPLY PLEASE REFER
Mr. Christensen
TO
ALSO QUOTE OUR FILE NO

SALT LAKE CITY, UTAH.

August 20, 1930

Mr. George N. Carter
Commissioner of Reclamation
State of Idaho
Boise, Idaho

Dear Sir:

Under date of July 20, 1928 we executed a Water Permit Bond on behalf of the Preston-Whitney Irrigation Company covering Water Permit #16174, and permit R-364, our bond number was 46-12-344-28. The Preston-Whitney Irrigation Company received these permits by assignment from the Franklin County Sugar Company. This bond should be on file in your office at the present time.

We regret to inform you, however, that we have been unable to collect more than \$5.00 as premium since this bond became effective, whereas we should have received \$30.00. In other words there is outstanding a premium of \$25.00 under this bond which we have been unable to collect, although we have written on numerous occasions to the Preston-Whitney Irrigation Company, and also our Agent in Preston, Idaho. The Irrigation Company continues to completely ignore our request for settlement.

We are now writing to you to determine whether or not it would be possible for us to cancel this bond. We believe if you were to advise them that we had requested cancellation of the bond, they might possibly pay the premium. However, if they do not intend to pay the premium we certainly do not intend to carry the bond any longer than absolutely necessary.

Is it possible that this Company has not been using these permits for the last year or so? If this was the case of course they would not care to pay the premium. However, you would, of course, know if this is the case, and we should appreciate your advising us. At any event, a letter from you, giving us the information we have asked for regarding

16174

*proof (or made)
may 2/1930*

-2-

the cancellation of this bond, and also as to whether or not we have been continually liable under the bond would be appreciated. We enclose a self addressed stamped envelope for your convenience in replying.

Awaiting your advices, we remain

Yours very truly,

E. A. BJORKLUND, MANAGER

By

A handwritten signature in cursive script, appearing to read "Max R. Christensen". The signature is written in dark ink and is positioned to the right of the word "By".

MRC:DP
Encl;

16174

July 28, 1914

Re: Permits 16174 and R-364.

Mr. W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

We are sending you herewith Certificate of Completion of Works issued under Permit No. 16174 and Certificate of Completion of Reservoir and Right to Store Water issued under permit No. R-364, together with receipt for fees paid.

Very truly yours,

GEO. M. CARTER
Commissioner of Reclamation

By

Chief Clerk

Encl.

16174

PRESTON-WHITNEY IRRIGATION COMPANY -

Preston, Idaho.

Voucher No. _____

Voucher in favor of _____

Department of Reclamation

Month _____

Address Boise, Idaho.

Date	Item	Your Number	Amount	Total
July 24, 1930	Fees for Certificate of completion permits No 16174 and 364		66.50	
			16174	

DETACH CHECK—Above Is Your Memorandum

PRESTON-WHITNEY IRRIGATION CO.

PRESTON, IDAHO

July 24, 1930

Department of Reclamation,
Boise, Idaho.

Gentlemen :-

According to your letter in the matter of completing construction and your statement that upon receipt of \$66.50 you will complete the matter, I am herewith enclosing you our check for said amount \$66.50

Yours truly,

W. K. Barton
Secretary.

16174

July 22, 1930.

Re: Permits Nos. ~~16174~~ & R-564
Preston-Whitney Irr.Co.

Mr. W. K. Barton
Secretary, Treasurer
Preston, Idaho

Dear Sir:-

Upon receipt of fees in the sum of \$68.50, the certificates of completion of works will be issued under the above numbered permits. These fees are based upon a capacity of 215 second feet, as shown by the examining engineer's report.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation .

By _____
Chief Clerk.

16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

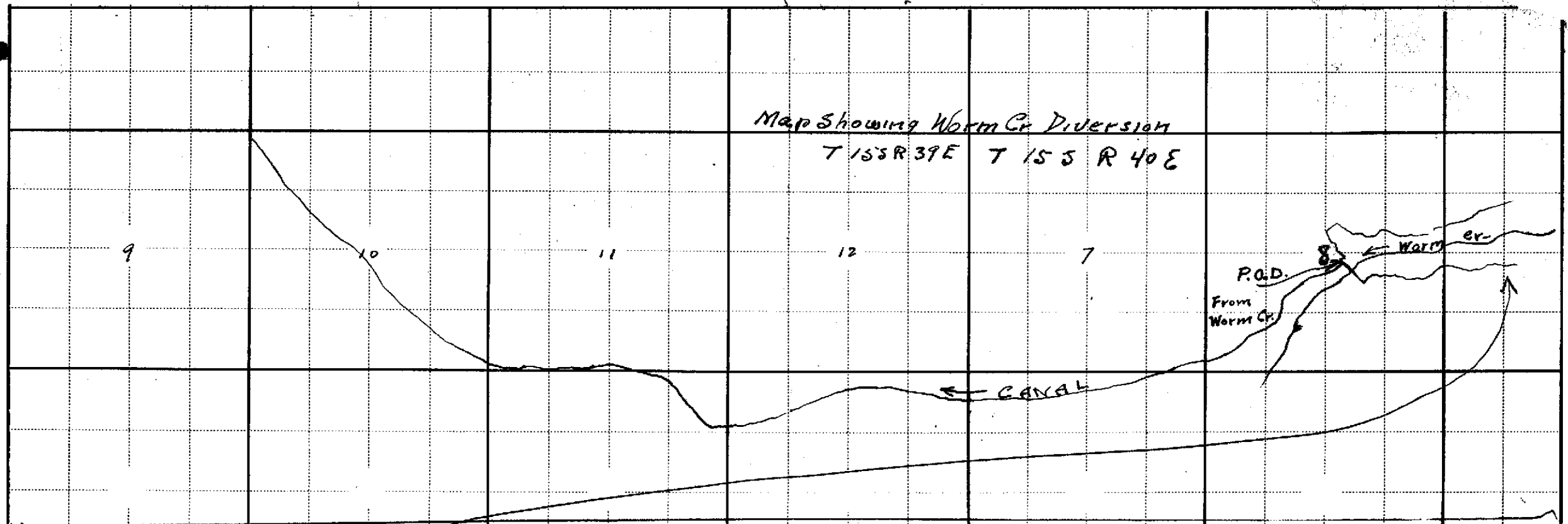
REPORT OF ENGINEER

PERMIT NO. 16174

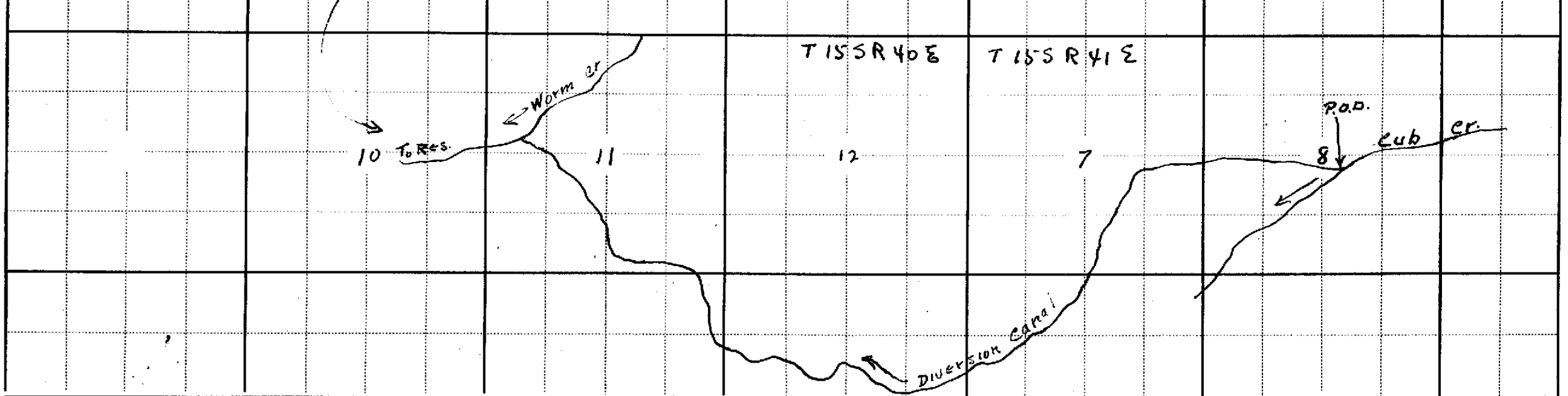
REPORT ON PROOF OF Completion of Works

11 1937

Map Showing Worm Cr Diversion
T 155 R 39 E T 155 R 40 E



Map Showing Cub Cr Diversion
T 155 R 40 E T 155 R 41 E



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

Permit No. 16174This proof is for C. OMP. WORKS

In Water District No. _____

1. Name of applicant: PRESTON-WHITNEY IRRIGATION CO
2. Source of water supply: Cub River & Worm Creek & Worm Creek Reservoir
3. Location of point of diversion: Is in the ~~NW 1/4~~ NW 1/4 SE 1/4 of Section 8
T. 15 S R. 41 E County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Diversion from Cub River to Worm Creek thence down channel of Worm Creek to the Reservoir of said Co. See permit R. 364. Another diversion at said reservoir dam from Worm Creek from which water stored is commingled with other water to which Company is entitled by decree, and delivered to lands. Canal from Worm Creek about 11 ft bottom to carry about 215 cfs.

