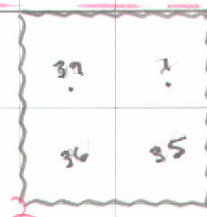


Twp 3S Rge 33E



40

71

To Rockford

111 Acres

AREA - 111 Acres

SUBD - A

Q - Allow 2.22 cfs.

VOL - 389 AC-FT / SEASON WITH OTHER RIGHTS

PRIORITY -

WATER LICENSE

Water License No. G-28867 Priority July 15, 1960 Amount 2.22 c.f.s.

THIS IS TO CERTIFY, that EUGENE M. HIGGINS
of Blackfoot, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated July 15, 1960; that Permit G-28867 was issued pursuant
to said application; that the proposed works were completed on or about July 1960,
with a storage or carrying capacity of 2.37 c.f.s., said works consisting of
well, motor, pump, and earth ditches; and that on June 30, 1965
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 389
when combined with all other rights appurtenant to the same land and shall not exceed
acre feet per season, with a maximum rate of diversion of 2.22 cubic feet per second of the waters that
amount
of ground water, tributary of _____,
for the purpose of irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NE 1/4 NE 1/4, Sec. 2, T. 3 S, R. 33 E, B.M., and
other additional points _____, in the County of
Bingham; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 389 acre feet per year, when combined with all other rights
appurtenant to the same land.

Description and location of place of use:

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	
<u>3 S</u>	<u>33 E</u>	<u>2</u>	<u>1</u>	<u>39</u>	<u>36</u>	<u>35</u>													<u>111</u>

Total number of acres irrigated 111

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

16th day of May, 19 69.

State Reclamation Engineer

35 2606

28867

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

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A.M. July 15, 1960

Returned to applicant for correction:

Corrected application received:

The number of this permit is G— 28 867

Recorded in Book 101 Page 28867 Approved July 15, 1960

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

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

Work to begin on or before _____ 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 January 15, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 15, 1965

Witness my hand this 15th day of July, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, _____ ROBERT E. SMYLLIE _____, Governor of the State of Idaho,
and _____ ARNOLD WILLIAMS _____, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this _____ 15th _____
day of _____ July _____, 19 _____ 60 _____.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 S	33 EBM	2	2	40	37	35												114	
LICENSE ISSUED FOR 2.22 SEC. FT. LICENSE PAGE NO. _____																			

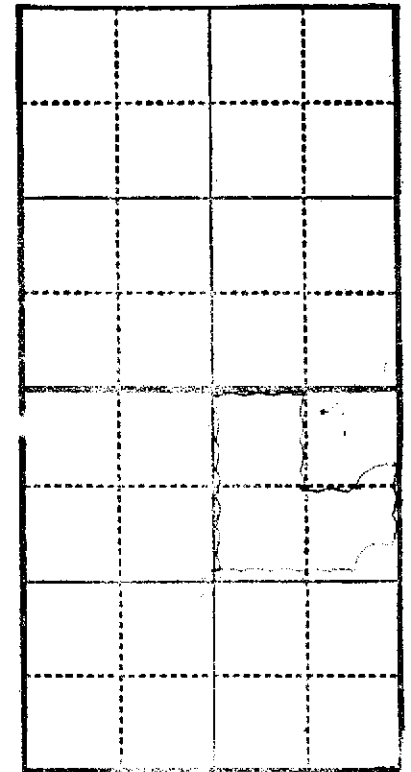
35-2606

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36850
 Permit No. G- 28867
 District No.

1. Name of Applicant: Eugene M. Higgins
 Postoffice address: Rt. #2, Blackfoot County: Bingham State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 2.28 or Idaho
 Miners' inches 114 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean water
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2
 Twp. 3 S , Rge. 33 E , B.M., County of Bingham
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Electric Pump and ditches
8. Estimated cost of works: \$ 2200.00
9. (a) Is reservoir to be used? No
 (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:
 Aberdeen Springfield Canal 90 shares; Rockford Canal 10 shares
 - (a) 2.28 (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) (cubic feet per second, inches or gallons per minute) is for new lands.



