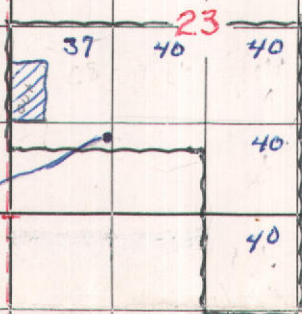


R-36E.

U.S. HWY. No. 161  
TO MATA-D CITY

T.  
15  
S.

PD.



117

40

40

197

26

Subdivisions 5

area 197 acres

Q 1.74 CFS or 87 inches

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 26863/15-2049 Priority April 22, 1957 Amount 1.74 cfs

THIS IS TO CERTIFY, that ALBERT H. MILLWARD  
of Malad, Idaho, has complied with the terms and conditions of Permit  
No. 26863/15-2049 issued pursuant to Application for Permit dated April 22, 1957,  
and has submitted proof to the Department of Water Administration on September 30, 1960,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 1.74 cfs of water from a ground water source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use &  
established a right to use water as follows:

| Beneficial Use         | Period of Use       |                   | Rate of Diversion      |  | Annual Volume           |
|------------------------|---------------------|-------------------|------------------------|--|-------------------------|
| <u>Domestic</u>        | from <u>Jan. 1</u>  | to <u>Dec. 31</u> | at <u>0.04</u> cfs and |  | <u>1.2 acre feet</u>    |
| <u>Irrigation</u>      | from <u>April 1</u> | to <u>Nov. 1</u>  | at <u>1.74</u> cfs and |  | <u>690 acre feet or</u> |
|                        | from _____          | to _____          | at _____ cfs and       |  | <u>3.5 af per acre</u>  |
| (both dates inclusive) |                     |                   |                        |  |                         |

Subject, however, to the condition that no more than 1.74 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
691.2 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 23,  
Twp. 15 S, Rge. 36 E, B. M. in the County of Oneida

Description and location of place of use:

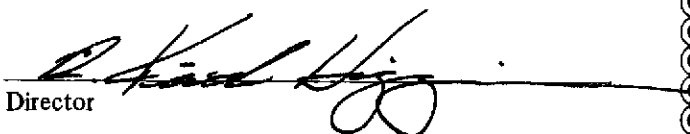
| Twp.          | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|---------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|               |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 15 S          | 36 E  | 23   |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 37               |                  |                  |                  | 40               | 40               |                  | 157    |
|               |       | 26   |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40     |
| Domestic Use: |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| 15 S          | 36 E  | 23   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | X                |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 197

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of  
May, 19 74.

  
Director

15-2049

8-26863

15-2049

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34773  
Permit No. G- 26863  
District No.

1. Name of Applicant: ALBERT H. MILLWARD  
Postoffice address: RFD#1, Melad <sup>Box 139</sup> County: Oneida State: Idaho
2. Quantity of water claimed: 3.0 cubic feet per second,
  - (a) Rate of withdrawal in cubic feet per second. Three (3) or Idaho  
Miners' inches 150 or gallons per minute. 1350
  - (b) Annual withdrawal in acre feet per annum 300
3. Source of water supply: Subterranean waters of State of Idaho  
19 rods South of Northeast Corner of
4. Location of point of diversion or well is in the SW 1/4 of the SW 1/4 of Section 23  
Twp. 15S. , Rge. 36E , B.M., County of Oneida
5. Water is to be used for: Irrigation & Cullinary
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well, cased, with pump and sprinkling system
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used? Yes (Overnite Reservoir)  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 12 hours use every 8 days of the waters of Cherry Creek, Oneida County, Idaho.
  - (a) 3 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) 3 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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.

ALBERT H. MILLWARD

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M/ April 22, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G 26863

Recorded in Book 95 Page 26863 Approved May 1, 1957

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

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

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 1, 1959

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before May 1, 1962

Witness my hand this 1st day of May, 1957

MARK R. KULP  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of May, 1957

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG  
Secretary of State.

By /s/ ROBERT E. SMYLLIE  
Governor

12.