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 for other than irriga-

Part of Secs. 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35 & 36, T. 15 S. R. 39 E.

Part of Secs. 1, 2, 3, 4, 9 & 10, T. 16 S., R. 39 E.; Part of Secs. 18, 19, 29, 30, 31 & 32,

T. 15 S., R. 40 E.; Part of Secs. 3, 4, 5, 6, 8 & 9, T. 16 S., R. 40 E.

(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: Storage Dam and Reservoir Complete. Facilities available to convey in excess of 6000 acre feet stored therein to lands and the said Company's canals

This examination was made on the

10th day of June

19 30

(Signed)

Myron Burdick

16174

Booming

Preston-Whitney Irr.Co

Preston

Permit No. 16174

Examination for ~~65~~ COMP. WORKS

County FRANKLIN

Wynn Will L

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 a 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.
-

ARTHUR W. HART

PROSECUTING ATTORNEY
FRANKLIN COUNTY

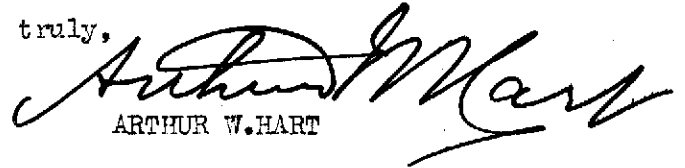
PRESTON, IDAHO.

May 24th, 1930

Department of Reclamation
Boise, Idaho
Gentlemen:-

I am enclosing herewith proof under Permits No 364 and 16174

Yours truly,


ARTHUR W. HART

16174

NOTICE FOR PUBLICATION

Notice is hereby given that at 2 o'clock, p.m., on the 2nd day of May, 1930, at Preston, County of Franklin, State of Idaho, before Arthur W. Hart, notary public, proof will be submitted of the completion of works for the diversion of 6000 acre-feet of the waters of Cub River and Worm Creek for storage, and 215 cubic feet per second from said streams and Work Creek Reservoir, in accordance with the terms and conditions of certain permits heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name of the person or corporation holding said permit is: Preston-Whitney Irrigation Company.

The postoffice address of such person or principal place of business of such corporation is Preston, County of Franklin, State of Idaho.

The numbers of such permits are Res. Permit No. 364 and Use Permit No. 16174, and the date set for the completion of such work was December 26, 1929.

Said water is to be used for irrigation and domestic purposes.

Said works of diversion were fully completed on the date set for such completion in accordance with the plans accompanying the applications for such permits.

The amount of land for which said water is available is 13,766 acres, particularly described as follows:

Part of Sections 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36, Twp. 15 S. R. 39 E. B. M.; part of Sections 1, 2, 3, 4, 9, and 10, Twp. 16 S. R. 39 E. B. M.; Part of Sections 18, 19, 29, 30, 31, and 32, Twp. 15 S., R. 40 E. B. M.; part of Sections 3, 4, 5, 6, 8 and 9, Twp. 16, S. R. 40 E. B. M.

Geo. N. Carter,

Commissioner of Reclamation.

a2 a30 4t

Affidavit of Publication

I, Norma Murray

~~(publisher)~~ (foreman) of the

FRANKLIN COUNTY CITIZEN

published weekly at Preston, Franklin County, Idaho, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated April 2 1930 and ending with the issue dated April 30 1930

By Norma Murray

Subscribed and sworn to before me this 2nd

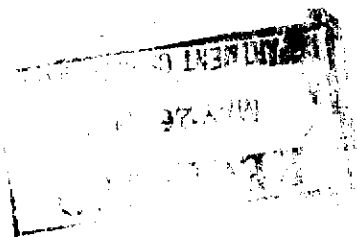
day of May 1930

Arthur W. Hart
16174 Notary Public

appl. no Patent no

22955 ——— 16174

22956 ——— 366f



PERMIT No. 16174

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. W.K. Barton Preston, Idaho, Merchant and Secretary-Treasurer of
Preston Whitney Irrigation Company, Preston, Idaho

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

Ans. ... Preston Whitney Irrigation Company, Preston, Idaho, Secretary-Treasurer
authorized by the Board of Directors to make this proof

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

Ans. No. 16174 ... Application No. 22955
215 cubic feet per second, from Cub River and Wormcreek

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

For Irrigation and domestic use; 13,766 acres, to-wit: Part of sections 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35 and 36 Twp. 15 South, Range 39 East
B.M.; Part of sections 1, 2, 3, 4, 9, 10, Twp. 16 South, Range 39 E.B.M. Part of Sections 18, 19, 29, 30, 31, and 32 Twp. 15 S. Range 40 E. B.M. Part of sections 3, 4, 5, 6, 8, and 9 Twp. 16 S. R. 40 E.B.M.

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

Ans. ... In July, August, September & October of the year 1929; about
Second feet

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

Ans. They were completed Dec. 26, 1929, and comply in all respects to the terms of the permit

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

Ans.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on Dec. 26, 1929, and give cost of same.

Ans. The enlargement of the canal known as the Cub River & Wormcreek Canal to more than double its carrying capacity; its length 12 miles, width 11 feet, depth 4 feet from the head of Cub River down to the Reservoir of the Preston-Whitney Irrigation Co., at Glendale, Idaho. The canal enlargement cost twenty thousand dollars and the reservoir into which the said waters run and are stored \$200,000.00 (Sign here.) approximately.

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, Franklin County, County of Franklin

State of Idaho, on this Second day of May, A. D. 1930

My Commission expires May 5, 1932 Notary Public.

16174

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

PERMIT No...16174..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Joseph Jensen, Preston, Idaho, Farmer, Preston, Idaho.....

Ques. 2. Are you acquainted with....Preston-Whitney Irrigation Company....., the holder of Permit No.¹⁶¹⁷⁴.....authorizing the diversion of....215.....second-feet of the waters of Cub River & Wormcreek....., at..... for..Irrigation.....purposes? How long have you known him, and where does he reside?

Ans. I have known the corporation ever since its organization, and have known.... all its officers, its place of business is Preston, Idaho

Ques. 3. Have you read or heard read said Permit No...16174....., and are you familiar with its terms and conditions?

Ans. I have read the Permit and know its terms and conditions.....

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

I am; the lands are sandy loam, gently rolling sugar beet lands; they require

Ans. a second foot to each fifty acres of land.....

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

Ans. They are fully completed; they were completed prior to Dec. 26th, 1929..

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. It is an enlargement of the Permit Holder's Canal to more than double its previous carrying capacity; its length is 12 miles; its width is 11 Feet, depth is four feet with a good fall per mile; the ditch cost \$20,000 and the reservoir into which it runs cost approximately \$200,000.00

(Sign here.)

Joseph Jensen

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

.....Franklin....., State of Idaho, on this second..... day of

May

.....A. D. 1930..

My Commission expires.....Mch 5th, 1932.....

Arthur Mark

Notary Public.