May 16, 1969

Re: Permit No. G-28867

Mr. Eugene M. Higgins
Route 5, Box 84
Blackfoot, Idaho 83221

Dear Mr. Higgins:

Enclosed you will find your Water License issued on the
above numbered permit.

Also enclosed is departmental receipt No. 3039 in the
amount of \$13.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh
Enclosures

28867

Eugene Higgins
Rt. 5, Box 84
Blackfoot
Idaho
83221



6c



AMERICAN CANCER SOC.

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho
83707

April 29, 1960

Re: Permit No. G-28867

Mr. Eugene M. Higgins
Route 2 5 Coy 84
Blackfoot, Idaho 83221

Dear Mr. Higgins:

A representative of this department has made an examination of the works covered by your Permit G-28867 and has found the following:

Quantity of water diverted: 2.37 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.22 c.f.s.

The maximum quantity diverted shall not exceed 389 acre feet per season.

Purpose of use: Irrigation of 111 acres in NE 1/4 Sec. 2, T. 3 S., R. 33 E., B. M.

The priority date established is: July 15, 1960

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DDR:kh

cc. Kerr and Williams
Attn: Dean Williams
P.O. Box 708
Blackfoot, Idaho 83221

28867

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-28867

REPORT ON PROOF OF Completion of Works & Beneficial Use

Trp 3S Rge 33E

39	3
36	35

40
71
111 Acres
TRAIL

AREA - 111 Acres

SUBD - 4

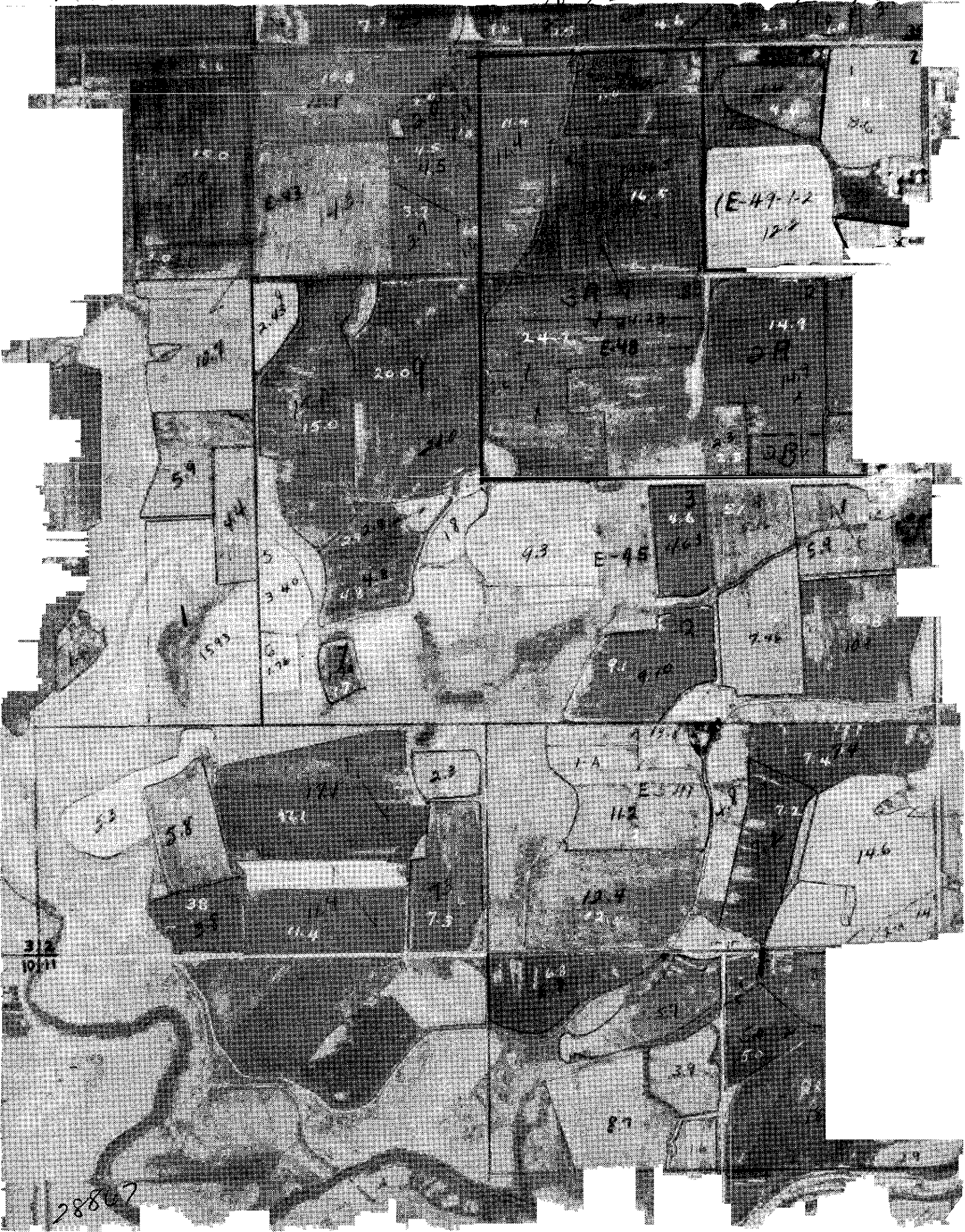
Q - Allow 2.22 cfs.