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 153. | 36E   | 23   |        |        |        |        |        |        |        |        | 40     | 30.5   | 10     | 10     | 40     | 40     |        |        | 170.5  |
| 153  | 36E   | 26   |        |        |        | 40     |        |        |        |        |        |        |        |        |        |        |        |        | 40     |

USE I S U D FOR 74 SEC. FT.  
LICENSE PAGE NO.

June 6, 1974

Re: Permit No. 26863/15-2049

Mrs. Hazel Millward  
Route 1 - Box 94  
Malad, Idaho 83252

Dear Mrs. Millward:

Enclosed herewith is a copy of the Water License issued on the above referenced permit. Also enclosed is receipt No. 14470 for \$15.00 covering the licensing fee.

This license fee was first requested by our letter of August 18, 1962, but was never received. We are now updating our records to remove all of the un-used or unnecessary permits and, therefore, contacted you concerning this permit that was not completed.

A water right license is evidence of the existence of a water right. A water right can only be lost by abandonment or by forfeiture through a 5 year period of non-use. Therefore, it is not required that a license be renewed and no additional fees will be required.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enc: Copy of license  
Receipt #14470

15-2049

Malad, Idaho.

Rt 1, Box 94

May 18, 1974

State of Idaho.

Dept of Water Adm.

Boise, Idaho.

Mr Keith Higginson, Director -  
Dear Mr Higginson -

Enclosed find check of \$15.00  
for licensing fee on irrigation  
well. Sorry I failed to send this  
in sooner.

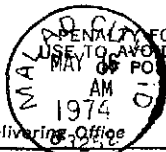
Will you kindly tell me when  
this was due, and how often  
it comes due.

My husband passed away almost  
2 years ago, after a long illness,  
and I was unaware of this  
fee.

yours very truly,  
Mrs Hazel Millward  
Administrator.

15-20x19

U.S. POSTAL SERVICE  
OFFICIAL BUSINESS



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



Postmark of Delivering Office

### SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN  
TO



PS Form 3811  
June 1973

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707.

15-0049

**SENDER: Be sure to follow instructions on other side**

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

(Additional charges required for these services)

☐ Show address  
☐ where delivered

☐ Deliver ONLY  
☐ to addressee

**RECEIPT**

Received the numbered article described below

REGISTERED NO. SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

1

CERTIFIED NO.

32087

2

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

DATE DELIVERED

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

5/16/74

15-2049

May 15, 1974

CERTIFIED MAIL

#32087

Re: Permit No. 26863 (New No. 15-2049)

Albert H. Millward  
Route 1 - Box 139  
Malad City, Idaho 83252

Dear Mr. Millward:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. 26863/15-2049 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee in the amount of \$15.00

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

Permit No. 26863/15-2049 claims the use of 3.0 cubic feet per second of water from a ground water source (well)

the point of diversion was to be located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 23,  
Twp. 15 S, Rge. 36 E, B.M. and the permit was approved May 1, 1957



R. KEITH HIGGINSON  
Director

15-2049

500 - June 20-62

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

August 13, 1962

Re: Permit No. G-26863

Albert H. Millward  
Rt 1  
Malad City, Idaho

Dear Mr. Millward:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26863 shows the well is (~~was~~) capable of conveying 87 miner's inches, or 1.74 c.f.s. of water for the irrigation of 197 acres.

Upon receipt of the statutory fees, totaling \$15.00, which consists of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$10.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right, confirming the right, with priority of April 22, 1957 to the use of 1.74 second feet of subterranean water with the point of diversion in the SW<sup>1</sup>/<sub>4</sub> Sec. 23 for domestic use and irrigation of 197 acres in the N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> Sec. 23; NW<sup>1</sup>/<sub>4</sub> Sec. 26, T. 15 S., R. 36 E., B.M.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:mr