16174

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

PERMIT No. 16174

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. ... H.A. Stephenson ... Preston, Idaho, Farmer, Preston, Idaho

Ques. 2. Are you acquainted with... Preston-Whitney Irrigation Company, the holder of Permit No. 16174 authorizing the diversion of..... 215 second-feet of the waters of Cub River & Wormcreek, at..... for... Irrigation....purposes? How long have you known him, and where does he reside?

Ans. ... I have known the corporation ever since its organization; its principal place of business is at Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 16174, and are you familiar with its terms and conditions?

Ans. I have read it and know its terms

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

Ans. I am; the lands are sandy loam, gently rolling best lands; it requires a miner's inch to the acre for profitable cultivation

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed? Yes. They were completed prior to Dec. 26th, 1929

Ans.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. ... It is an enlargement of the Canal known as the Cub River & Wormcreek Canal Company's Canal to double its previous carrying capacity; its length is 12 miles; width 11 feet, depth 4 feet; the enlargement of the said canal cost \$20,000.00 and the reservoir into which it flows cost approximately \$200,000.00

(Sign here.)

H.A. Stephenson

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

..... Franklin, State of Idaho, on this second day of May A. D. 19³⁰

My Commission expires...

March 5, 1932

Notary Public.

16174

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

PRESTON IRRIGATION CO.

c/o Arthur W. Hart

Preston, Idaho

BOISE, IDAHO, April 22, 1930

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 16174-----

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On-----May 2, 1930-----, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at-----Preston, before Arthur W. Hart, notary public.-----

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

-----GEO. N. CARTER-----
Commissioner of Reclamation.

16174

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

16174

Date March 29, 1930

FRANKLIN COUNTY CITIZEN

Preston, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 2, 1930, the date set for proof, the expense of the publication to be paid by the applicant, A. E. Barton, Sec.-Treas. Preston-Whitney Irr.Co.
Preston, 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.

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation

2 set - C.M. reim.

16174

March 29, 1930

Re: Permits 16174 & E-564

Mr. Arthur M. Hart
Prosecuting Attorney
Preston, Idaho

Dear Sir:-

We are in receipt of your letter of the 15th inst., enclosing affidavit of holder and notices for proof of completion of works under the above numbered permit. In order to have ample time for the required four weeks publication of the notice, the date for making proof has been changed to May 2nd and a copy of the notice, completed in accordance with the terms of the permit, has today been mailed to the Franklin County Citizen. Deposition blanks for holder and two witnesses, for each permit, will be mailed to you later.

Very truly yours,
GEO. H. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk

16174

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 21st, 1930

(P. O.) Preston, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
~~Franklin County Citizen~~ of Preston, published in
the county in which the works are situated.

W K Barton

Secretary—Treasurer
Preston-Whitney Irrigation Co
Preston, Idaho

(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 compe-
tent engineer.)

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

Engineer.

16174

NOTICE FOR PUBLICATION

Notice is hereby given that at 2 o'clock, p. m., on the 2nd day of May, 1930, at Preston, County of Franklin, State of Idaho, before Arthur W. Hart, notary public, proof will be submitted of the completion of works for the diversion of 6000 acre-feet of the waters of Cub River and Worm Creek for storage, and 215 cubic feet per second from said streams and Worm Creek Reservoir, in accordance with the terms and conditions of certain permits heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name of the person or corporation holding said permit is
Preston-Whitney Irrigation Company.

The postoffice address of such person or principal place of business of such corporation is Preston, County of Franklin, State of Idaho.

The numbers of such permits are Res. Permit No. 364 and Use Permit No. 16174, and the date set for the completion of such work was December 26, 1929.

Said water is to be used for irrigation and domestic purposes.

Said works of diversion were fully completed on the date set for such completion in accordance with the plans accompanying the applications for such permits.

The amount of lands for which said water is available is 13,766 acres, particularly described as follows:

Part of Secs. 9, 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35 & 36, Twp. 15 S., R. 39 E., B.M.; part of Secs. 1, 2, 3, 4, 9 & 10, Twp. 16 S., R. 39 E., B.M.
part of Secs. 18, 19, 29, 30, 31, & 32, Twp. 15 S., R. 40 E., B.M.; part of Secs. 3, 4, 5, 6, 8 & 9, Twp. 16 S., R. 40 E., B.M.

Geon. N. Carter
Commissioner of Reclamation

Doc - NE NW - 8 - 155 741 E

J. B. C. for reclamation

16174

ARTHUR W. HART

PROSECUTING ATTORNEY
FRANKLIN COUNTY

PRESTON, IDAHO.

March 15th, 1930.

Reclamation Department
Boise, Idaho
Gentlemen:-

Re: Application for Proof--Permits R--364;16174

I am enclosing herewith application for proof of the above numbered Permits; I do not have the description of the lands to be irrigated nor the number of cubic feet claimed. Would you kindly fill these in.

I have suggested the date of Apr. 25 but any other date about that time would be alright, if you wish to change the same.

Yours truly,


ARTHUR W. HART

16174

Re: Permits No. R-364; I6I74

State of Idaho *
County of Franklin. * SS:

Walter K. Barton, Secretary-Treasurer of the Preston-Whitney Irrigation Company, Preston, Idaho; Samuel D. Jensen of Preston, Idaho, farmer and River Water Master of Cub River; ~~Paul~~ Jensen, Preston, Idaho, farmer and water Master of the Preston-Whitney Irrigation Company, each being duly sworn, and each for himself says:-

1-.That he is acquainted with the permits No R-364 and I6I74 and the lands intended to be irrigated and which have been irrigated during the year 1929, by the waters from said permits, that is to say from the Reservoir known as the Glendale Reservoir recently constructed and completed by the Preston-Whitney Irrigation Company, at Glendale, Franklin County, Idaho.

2-.That the said reservoir built at the place aforesaid has been completed with the exception of a little work to be done on the spill-way; or in other words the height of the dam is as set forth in the permit aforesaid and the works have been completed as provided in said permits.

3-.During the late irrigation season of 1929, the reservoir was well filled with water and the same was used for the late irrigation of Sugar beets and other crops on the Preston and Whitney flats.

4-.The said reservoir is constructed stronger even than as provided in the said permits.

5-.All the works of diversion and completion of said reservoir as set out in said permits were fully completed within the specified time set forth in said permits.

W K Barton Secy-Treas
Samuel D Jensen
Paul Jensen

Subscribed and sworn to before me this 14th day of March, 1930.

Arthur Mark
NOTARY PUBLIC

Preston, Idaho

16174

February 11, 1930

Re: PERMIT No. R-364
PERMIT No. 16174

PRESTON-WHITNEY IRRIGATION Co.
Preston
Idaho

Dear Sirs:

Attention: W. E. BARTON, Secretary

The above numbered permits are for your reservoir on
WORM CREEK and for diversion right from CUB RIVER.

It is noted that proof of completion of works was
due on these permits December 30, 1929, and that on September
11, 1929, blanks were mailed to your company for making such
proof but proof was not submitted within the time.

The writer is somewhat familiar with the condition
of the works and it is his understanding that you have now com-
pleted the dam to its maximum height, proposed by these permits
and that all work is completed with the exception of the spill-
way. He would, therefore, suggest that you avail yourself of
the privilege which may be granted of submitting affidavits to
the effect that the works were completed within the time speci-
fied in the permit. Proof may then be made and certificate of
completion will issue.

Blanks for affidavits are enclosed.

Very truly yours,

Assistant Commissioner
of Reclamation

MS/tip
Enclosures

16174

PRESTON-WHITNEY IRRIGATION CO.

PRESTON, IDAHO

Feb 1 1930

Department of Reclamation

Boise, Idaho.

Gentlemen:-

Will you kindly let us know the present status of the two filings #364 for the storage of 6000 acre feet of Cub River and Worm Creek and # 16174 for the diversion of 215 cubic feet per second.

It was my understanding that thses filings had been taken care of, as it was our intention that renewals be made until our works were entirely completed.

Thanking you in advance for any information you may give, we are,

Yours truly,

PRESTON WHITNEY IRRIGATION CO

By

W. K. Burton
Secretary.

16174

October 17, 1929

RE: Permits Nos. 16174, R-364

T. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

Referring to your letter of the 14th inst. would say that proof of completion of works will be accepted before the water has been turned in if they are fully completed within the time required.