VOL - 389 AC-FT / SEASON WITH OTHER RIGHTS

PRIORITY -

N-12

E-48



3/2
10/11

28807

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

Permit No. G-28867

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

1. Name of applicant Eugene M. Higgins

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 NE 1/4 of Section 2

T. 3 S R. 33 E.B.M. County of Bingham

4. Describe works as they exist, giving dimensions and capacities of same: ☒

25 HP GE Elec Motor #6790193

1/2" B VTP #. 367561

8" DISCHARGE UNDERGROUND 65' INTO GARTH
DITCHES NORTH & SOUTH

5. Water is used for: Irrigation ☒

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

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

114 acres in NE 1/4 Sec. 2., Twp. 3 S., Rge. 33 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: _____

SPARKLING MOTOR USED $\frac{200 \text{ c.f.}}{84.7 \text{ Sec}} = 2.37 \text{ c.f.s.}$

IRRIGATION REQUIREMENT = 9.5 AC-FT / ACRE / SEASON

This examination was made on the 23rd day of July, 1968

(Signed) Dean Reynolds Examiner.

28867

Eugene M. Higgins
Route #2
Blackfoot, Idaho
Permit No. G-28867

Examination for Completion of Works & Beneficial Use

County Bingham
Sec. 2 T. 38 R. 33 EBM
Quantity: 2.28 cfs.

Source: Subterranean water

P.D.: NE NE Section 2 Twp. 38 Rge. 33E

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Aberdeen Springfield Canal
90 shares; Rockford Canal 10 shares

Filed: July 15, 1960

Due: July 15, 1965

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.

28867

October 29, 1965

Re: Permit No. G-28867

Eugene M. Higgins
Route #2
Blackfoot, Idaho

Dear Mr. Higgins;

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the BLACKFOOT NEWS, all submitted in proof of completion of works and beneficial use on Permit No. G-28867.

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,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Dean Williams
Herr and Williams
P. O. Box 708
Blackfoot, Idaho 83221

28867

ROBERT M. KERR, JR.

LAW OFFICES
KERR AND WILLIAMS
785-0990 785-1290
291 NO. BROADWAY, P. O. BOX 708
BLACKFOOT, IDAHO 83221

DEAN WILLIAMS

October 28, 1965

RECEIVED
OCT 29 1965

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Dear Mr. Thomas:

The Deposition of Holder and the Affidavit of
Publication were sent to you yesterday.

The Deposition of Witnesses are enclosed with
correct changes.