26863

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

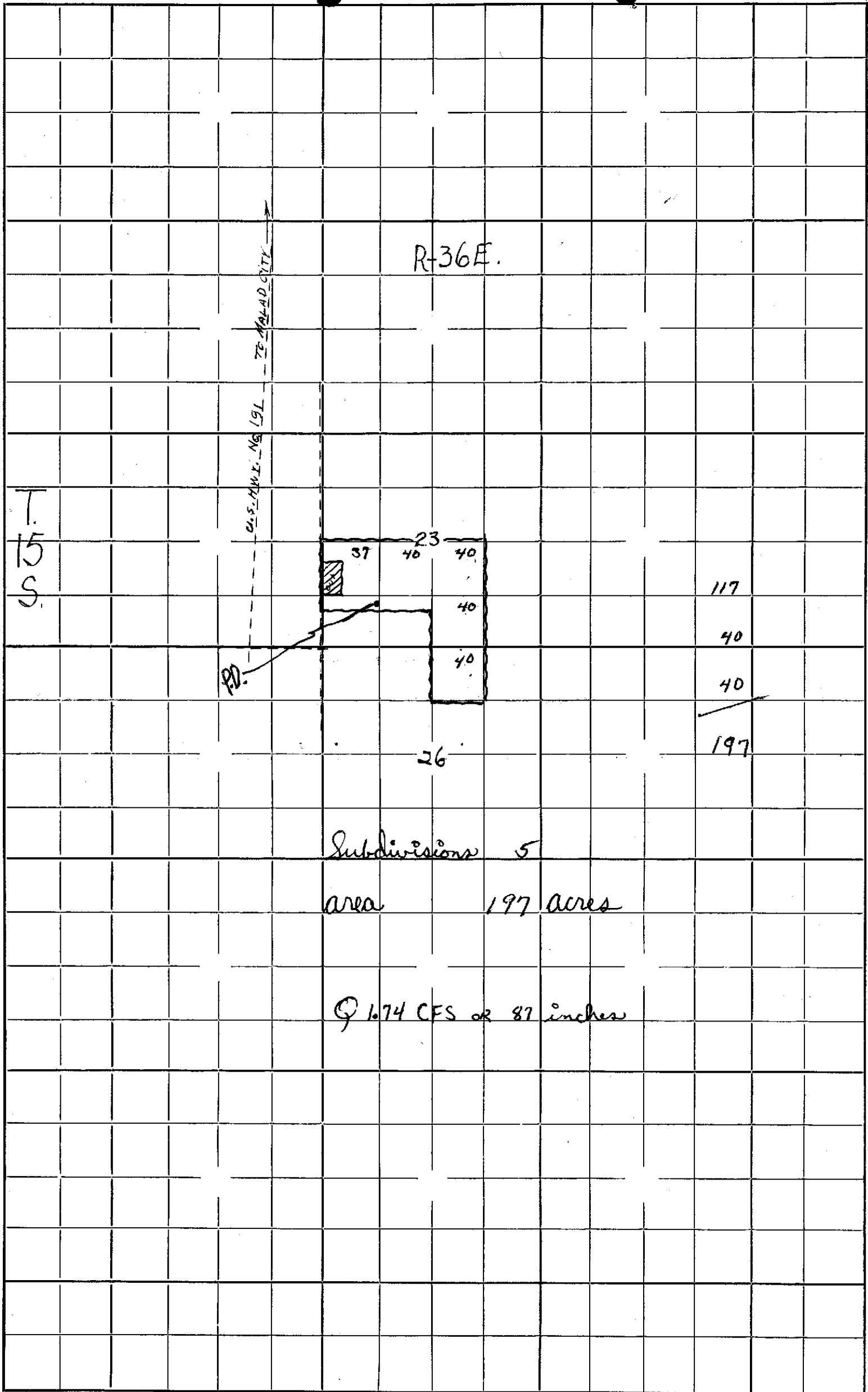
REPORT OF ENGINEER

PERMIT NO. G-26863

REPORT ON PROOF OF Completion of Works and Beneficial Use

Albert H. Millward, Rtl. #1, Malad City, Idaho

26863



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. G-26863

This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Albert H. Millward

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 23

T. 15S R. 36E County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same: 60 H.P. ~~2~~ E. Motor #NPS 122037 Peerless pump #183064 6" discharge into 6" gate valve into 20" x 8' distribution T where water can be diverted three ways through 6" mains. 10" x 120' column 12" x 280' casing h: 22' O.D. 73' Well depth 300'

5. Water is used for: irrigation and culinary

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

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

SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 23., NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 26, T. 15'S., Rge. 36'E.B.M.