Reservoir Permit No. 364 is for the storage of 6000 acre feet of Cub River and Worm Creek and use Permit No. 16174 is for the diversion of 215 cubic feet per second from said streams and from Worm Creek Reservoir.

The blanks mailed to you for proof should be filled out and returned to this office in time for publication to be made four weeks prior to the date of making proof.

Very truly yours,

GEO. M. CARTER
Commissioner of Reclamation

By
Chief Clerk

CB:G

16174

PRESTON-WHITNEY IRRIGATION COMPANY

PRESTON, IDAHO.

Oct 14, 1929

Mr George N Carter, Collissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

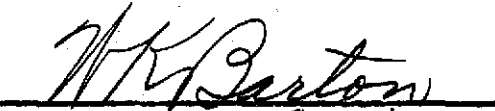
Your letter of Sept 11th addressed to the Preston Whitney Irrigation Co., by Thos Heath ~~Magg~~, has just been handed to me for attention. Mr Heath has been in California.

Will you kindly inform me as to what work is required done in order to make Proof of Completion. Our Damⁿ is fully ~~comatm~~ constructed and ready for storing to capcity next Season. Is it required that we store to capacity before making proof of completion?

We would like to know just what is covered by the two permits mentioned No 16174- R-364. One of them is for storing 6000 Acre feet of water and the other for an additional 215 second feet, but which?

An answer will be appreciated. If we have to ask for extension, we would like to know at once.

Yours trily,


Secretary.

16174

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Preston Whitney Irrigation Co.

Boise, Idaho,

Thomas Heath, Mgr.
Preston, Idaho

September 11, 1929

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 16174 - R-364

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Dec. 26, 1929. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

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

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation.

16174

February 27, 1929.

Re: Permits -16174-R-364.

Mr. Thos. Heath, Manager,
Franklin County Sugar Co.,
Preston, Idaho.

Dear Sir:-

Referring to your letter of the 25th inst. would say
the time for completion of works under the above permits was
extended to December 26, 1929.

Very truly yours,
GEO. H. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

16174

FRANKLIN COUNTY SUGAR COMPANY

THOMAS HEATH
MANAGER

Preston, Idaho

GENERAL OFFICES
COLORADO SPRINGS
COLORADO

February 25, 1929

Commissioner of Reclamation,
State of Idaho,
Boise, Idaho

Dear Sir:-

Will you please advise as soon as possible the dates for Proof of Permits No. 16174, Application No. 22955, and Permit No. R-364, Application No. 22956?

These permits cover 215 second feet of flood water and 6000 acre feet of storage.

These were at one time in the name of the Franklin County Sugar Company but have since been assigned and sold to The Preston-Whitney Irrgn. Company.

What I want to know is just when the last extension of time on these permits is to expire.

Your cooperation in this matter will be appreciated.

Yours very truly,

FRANKLIN COUNTY SUGAR COMPANY



Thos. Heath,
Manager

Director: Preston Whitney
Irrigation Co

TH-A

X to 12-26-1929

16174

September 5, 1928

Re: Permits 16174 and B-364

MR. J. T. PARADISE
Special Agent
U. S. Fidelity & Guaranty Co.
Salt Lake City, Utah

Dear Sir:

There has just been received in this office United States Fidelity & Guaranty Company bond No. 46-12-344-28 to cover water Permit No. 16174, now held by the Preston-Whitney Irrigation Company.

The bond as filed was incomplete regarding subject matter of the permit covered. I have taken the liberty of completing the bond in accordance with the permit record and I am sending you a copy of the bond form, showing exactly what data was added to said bond. I trust that the foregoing action is satisfactory and in accordance with your practice.

Now that the new bond is filed with Preston-Whitney Irrigation Company as principal as opposed to the previous bond, in which Franklin County Sugar Company was the principal, it is my understanding that no further obligation attaches on account of the original Bond No. 46-12-116-25.

The new bond has this day been approved and placed in the permit file.

Yours very truly,

Commissioner of Reclamation

GNC/eq

CC: Preston-Whitney Irrigation Company
McReynolds & Whitson

16174

PRESTON-WHITNEY IRRIGATION CO.

PRESTON, IDAHO

Sept 1 ,1928.

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

The local agent of the U S & F G Co have delivered to me the enclosed Bond which is a Bond given to take the place of their number #46-12-116-25.

The number of this new Bond is 46-12-344-28 and is made to cover the year from July 20-1928 to July 20-1929.

I am herewith enclosing this new Bond. The old Bond was taken out by the Franklin County Sugar Co.,

If anything else is required regarding this Bond, kindly let me know.

Yours truly,


Secretary.

16174

Bond

PROVED

SEP 5 1928



Commissioner of Reclamation

Know all Men by these Presents:

THAT.....Preston-Whitney Irrigation Company....., of.....Preston, Idaho....., as principal, and the UNITED STATES FIDELITY AND GUARANTY COMPANY, of Baltimore, Maryland, as surety, are held and firmly bound unto the State of Idaho in the full and just sum of.....
 - - - - - One Thousand - - - - - (\$1000.00) Dollars,
 lawful money of the United States, to the payment of which sum, well and truly to be made, said principal binds himself, his heirs, administrators, executors and assigns, and said surety binds itself, its successors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above-named principal on the.....15th..... day of.....December....., 19.....24, filed in the office of the.....Commissioner of Reclamation....., a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No.....22955....., in accordance with which said application the State Commissioner of Reclamation Engineer granted and issued to the said principal herein a certain permit numbered No.....16174....., a full, true and complete copy of which application No.....22955..... and permit No.....16174....., is of record in the office of the State Engineer, in Book.....58..... of Permits, at page.....16174.....

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No.....22955..... and permit No.....16174....., in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

In Witness Whereof, The said principal has hereunto set his hand and affixed his seal, and the said surety has caused these presents to be signed by its attorney-in-fact, and its corporate seal to be affixed, this.....20th..... day of.....July....., 1928.

Witnesses:

[SEAL]

United States Fidelity and Guaranty Company

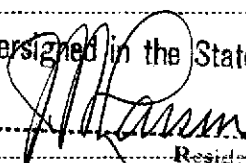
By



Attorney-in-fact.

Countersigned in the State of Idaho

By



Resident Agent

 STATE OF UTAH
 COUNTY OF SALT LAKE

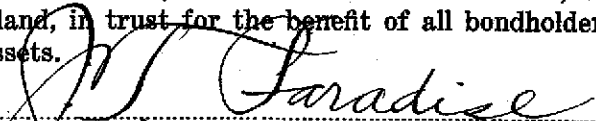
Resident Agent

ss:

J. T. Paradise

being duly sworn, deposes and says:

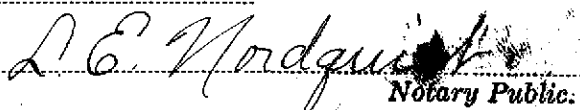
That the UNITED STATES FIDELITY AND GUARANTY COMPANY, the surety on the foregoing bond, is a corporation of the State of Maryland, duly and legally carrying on the business of a Surety Company in the State of Idaho. That said Surety Company has fully complied with the laws of the State of Idaho relating to foreign corporations doing business in said State. That affiant is attorney-in-fact of said Company. That said Surety Company is authorized by its articles of incorporation and by-laws to execute the bond hereto annexed, and that said Company has assets, consisting of capital stock, paid-up cash and surplus, over and above all of its liabilities, exceeding the sum of one million, five hundred thousand dollars, and has on deposit with the Treasurer of the State of Maryland, in trust for the benefit of all bondholders, two hundred thousand dollars (\$200,000) in available assets.



Subscribed and sworn to before me this.....20th..... day of.....July.....,

A. D. 1928

My commission expires.....March 7, 1930.....



Notary Public.

16174

August 25, 1928

Re: Permits 16174 & R-364

MR. J. T. Paradise
Special Agent
U. S. Fidelity & Guaranty Co.
Salt Lake City, Utah

Dear Sir:

Reference is had to your letters of July 27 and August 23, regarding new bond to be substituted for a bond now on file in connection with the above numbered permits.

In your letter of July 27, you state that a new bond has been executed for the Preston-Whitney Irrigation Company and same would likely be filed in this office. To date said bond has not been received, which accounts for our failure to advise you of any action taken in the matter.

So far as I am aware at this time, the old bond can be released upon filing of new bond satisfactory to this office.

Very truly yours,

Commissioner of Reclamation

GNC/sq

16174



UNITED STATES FIDELITY AND GUARANTY COMPANY

E. A. BJORKLUND
MANAGERR. T. HARBACH
ASST. MANAGERCLAIM DEPARTMENT
M. C. FAUX
SUPERINTENDENT810 CONTINENTAL NATIONAL BANK BUILDING
P. O. BOX 2048IN REPLY PLEASE REFER
TO J.T. Paradise
ALSO QUOTE OUR FILE NO

SALT LAKE CITY, UTAH,

August 23, 1928

No bond

Mr. George N. Carter
Commissioner of Reclamation
State of Idaho
Boise, Idaho

RE: Permits #16174 and R-364 - Franklin County
Sugar Company - Bond #46-12-116-25

Dear Sir:

Under date of July 27 we wrote your office advising that we had executed bond for the Preston-Whitney Canal Company which was to be filed in lieu of the bond above captioned for the Franklin County Sugar Company, and asked that we be relieved under this bond. To date we have not received a reply from you, and are wondering if for any reason the bond of the Preston-Whitney Irrigation Company was not accepted.

We are very anxious to relieve our suspense file of the bond in question, and if release is in order at this time will appreciate receiving same, or if release cannot be granted kindly advise the circumstances so that we may act accordingly.

Very truly yours,

E. A. BJORKLUND, MANAGER

By

J.T. Paradise
Special Agent

JTP:DP

16174



UNITED STATES FIDELITY AND GUARANTY COMPANY

CLAIM DEPARTMENT
M. C. FAUX
SUPERINTENDENT

E. A. BJORKLUND
MANAGER

R. T. HARBACH
ASST. MANAGER

810 CONTINENTAL NATIONAL BANK BUILDING
P. O. BOX 2048

IN REPLY, PLEASE REFER
TO J. T. Paradise
ALSO QUOTE OUR FILE NO

SALT LAKE CITY, UTAH,
July 27, 1928

Mr. George N. Carter
Commissioner of Reclamation
State of Idaho
Boise, Idaho

RE: Permits 16174 and R-364 - Franklin County
Sugar Company - Bond #46-12-116-25

Dear Sir:

We thank you for your favor of July 21 referring to our letter of July 19 requesting release under the above captioned bond.

We note your comments that you do not think the State should release the obligation without a new bond being filed in lieu thereof.

Since receiving your letter the Preston-Whitney Irrigation Company has applied for a bond in their name to cover the Permit which was assigned to them by the Franklin County Sugar Company. The bond has been executed under date of July 20 and forwarded to the Preston-Whitney Canal Company who will no doubt file it in your office in the immediate future. We trust that the new bond will be in order, and will appreciate if you will release the bond of the Franklin County Sugar Company as soon as the new bond is filed and approved. Release can be effected either by the return of the original bond or by a letter from you advising that liability is terminated under the bond. Your co-operation in this particular will be greatly appreciated.

Thanking you, we are

Very truly yours,

E. A. BJORKLUND, MANAGER

By

J. T. Paradise
Supt. Surety Department

JTP:DP

16174

July 21, 1928

Re: Permits 16174 and R-364

United States Fidelity and Guaranty Company
810 Continental Bank Building
Salt Lake City, Utah

Attention: Mr. J. T. Paradise

Dear Sir:

Reference is had to your letter of July 19 regarding bond for completion of Idaho water right permit No. 16174.

Records in this office disclose that said permit was ^{assigned} ~~filed~~ by the Franklin County Sugar Company to Preston-Whitney Irrigation Company on October 29, 1927. However, said Preston-Whitney Irrigation Company has not substituted nor offered to substitute a new bond for the one furnished by your company. Consequently, said bond is the only one on file in connection with the permit in conformity to statutory requirement. It therefore appears that the State could and should not release the obligation on this bond until another bond shall have been substituted in lieu thereof. If your bond is automatically released by reason of the assignment, the State apparently has no control over the situation and probably should advise Preston-Whitney Irrigation Company that their permit is in default by reason of lack of statutory bond. Otherwise, it seems to me the State must retain whatever liability there is, if any, under the existing bond. Therefore, I am not inclined to advance to your company any release whatever until such time as another bond shall have been substituted, as pointed out in the foregoing.

Very truly yours,

Commissioner of Reclamation

GNC/co

16174



UNITED STATES FIDELITY AND GUARANTY COMPANY

CLAIM DEPARTMENT
M. C. FAUX
SUPERINTENDENT

E. A. BJORKLUND
MANAGER

R. T. HARBACH
ASST. MANAGER

810 CONTINENTAL NATIONAL BANK BUILDING
P. O. BOX 2048

IN REPLY, PLEASE REFER
TO J. T. Paradise
ALSO QUOTE OUR FILE NO

SALT LAKE CITY, UTAH,
July 19, 1928

Commissioner of Reclamation
State of Idaho
Boise, Idaho

RE: Franklin County Sugar Company - Bond
#46-12-116-25

Dear Sir:

Under date of February 5, 1925 we executed Water Permit Bond for the Franklin County Sugar Company on their application #22955, permit #16174, which bond was renewed until February 5, 1928.

In sending out renewal form on this bond to continue it from February 5, 1928 to February 5, 1929 we were informed by the Franklin County Sugar Company that they have assigned the permit to the Preston-Whitney Canal Company.

9
In view of the circumstances we are desirous of being relieved of further liability under our bond. Will you be so good as to look into your records and furnish us with release evidence, either by returning the original bond for cancellation or sending us a letter verifying the report that the Preston-Whitney Canal Company are now operating under this permit, and relieving us of liability under our bond, which was executed for the Franklin County Sugar Company.

Thanking you for your co-operation in this matter,
we are

Very truly yours,

E. A. BJORKLUND, MANAGER

By

J. T. Paradise
Supt. Surety Department

JTP:DP

16174

April 4, 1928

Re: Permit No. 16174

United States Fidelity
and Guaranty Company,
810 Continental National
Bank Building,
Salt Lake City, Utah

Gentlemen:

Attention: Mr. J. T. Paradise

Reference is had to your letter of March 31st, regarding bond No. 46-12-116-25, Franklin County Sugar Company, for construction of works necessary to the storage and diversion of irrigation water.

You ask for advice as to the appropriate manner in which this bond may be kept in force.

The records of this office disclose that an assignment of the said water permit, 16174, and permit R-364 was recorded in this office - Franklin County Sugar Company to Preston-Whitney Irrigation Company.

The permits, therefore, now stand in the name of Preston-Whitney Irrigation Company on our records and it occurs to me that bond should be filed for Preston-Whitney Irrigation Company.

Very truly yours,

Commissioner of Reclamation

GNC/eq

16174



UNITED STATES FIDELITY AND GUARANTY COMPANY

E. A. BJORKLUND
MANAGERR. T. HARBACH
ASST. MANAGERCLAIM DEPARTMENT
M. C. FAUX
SUPERINTENDENT810 CONTINENTAL NATIONAL BANK BUILDING
P. O. BOX 2048IN REPLY PLEASE REFER
TO J.T.Paradise
ALSO QUOTE OUR FILE NO

SALT LAKE CITY. UTAH,

March 31, 1928

Commissioner of Reclamation
State Capitol Building
Boise, IdahoRE: Franklin County Sugar Company - Bond
#46-12-116-25 - Water Permit #22955
\$1,000.00 #16174

Dear Sir:

Under date of February 5, 1925 we executed a Water Permit bond for the Franklin County Sugar Company covering application #22955 permit #16174. When we sent out our renewal notice on this bond this year, we received a letter from the Preston-Whitney Irrigation Company stating that the Franklin County Sugar Company had transferred their rights to them, and desire the bond to continue in their behalf. We presume your office has been fully notified of the transfer, but we are wondering what is the best method to pursue in transferring liability under the bond.