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

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

Remarks: Mr. Gordon Millward along

Measurement was made by taking pressure readings along each lateral 4 lines 128 nipples size 1/2"

This examination was made on the 2<sup>nd</sup> day of August, 19 62

(Signed) Ron. Heberg

Examiner.

26863

5 Albert H. Williams  
Rt. #1, Malad City, Idaho

Permit No. G-26863

Examination for Completion of Works & Beneficial Use

County Oneida

Sec. 2319. 15 SR. 36E

Quantity: 3.0 cfs.

Source: Well

P.D.: SW 1/4, S. 23, T. 15 S. - R. 36 E. 12 N.

Use: Irrigation & Domestic

Filed: April 22, 1957

Due: May 1st, 1962

Extension: —

Completion of Works: —

Other Rights: 12 hrs. water every 5 days

from Elmer Smith, Oneida Co.,

Oriller - Charlie Standish

## INSTRUCTIONS TO EXAMINERS

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

RECEIVED  
AUG 10 1957

DEPARTMENT OF AGRICULTURE

26863

October 6, 1960

RE: Permit No. G-26863

Albert H. Millward  
Route #1  
Malad City, Idaho

Dear Mr. Millward:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Idaho Enterprise, all submitted in proof of completion of works and beneficial use on Permit No. G-26863.

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rutledge  
Chief Clerk

EPR

26863

RECEIVED  
OCT. 3 1960STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Department of Reclamation

Permit No. G-26863

## Proof of Application of Water to Beneficial Use

and Completion of Works  
Deposition of Holder

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

Ans. ALBERT H. MILLWARD. I am a farmer. I reside at RFD#1, Malad City, Idaho

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

Ans. \_\_\_\_\_

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

Ans. Permit No. G-26863, dated ~~April 22~~ May 1, 1957. I propose to establish priority date of April 22, 1957

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

Ans. Source of water supply: Subterranean waters of the State of Idaho.Point of Diversion: 19 rods South of the NE Corner SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Tp. 15'S. R. 36'EBM

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

Ans. Deep well, cased, 300 feet deep, equipped with G.E. 60 H.P. pump, electric.  
Casing: 280' of 12", and 20' of 10". Sprinkler irrigation system with 128  
nozzles operating under 50# pressure. Capacity of pump measured at 2 c.f.s.  
Static water level: 22 $\frac{1}{2}$  feet. Pumped water level: 67 feet.

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

Ans. Water used for irrigation and cattle watering. Used upon the followingland: Sec. 23: NE $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres), NW $\frac{1}{4}$ SW $\frac{1}{4}$  (30.5 acres) SW $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres),  
SE $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres), NW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres) SW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres)Sec. 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres) (All cultivated land)All in Twp. 15'S. R. 36'EBM (Total irrigated: 210.5 acres)

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

Ans. Charles B. Gardner, Malad City, Idaho

26863

D

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

Ans. \_\_\_\_\_

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

Ans. 2 c.f.s.

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

Ans. \_\_\_\_\_

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

Ans. Water used from Aug. 10, 1957 to Oct. 20, 1957; from May 15, 1958 to Sept. 20, 1958; from May 15, 1959 to Sept. 20, 1959; from May 15, 1960 to Sept. 20, 1960. Water used upon lands described under Ques. 6, and for watering livestock during these periods

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

Ans. \_\_\_\_\_

None

(Sign)

Albert H. McChesney

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 Malad City, County of Oneida, State of Idaho, on this 30th day of September, A. D. 1960.

E. J. Scott  
Notary Public

Residing at Malad City, Idaho

My commission expires May 19, 1963

26863

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

**RECEIVED**  
OCT 3 1960  
Department of Reclamation

Permit No. G 26863

**Proof of Application of Water to Beneficial Use**  
**and Completion of Works**  
**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. Leonard Clark, aged 60 years, residing at RFD#1, Malad, Idaho; I am a  
farmer; I reside at RFD#1, Malad, Idaho

Ques. 2. Are you acquainted with Albert H. Millward, the  
holder of Permit No. G 26863? How long have you known him and where does  
he reside?

Ans. I am acquainted with Albert H. Millward. I have known him 40 years;  
he resides at RFD#1, Malad, Idaho

Ques. 3. Have you read or heard read said Permit No. G 26863, 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 con-  
veying water from point of diversion to place of use.

Ans. Subterranean water of the State of Idaho. Place of Diversion: 19 rods South  
of the NE Corner SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Tp. 15 S., R. 36 EBM. Deep Well, cased, with elec-  
tric pump, connected to sprinkling system

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

Ans. Sprinkling system, 128 sprinkler heads, at 50#. I would estimate 1280 g.p.m.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons  
per minute have you seen the pump deliver, and how did you measure or estimate the  
amount?

Ans. There are 128 sprinkler heads connected to the pump, and I would estimate  
that each sprinkler head delivers 10 g.p.m., or a total of 1280 g.p.m.

26863

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation of the following lands: Sec. 23: NE $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres) NW $\frac{1}{4}$ SW $\frac{1}{4}$  (30.5 acres) SW $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres), SE $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres), NW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres) SW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres)

Sec. 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres) All in Twp. 15 S., R. 36 EBM  
(All cultivated land. Changed "dry land" to irrigated land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Also waters sheep and cattle from a pond filled with water from well

Ques. 9. (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. Land is gravelly-clay which was farmed as "dry land" prior to application of water from well. Water required: all that well will produce

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I saw Mr. Millward start his pump on or about Aug. 1, 1957; he pumped the rest of the year to freezing weather about Oct. 25, 1957. I also observed the well being pumped and water applied to aforementioned lands during the irrigating seasons of 1958, 1959, and 1960.

(Signed) Leonard Clark

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 Malad City, County of Oneida, State of Idaho, on this 30th day of September, A. D. 1960.

E. J. Scott  
Notary Public.

My commission expires May 19, 1963

26863

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
OCT 3 1963  
Department of Reclamation

Permit No. G-26863

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

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

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

Ans. Donald Vaughan, I am 35 years old; I reside at RFD#1, Malad, Idaho.  
I am a farmer. Postoffice address: RFD#1, Malad, Idaho

Ques. 2. Are you acquainted with Albert H. Millward, the holder of Permit No. G-26863? How long have you known him and where does he reside?

Ans. I have known Albert H. Millward ten years. He resides at RFD#1, Malad, Idaho

Ques. 3. Have you read or heard read said Permit No. G-26863, 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. Subterranean waters of the State of Idaho. Place of Diversion: 19 rods South of the NE Corner SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Tp. 15 S., R. 36 EBM. Deep Well, cased, with electric pump, connected to sprinkling system

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. Three cubic feet per second. I have seen this much conveyed

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. The sprinkling system used by Mr. Millward has 4 lines which have capacity of 250 g.p.m., or a total of 1000 g.p.m.

26863

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation of the following lands: Sec. 23: NE $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres) NW $\frac{1}{4}$ SW $\frac{1}{4}$  (30.5 acres) SW $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres), SE $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres), NW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres) SW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres) Sec. 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres) all in Twp. 15 S., R. 36 EBM. All land is cultivated. Changed "dry land" to irrigated land

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Also waters sheep and cattle from a pond filled with water from well

Ques. 9. (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. Land is gravelly-clay which was farmed as "dry land" prior to application of water from well. Water required: all that well will produce.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I live across the road from Mr. Millward and have been able to observe him use the water from August 1, 1957 through the balance of the season to the latter part of October, and have seen him use the water upon the lands above described during the full irrigating seasons of 1958, 1959, and 1960.