If the transfer has been legally made it will be necessary that our bond either be transferred by endorsement, or a new bond filed for the Preston-Whitney Irrigation Company, and the bond formerly executed for the Franklin County Sugar Company canceled. Will you kindly advise us your desires in the matter, and we will endeavor to effect the necessary steps to have our bond in proper standing.

Awaiting your early advices, we are

Very truly yours,

E. A. BJORKLUND, MANAGER

By

Supt. Surety Department

JTP:DP

16174

March 15, 1928.

Re: Permit No. 16174-

Mr. W. E. BARTON, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho.

Dear Sir:-

Referring to your letter of the 8th inst; would say that the permit bond should be kept in force until the works of diversion are completed and proof submitted to this office. This proof is due December 26, 1929.

The premium on the bond may have been paid up to run the full five years allowed for completion of the works and, if so, there is nothing further do about the bond. If the bond was not taken for the full time, you should communicate with the bonding company at Salt Lake relative to the premium.

Very truly yours,
GEO. N. CARTER,
Commissioner of Reclamation.

By _____ Chief Clerk.

16174

PRESTON-WHITNEY IRRIGATION CO.

PRESTON, IDAHO

March 8, 1928.

Commissioner of Reclamation
Boise, Idaho.

Dear Sir:-

I am informed that the Bond issued by the U.S. Fidelity and Guaranty Company to the Franklin County covering water permit and storage permit expired Feb 5th 1928, and since this permit has been transferred to our company by the Franklin County Sugar Company, I write to ask concerning such Bond. Is it necessary to carry same longer and if so, how long? Also how should we proceed with the matter?

Thanking you in advance for the information, I am,

Yours sincerely


Secretary.

16174

RECEIVED
MAR 15 1928
DEPARTMENT OF AGRICULTURE

161 74-

R-364

Em. X 15-12-26-1929



November 18, 1927.

Re: Permits R-364-16174.

Mr. Thos. Heath, Mgr.,
Franklin County Sugar Co.,
Preston, Idaho.

Dear Sir:

We are returning herewith the Assignment of your water rights under the above numbered permits, the same having been duly recorded in this office. You will also find receipt for fee paid.

Very truly yours,

GEO. M. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

Enc.

16174

FRANKLIN COUNTY SUGAR COMPANY

THOMAS HEATH
MANAGER

GENERAL OFFICES
COLORADO SPRINGS
COLORADO

Preston, Idaho

November 15, 1927

State of Idaho,
Department of Reclamation,
Boise, Idaho

Attention, George N. Carter,
Commissioner.

Dear Sir:-

Enclosed please find Assignment and Conveyance of our interests in Permits No. R-364 and Permit No. 16174, whereby we assign our interests in these Permits to The Preston-Whitney Irrigation Company.

We are sending the original and an extra copy of same. If it is at all possible to return the original we would be pleased to have same, as it is being used in our bond issue proceedings for the Reservoir Company.

We are also enclosing the 50 cents for the (in stamps) recording fee.

Yours very truly,

FRANKLIN COUNTY SUGAR COMPANY,



Thos. Heath,
Manager.

16174

TH-A
Encl.

ASSIGNMENT AND CONVEYANCE
00000000000000

THIS INDENTURE, made and executed this 29th day of October, A. D. 1927, by and between FRANKLIN COUNTY SUGAR COMPANY, a corporation, of Franklin County, State of Idaho, the party of the first part, and PRESTON-WHITNEY IRRIGATION COMPANY, a corporation, of Franklin County, Idaho, party of the second part;

WITNESSETH, That the party of the first part for and in consideration of the sum of ^{one} (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, has sold, assigned, transferred, conveyed and set over, and by these presents does hereby sell, assign, transfer, convey and set over to the said party of the second part, all of the right, title, interest and estate of the party of the first part in and to Application No. 22955, and Permit No. 16174 and Application No. 22956 and Permit No. 364 from the State of Idaho to the party of the first part herein, together with all of the water and water rights and storage rights and all other things of value represented by and described in the said applications and Permits, together with all of the rights hereafter to grow out of, or accrue to, the said Applications and Permits, together with all of the right, title and interest of the party of the first part in and to all of the waters and water rights used by the party of the second part in its reservoir and irrigation system. Together with the right to the party of the second part to have issued to it all certificates, or other evidences of ownership, for the said water and water rights to be hereafter issued and granted by the State of Idaho under and pursuant to the said Applications and the said Permits.

IN WITNESS WHEREOF, the said FRANKLIN COUNTY SUGAR COMPANY, a corporation, has caused this instrument to be signed and executed by its President and Secretary this 29th day of October A. D. 1927.

Signed in the
presence of:

FRANKLIN COUNTY SUGAR COMPANY,
a corporation,

By A. S. Bruner
Vice President

A. L. Argust
Secretary

0000000000

STATE OF COLORADO

ss.

COUNTY OF E. PASO

On this 29th day of October A. D. 1927, before me
Forrest G. Gardner A Notary Public, in and for said
County and State, personally appeared A. S. Bruner
and A. L. Argust Known to me to be the Vice President
and Secretary, respectively, of the corporation that executed
the above and foregoing instrument, and said A. S. Bruner
and A. L. Argust thereupon duly acknowledged to me

Duplicate

16174

that such corporation executed the same pursuant to a resolution of its Board of Directors duly passed and entered upon the minutes of said corporation.

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

Forrest G. Gardner
Notary Public.

Residence of Notary Public: Colorado Springs, Colo.

My commission expires:

"My Commission Expires December 20, 1928"

oooooo

(SEAL)

C o p y

16174

November 12, 1927.

Re: Permits 16174-1264.

Franklin County Sugar Company.
Thos. Heath, Manager.
Preston, Idaho.

Dear Sir:-

Referring to your letter of the 10th inst. would say that a short assignment of the permits, such as the one enclosed, is sufficient for our records. The recording fee for such an assignment is fifty cents.

Very truly yours,
GEO. N. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

16174

FRANKLIN COUNTY SUGAR COMPANY

THOMAS HEATH
MANAGER

GENERAL OFFICES
COLORADO SPRINGS
COLORADO

Preston, Idaho

November 10th, 1927

Commissioner of Reclamation,
State of Idaho,
Boise, Idaho

Dear Sir:-

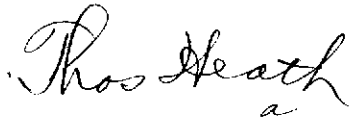
We wish to assign to the Preston-Whitney Irrigation Company Permit No. 16174, Application No. 22955, and Permit R-364, Application No. 22956.

These permits cover 215 second feet of flood water and 6,000 acre feet of storage.

Please advise us the proper procedure to make this transfer.

Yours very truly,

FRANKLIN COUNTY SUGAR COMPANY,



Thos. Heath,
Manager.

TH-A

16174

April 23, 1926

Re: Permits Nos. R 364-16174

Mr. T. L. Heath, Manager
Franklin County Sugar Company
Preston, Idaho

Dear Sir:-

The application for extension of time for completion of works under the above numbered permits has been duly approved, copies of such approval being herewith inclosed for your files.

As no proof of beneficial use is required under a reservoir permit, the approval for this extension is for completion of works only.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
ENC:

16174

Franklin County Sugar Co.

PRESTON, IDAHO. April 21, 1926.

Mr. W. G. Swendsen, Commissioner,
Department of Reclamation,
Boise, Idaho.

Dear Sir:-

Enclosed please find application for extension of
time under Permit No. 16174 and Permit No. R 364.

Please give this matter your attention and advise,

Yours very truly,

FRANKLIN COUNTY SUGAR COMPANY,

D. L. Heath

Manager.

TH A
Encl.

16174

~~1617~~

STATE OF IDAHO
DEPARTMENT OF RECLAMATION.

In the Matter of the Application of
FRANKLIN COUNTY SUGAR COMPANY for an
extension of time under Permit No. 16174
and Permit No. R-364.