(Signed)

*Donald S. Vaughan*

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 Malad City, County of Oneida, State of Idaho, on this 30th day of September, A. D. 1960.

*E. J. Scott*

Notary Public.

My commission expires May 19, 1963

26863

RECEIVED  
OCT 3 1960

Affadavit of Publication Reclamation

State of Idaho  
County of Oneida, ss.

*Mary Matthews* being first duly sworn on  
her oath, states: That...he is...*Chief Clerk*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ~~the~~ successive weekly issues thereof the date of the first publication being the *25<sup>th</sup>* day of *August*, 19*60*.. the date of the last publication being the *15<sup>th</sup>* day of *September*, 19*60*..

*Mary Matthews*

Subscribed and sworn to before me this *16*... day of

*September*, 19*60*... *E. L. Scott*

Notary Public, residing at Malad, Idaho

My Commission expires the *17*.. day of *May*., 19*63*..

Costs: *57*..lines at 13c per line first insertion \$ *6.76*..

10c per line each subsequent insertion \$ *15.60*..

TOTAL ..... \$ *22.36*..

(Rates for legal notices are fixed by Idaho law)

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

Notice is hereby given that at 11:00 A.M., on the 30th day of September, 1960, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at 28 Court Street, Malad City, Idaho, proof will be submitted of the completion of works for the diversion of 3 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 26863, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Albert H. Millward, RFD No. 1, Malad, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is three cubic feet per second.

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

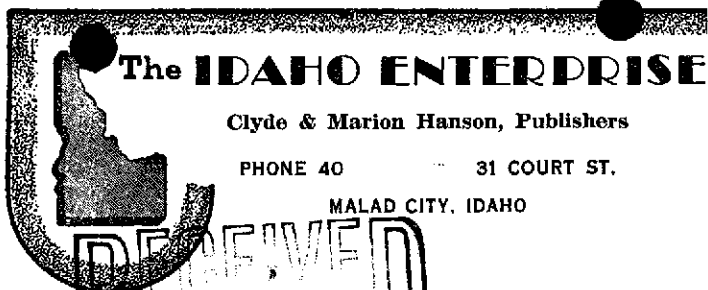
4. The point of diversion of said water is 19 rods South of the NE Corner of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 23, Twp. 15 S., R. 36 E.B.M.

5. The place where said water is used is SW  $\frac{1}{4}$  and W  $\frac{1}{4}$  SE  $\frac{1}{4}$  Sec. 23, and NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 26, Tp. 15 S. R. 36 E.B.M.

6. The date of priority which said user is prepared to establish is April 22, 1957.

GEO. N. CARTER  
State Reclamation Engineer  
8-25-9-15 t4

26863



# The IDAHO ENTERPRISE

Clyde & Marion Hanson, Publishers

PHONE 40

31 COURT ST.

MALAD CITY, IDAHO

RECEIVED

AUG 2 21960

Aug. 19, 1960

Department of Reclamation

Mr. Geo. N. Carter  
State Reclamation Engineer,  
Boise, Idaho

Dear Sir:-

We have received notice  
for publication of Albert H.  
Millward. It will be published  
Aug. 25 and Sept. 1, 8, 15. We  
will send you proof Aug. 22.

Yours truly,

The Idaho Enterprise

Clyde Hanson  
Clyde Hanson

20863

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26863  
Albert H. Millward

Date: August 17, 1960

Idaho Enterprise,  
Malad City, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **September 30, 1960** the date set for proof; the expense of the publication is to be paid by the applicant

**Albert H. Millward**

of **RFD #1, Malad, 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 or tear sheet of the first publication.\*\*

Very truly yours,



GEO. N. CARTER  
State Reclamation Engineer

\*\* If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

26863

Encl.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

August 17, 1960

Re: Permit No. 6-38863

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Mr. Albert E. Millward,  
R.F.D. #2,  
Malad, Idaho.

Dear Mr. Millward:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 6-38863. The proofs are to be made at 11:00 o'clock A.M., on the 30th day of September, 1960, before E. L. Smith, Notary Public, Malad City, Idaho, Notary Public.

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

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~Kennedy~~  
Chief Clerk

Encl.

EPR: ~~mt~~

cc: Notary

26863

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USERECEIVED  
AUG 1 1960  
Department of Reclamation

Notice is hereby given that at 11:00 A.M., on the 30th day of September 19 60, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at (address) 26 Court St. Malad City, Idaho, proof will be submitted of the completion of works for the diversion of 3 ☒ cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 26863, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Albert H. Millward, RFD#1, Malad, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is three cubic feet per second.

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

4. The point of diversion of said water is 19 rods South of the NE Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Twp. 15 S., R. 36 E.B.M.

5. The place where said water is used is SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 23, and NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 26, Tp. 15 S. R. 36 EBM

6. The date of priority which said user is prepared to establish is May 2, 1957

*Geo. H. Carter*

State Reclamation Engineer

26863

RECEIVED  
AUG 17 1960  
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 16, 1960

(P. O.) Malad, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Idaho Enterprise of Malad City, Idaho published in  
the county in which the works are situated.

*Michael L. ...*  
A H Milburn

(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.

26863

May 15, 1957

RE: Permit No. G-26863  
Albert H. Millward

Ray & Scott  
Attorneys  
Malad City,  
Idaho

Gentlemen:

We enclose Permit No. G-26863 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We enclose departmental receipt No. G-2570 which was issued covering the payment in the amount of \$5.50 for the filing fee.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