The application of the Franklin County Sugar Company respectfully shows:

1. That the Franklin County Sugar Company is a corporation duly organized and existing under and by virtue of the laws of the State of Utah; and that it has fully complied with the laws of the State of Idaho so as to entitle it to transact business in the State of Idaho.
2. That heretofore, to-wit, on the 26th day of December, 1924, pursuant to its application No. 22955 therefor, there was issued by the Commissioner of Reclamation of the State of Idaho to said Franklin County Sugar Company Permit No. 16174 to appropriate 215 cubic feet per second of water from Cub River and Worm Creek and Worm Creek Reservoir for irrigation and domestic purposes.
3. That on said 26th day of December, 1924, pursuant to its application No. 22956 therefor, there was issued by the Commissioner of Reclamation of the State of Idaho to said Franklin County Sugar Company Permit No. R-364 to construct the Worm Creek Reservoir, and to store six thousand acre feet per annum of the unappropriated waters of the State of Idaho from the Cub River and Worm Creek for irrigation and domestic purposes.
4. That each of said permits require, among other things, that all work in connection with the construction of said reservoir and diversion works should be completed on or before the 26th day of December, 1926, and that beneficial use of water

appropriated and stored be made on or before the 26th day of December, 1931.

5. That in accordance with the requirements of said permits, said Franklin County Sugar Company filed in the office of the Commissioner of Reclamation of the State of Idaho its bond in the sum of \$1,000.00 for the faithful performance by it of the terms and conditions of said permits.

6. That within the time provided in said permits said Franklin County Sugar Company commenced actual work upon said reservoir and diverting works; and has expended not less than the sum of \$1,500.00 for engineering purposes in connection therewith, and has also expended approximately the sum of \$1,000.00 in drilling test holes at the dam site, and has also expended about \$500.00 for organization purposes among the land-owners and prospective water users under said irrigation project.

7. That by the construction of said reservoir and diversion works it will be possible to irrigate 13,766 acres of land with the waters to be diverted and stored under said permits; that the estimated cost of said reservoir and diverting works is in excess of \$200,000.00. That in order to insure the success and efficiency of said irrigation project it is necessary to secure the maximum number of water users to receive and use waters to be diverted and stored thereby.

8. That said Franklin County Sugar Company has been diligently prosecuting the necessary work in connection with said irrigation project and has been exerting its best efforts to secure a sufficient number of water users to utilize all of the waters which will be diverted and stored under said permits. But that the period of time allowed under said permits for the completion of said reservoir and diversion works is insufficient to enable said Franklin County Sugar Company to properly and efficiently construct the same and to put the waters so to be

diverted and stored to beneficial use as required by said permits.

WHEREFORE, by reason of the vast amount of work to be done under said permits and the construction of said reservoir and diversion works and in view of the great expenditures necessary to be made to complete the same, the Franklin County Sugar Company respectfully requests that the period of time within which it is required to complete the construction of said reservoir and diversion works be extended until the 26th day of December, 1929, and that the time for beneficial use to be made of said waters under said permits be extended to the 26th day of December, 1934.

FRANKLIN COUNTY SUGAR COMPANY,

By Thos Heath
Its Manager.

STATE OF IDAHO)
COUNTY OF Franklin :ss

Thos Heath ~~C. D. Adams~~, being first duly sworn, deposes and says:

That he is an officer, to-wit, the Manager, of Franklin County Sugar Company, a corporation, applicant above named, and as such officer is its agent and makes this verification for and on behalf of said corporation; that he has read the above and foregoing application for an extension of time, knows the contents thereof and that the same is true of his own knowledge, except as to matters therein set forth on information and belief and as to such matters he believes it to be true.

Thos Heath

Subscribed and sworn to before me this 21 day of April, A. D. 1926.

Arthur W. Mark
Notary Public, residing at
Preston, Idaho.

EXTENSION OF TIME

PERMIT NO. 16174

APPROVAL OF COMMISSIONER OF RECLAMATION

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the public waters of the State of Idaho, No. 16174, to December 26, 1929, and the time for proof of beneficial use of water to December 26, 1934.

WITNESS My hand this 23rd day of April, 1926.

W. G. SWENDSEN,
Commissioner of Reclamation.

By Geo. H. Carter
Assistant.

16174

March 23, 1926

Re: Permit 16174

MR. C. D. ADAMS
Manager, Franklin County Sugar Co.
Preston, Idaho

Dear Sir:

Reference is made to your letter of March 19 making inquiry relative to status of your Permits 16174 and R-363, and asking for information relative to priority of these rights as opposed to other rights claimed by Cub River Worm Creek Irrigation Company.

This department does not make examination of permits to see that the provision relative to starting work and completion of one-fifth of the work in one-half time is met. These conditions not being met, it is possible that your permit is subject to contest by adverse interests. From your statement it would appear that you could make a favorable showing in case of such contest. Practically all manner of expense incurred may be brought in, such as preliminary plans, surveying, financing, etc. I do not at this time recall an instance where a permit has been cancelled by the department upon contest on either of the above mentioned clauses.

No examination will be made of the permit by the department of reclamation until proof of completion of works is offered. In this connection I observe that your permit was filed December 15, 1924 and approved December 26. You have asked for only two years in which to make proof of completion of works, or to December 26, 1926. You are entitled to three years additional time under the general statute if you desire to make application for same.

The records disclose that Cub River Worm Creek Irrigation Canal is the owner of Permits 15929 and 15933. These permits were filed December 10 and December 14, 1923, which is the date of their priority, being approximately one year earlier than your right. Proof of completion of works is due under these permits December 17, 1928. The first numbered permit, permits the diversion of twenty-five cubic feet per second from Worm Creek in the Northwest quarter of the Southwest quarter of Section 11, Township 15 South, Range 40 East, and the second permit allows the

16174

Page 2,
Mr. C. D. Adams,

March 23, 1926.

diversion of twenty-five cubic feet per second from Cub River in the Northwest quarter of the Southeast quarter of Section 8, Township 15 South, Range 41 East. Both of these permits are in good standing so far as our records disclose and it appears that if proof of completion of works can be made on or before the due date, that the priority of their right would antedate the right of the Franklin County Sugar Company, as evidenced by your permit 16174.

The Cub River Worm Creek canal also has a decree for twenty-five cubic feet per second, priority date 1882, which I presume is the right now in use by this company.

Relative to Utah Power and Light Company filings. This company has numerous permit rights up and down the Bear River. The last permit approved for this company is No. 16186, allowing the diversion of 1500 cubic feet per second, at various points along the stream in Caribou County, Bannock County and Sections 3 and 11, Township 14 South, Range 40 East, Franklin County. The permit also provides for storage in the Mink Creek reservoir. This permit was filed November 14, 1924, antedating your permit approximately one month. Should this permit be maintained in good standing, the rights evidenced thereby would antedate your rights in substantially the same amount of time. However, it would be my personal opinion, judging from the general policy of this company, that they would not attempt to interfere with irrigation rights such as might be developed by Franklin County Sugar Company. Such being the case, even though the Utah Power and Light Company's right antedates your right when perfected, still they might not insist upon regulation of the flood water in their interest.

Very truly yours,

Assistant Commissioner
of Reclamation

CNC:E

16174

Franklin County Sugar Co.

PRESTON, IDAHO. March 19, 1926.

Hon. W. G. Swendsen,
Commissioner of Reclamation,
Department of Reclamation,
Boise, Idaho.

*Filed 12-15-24
ent. 12-26-26*

Dear Sir:-

Our Company received from you on December 26, 1924 Permit No. 16174, permit to appropriate the public waters of the State of Idaho; and also Permit No. R-364, permit to construct the Worm Creek Reservoir. Our Company is endeavoring to construct this reservoir in conjunction with the farmers of the Preston and Whitney District. On account of the fear the farmers have for a bond issue the work has not advanced to date as far as we had expected and the amount of work specified on your permits has not been completed; that is, you specify that one-fifth of the work must be completed on or before December 26, 1925. Our Company has advanced considerable money on the project and approximately \$3,000.00 has been expended in engineering work and putting down the test holes. We have also kept up the premium on the \$1000.00 bond. We would like to enquire whether there is danger of our losing these permits on account of the work not progressing as fast as specified.

Also, a small group of Farmers, who are trying to block the project on account of their fear of the bond issue, state that the Cub River Worm Creek Irrigation Company has filed on all of the flood waters of the Cub River Water Shed; also, the flood waters of worm creek; and on that account are seeking an advantage for the Cub River Worm Creek Irrigation Company in consolidation of the Ditch Companies of Preston and Whitney, maintaining that these filings are an advantage, and without the filings of the Cub River Worm Creek Company the reservoir could not be filled. Kindly inform us just what your records show on this matter as we have taken the stand that the Cub River Worm Creek Company and the Cub River Middle Ditch Company had about equal values.

A matter that has ~~been~~ a bearing on this reservoir construction is that I have been informed that the Utah Power & Light Company has filed on all flood waters from tributaries to Bear River after 1928, and in this connection a statement has been made that if the reservoir, we have under consideration, is not constructed by 1928 the right of this flood water would be lost for our local project. Kindly give me the correct information covering this point so that I may be in shape to put it up to our local people. Thanking you for the above information, we are,

Yours very truly,

W. D. Adams
Manager.

CDA A

16174

February 9, 1925

Re: Permit No. 16174

Messrs. Dey, Hoppaugh & Mark
Kearns Building
Salt Lake City, Utah

Gentlemen:

Referring to your letter of the
6th instant, would say that satisfactory
bond in the sum of \$1000.00 for completion
of works under the above numbered permit,
was received in this office February 7th,
and the same has been approved and placed on
file under the permit.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:EK

16174

DEY, HOPPAUGH & MARK

Law Offices
KEARNS BUILDING
SALT LAKE CITY

February 6, 1925.

Commissioner of Reclamation,

Boise, Idaho.

Dear Sir:

The Franklin County Sugar Company has executed the bond required by your office in connection with its permit to appropriate water for storage purposes from Worm Creek. We have handed this bond to the United States Fidelity & Guaranty Company for execution by that company as Surety. The bond has been forwarded by the local office of that company to its resident agent in Boise, with instructions to execute the same and deliver it to your office.

Will you kindly advise us of the receipt by your office of this bond so that we may know that the condition of furnishing this bond in connection with the permit has been complied with.

Very truly yours,

DEY, HOPPAUGH & MARK,

By Frank A. Johnson

B O N D.

APPROVED

FEB 7 1925

W. G. Lumb
Commissioner of Reclamation

KNOW ALL MEN BY THESE PRESENTS:

That Franklin County Sugar Company, a Utah corporation, as principal, and United States Fidelity & Guaranty Company as surety, are held and firmly bound unto the State of Idaho in the full and just sum of One Thousand Dollars (\$1000.00), lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves and their respective successors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas, the above named principal on the 15th day of December, 1924, filed in the office of the State Engineer in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 22955, in accordance with which said application the State Engineer granted and issued to the said principal herein a certain permit numbered No. 16174, a full, true and complete copy of which application No. 22955 and permit No. 16174, is of record in the office of the State Engineer, in Book 58 of Permits, at page 16174.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 22955 and permit No. 16174, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have caused these presents to be executed in their respective corporate names by their proper officers thereunto duly authorized this 5th day of February A. D. 1925.

FRANKLIN COUNTY SUGAR COMPANY,

BY

W. A. Bering
its Vice-President.

UNITED STATES FIDELITY & GUARANTY
COMPANY

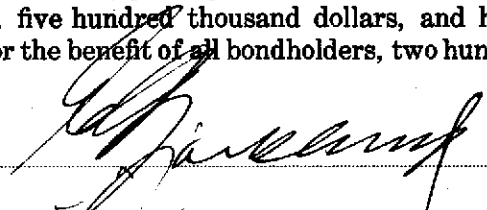
BY

W. A. Bering
its Attorney-in-fact.

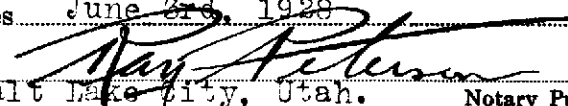
Henry J. Hoppaugh
16174 HOPPAUGH & MARK, LAWYERS

STATE OF Utah }
CITY AND COUNTY OF Salt Lake } ss:

E. A. Bjorklund being duly sworn, deposes and says: That the ~~United States Fidelity and Guaranty Company~~, the surety on the foregoing bond, is a corporation of the State of Maryland, duly and legally carrying on the business of a Surety Company in the State of Idaho. That said Surety Company has fully complied with the laws of the State of Idaho relating to foreign corporations doing business in said State. That affiant is the agent and attorney-in-fact of said Company. That said Surety Company is authorized by its articles of incorporation and by-laws to execute the bond hereto annexed, and that said Company has assets, consisting of capital stock, paid-up cash and surplus, over and above all of its liabilities, exceeding the sum of one million, five hundred thousand dollars, and has on deposit with the Treasurer of the State of Maryland, in trust for the benefit of all bondholders, two hundred thousand dollars (\$200,000) in available assets.


Subscribed and sworn to before me this 5th
day of February, 1925

My commission expires June 3rd, 1928


Salt Lake City, Utah.

Notary Public.

16174

January 22, 1925.

Re: Permit No. 16174

Messrs. Dey, Heppaugh & Mark,
Attorneys at law,
Kearns Building,
Salt Lake City, Utah.

Gentlemen:-

Referring to your letter of the 20th inst. would say the enclosed form will serve to give you the information required in filing a bond for completion of works under a permit. The bond, however, should be a surety bond.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

Encl.

16174

CHARLES
A.L. HOPPAUGH
ROBERT MARK
FRANK A. JOHNSON

CABLE ADDRESS
"DYHO"

DEY, HOPPAUGH & MARK

Law Offices
KEARNS BUILDING
SALT LAKE CITY

January 20, 1925.

Mr. W. G. Swendsen,

Commissioner of Reclamation,

Boise, Idaho.

Dear Sir:

We are advised by Mr. Adams of the Franklin County Sugar Company that you have written that company advising it in connection with the permit issued from your office authorizing the Franklin County Sugar Company to construct the Worm Creek Reservoir that it would be necessary for them to file a bond in the sum of \$1,000.00.

If you have on hand a form of the bond required we shall appreciate your kindness in sending us a copy so that we may have the same executed. If you have not a form on hand, will you kindly advise us what should be included in the bond for the performance of which the surety is to be bound.

Very truly yours,

DEY, HOPPAUGH & MARK.

By *F. A. Johnson*

J:S

16174-R-364

16174

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit No. 16174

NOTE

That in order to keep this permit in force a bond in the sum of \$1000.00
Commissioner of Reclamation
must be filed in the office of the ~~State Engineer~~ on or before

~~February~~ 24, 1925 conditioned upon faithfully carrying to completion
the works of diversion as specified in said permit and in the applica-
tion therefor.

~~W. C. SWENDSEN~~
W. C. SWENDSEN
~~State Engineer~~
Commissioner of Reclamation

16174

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16174

Franklin Co. Sugar Co.
Preston, Idaho

Boise, Idaho, December 26, 1924

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval of
the Commissioner of Reclamation on the third page.

W. G. SWENDBSEN

Commissioner of Reclamation.

16174

DEY, HOPPAUGH & MARK

Law Offices
KEARNS BUILDING
SALT LAKE CITY

December 12, 1924.

Department of Reclamation, State of Idaho,

Boise, Idaho.

Gentlemen:

We hand you herewith the application of the Franklin County Sugar Company for a permit to construct the Worm Creek Reservoir and to store 6,000 acre feet of the unappropriated waters of the State of Idaho; also the application of the Franklin County Sugar Company to appropriate 215 second feet of the public waters of the State of Idaho from the Cub River and Worm Creek.

Attached please find post office money order No. 112289 in your favor for \$24.70 to cover your fees on both of these applications.

We hand you a set of maps in duplicate to accompany each of these applications.

Will you kindly acknowledge receipt of this letter with inclosures and also of the maps and advise us if there is anything further to be done in connection with either of these applications at this time by the Franklin County Sugar Company.

Yours truly,

DEY, HOPPAUGH & MARK,

BY *Robert E. Mark*

M:S

16174

SCALE: ONE INCH TO ONE MILE

Township 15 S Range 40 E