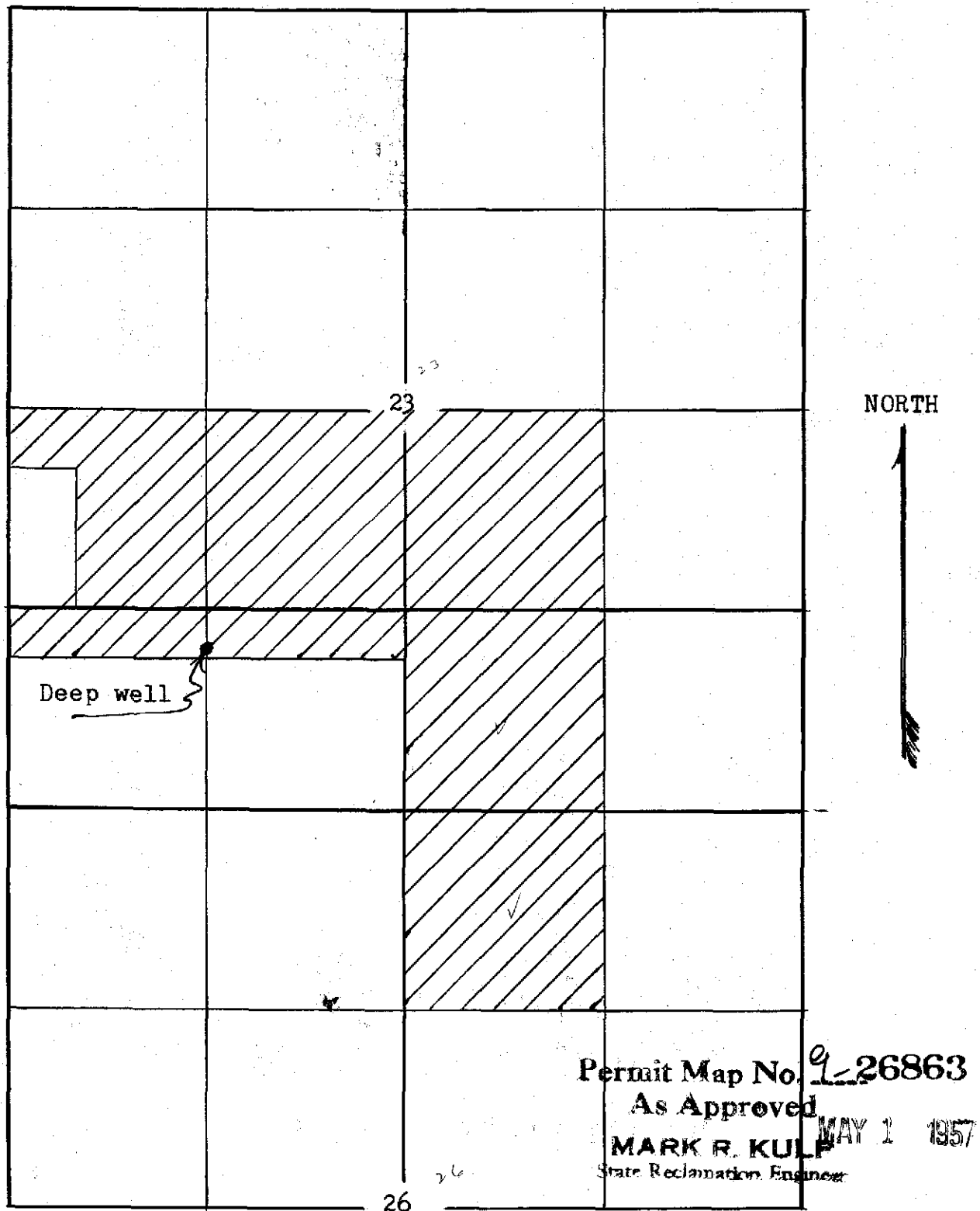
Chief Clerk

EPR;lw  
Enclosures

26863

Name of applicant: ALBERT H. MILLWARD  
RFD#1, Malad, Idaho

Township 15 South, Range 36 East, Boise Meridian  
Oneida County, Idaho



Scale: 1 inch = 60 rods

26863

RECEIVED  
APR 22 1957  
Department of Reclamation

Ray & Scott  
Attorneys  
Malad City  
Idaho

April 20, 1957

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

Dear Sir:

I am enclosing the application of Albert H. Millward to appropriate the subterranean waters of the State of Idaho. His check in the sum of \$5.50 is also enclosed. Please issue Permit and oblige.

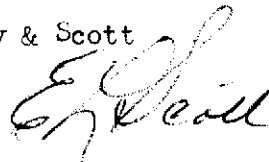
Also, would you please send me a half dozen of your forms No. 3 for the appropriation of subterranean waters?

Thanking you, I remain,

Very truly,

Ray & Scott

By



4-30-57 Sent 6 Form #3  
vem

26863

April 17, 1957

Re: Application for Permit  
Albert H. Millward

Ray & Scott  
Attorneys  
Malad City, Idaho

Gentlemen:

We are returning herewith Application for Permit to appropriate the subterranean waters of the State of Idaho in the name of Albert H. Millward, RFD #1, Malad, Idaho.

As this application was sent in by you we are returning same and will request that said application be made on Form No. 3 in place of Form No. 1 as returned herewith.

We are also returning herewith Mr. Millward's check which can be returned with the corrected application.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

RWT:d  
enc.

26863

Ray & Scott  
Attorneys  
Malad City  
Idaho

RECEIVED  
APR 9 1957  
Department of Reclamation

April 6, 1957

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

Dear Mr. Kulp:

I am enclosing Application of Albert H. Millward to appropriate the subterranean waters of the State of Idaho. Please issue permit and oblige.

Also enclosed is his check in the sum of \$5.50.

Thanking you, I remain,

Very truly,

Ray & Scott

By *E. H. Scott*

26863

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

Notice is hereby given that at 11:00 A.M., on the 30th day of September, 1960, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at 26 Court Street, Malad City, Idaho, proof will be submitted of the completion of works for the diversion of 3 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 26863, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Albert H. Millward, RFD No. 1, Malad, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is three cubic feet per second.

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

4. The point of diversion of said water is 19 rods South of the NE Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Twp. 15 S., R. 36 E.B.M.

5. The place where said water is used is SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 23, and NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 26, Tp. 15 S. R. 36 E.B.M.

6. The date of priority which said user is prepared to establish is April 22, 1957.

GEO. N. CARTER

State Reclamation Engineer  
8-25-9-15 14

*Idaho Enterprise*

*Malad*

*26863*