Thank you,

KERR AND WILLIAMS


Dean Williams

DW/jr

Enclosures

28867

RECEIVED
OCT 26 1965

RECEIVED
OCT 26 1965

Department of Reclamation

Department of Reclamation

AFFIDAVIT of PUBLICATION

NOTICE OF PROOF OF COMPLETION OF WORKS

and

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m., on the 30th day of June 1965, at Blackfoot, County of Bingham, State of Idaho before Dean Williams, Notary Public, at 291 North Broadway, Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 2.28 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-28867, 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 Eugene M. Higgins, Rt. 2, Blackfoot, Idaho.
2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.28 cubic feet per second.
3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 2.28 cubic feet per second.
4. The point of diversion of said water is NE1/4 of the NE 1/4 of Section 2, Township 3 South, Range 33, East Boise Meridian, Bingham County.
5. The place where said water is used is NE1/4 Sec 2, Twp 3 South, Rge 33, EBM.
6. The date of priority which said user is prepared to establish is July 15, 1960.

CARL E. TAPPAN
State Reclamation Engineer
Pub. May 21 - 28 - June 4 - 11

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly
publisher

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 4 consecutive weeks, the first publication having been made on the 21st day of May, 1965,

and the last publication having been made on the 11th day of June, 1965; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

Subscribed and sworn to before me this 11th

day of June, 1965

Marjorie Flint

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
January 10th, 1968

1967

RECEIVED
OCT 28 1965

A F F I D A V I T

Department of Reclamation

STATE OF IDAHO)
 : ss.
County of Bingham)

COMES NOW DEAN WILLIAMS and upon oath deposes and says:

That he is the proof-taking officer in the Final Proof Deposition for Eugene Higgins under Water Permit # G-28867; that there has been a delay in submitting the final proof deposition of witnesses for the following reasons:

1. That the original witnesses were disallowed by the Department of Reclamation as being incompetent because of their blood relationship to the holder.

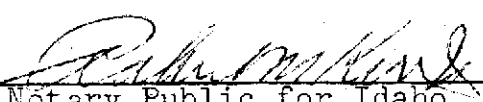
2. That there has been a delay in obtaining a written opinion from the Attorney General's office relative to this deposition.

That the holder had to obtain two new witnesses for the final proof which caused some delay. Your Affiant further states that the depositions were taken at my office in the place of advertisement which is a law office and has been open every working day since the date of advertisement for the Final Proof and no one has appeared in opposition to the issuance of a license to the holder under this permit.

DATED this 21st day of October, 1965.


Dean Williams, Attorney at Law
Proof Taking Officer.

Subscribed and sworn to before me this 21st day of October, 1965.


Notary Public for Idaho
Residing at Blackfoot, Idaho

My Commission Expires:

Jan 19 1966

28867

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-28867

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

~~and Completion of Works~~

DEPOSITION OF HOLDER

RECEIVED
JUL 6 1966
Department of Reclamation

RECEIVED
OCT 28 1965
Department of Reclamation

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

Higgins, Route #2, Blackfoot, Farming, Route #2, Blackfoot, 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:

Acting in my own behalf.

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit: G-28867, Approved July 15, 1960. Priority July 15, 1960

Ques. 4. State source of water supply: Underground

Give location of point of diversion, showing subdivision, section, township and range:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 2, T3 S, Rge 33, EBM

Ques. 5. Describe your works of diversion: 25 H.P. G.E. Motor on Layne pump

1 $\frac{1}{2}$ mi. irrigation ditch; state amount of water they are capable of conveying from point of diversion to place of use 120 Miners; Give name of canal or ditch

or other works by which water is conducted to such place of use: none

>; if a well, state depth of well 170 feet; depth and size of casing: 18 $\frac{1}{16}$ " casing

18 $\frac{1}{16}$ " casing; depth to water 40'; if pump is used, state discharge of pump: 120 miners; tell how it was measured or determined:

estimated; if sprinkler irrigation, give number and size of nozzles and operating pressure: no sprinklers

Ques. 6. State for what purpose water is used: Irrigation only.
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2 acres.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ 37 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres (114 acres)

State nature of all improvements which have been made as a direct result of said use:

cultivating diversified crops -made ditches, installed well & pump & gen. improvements.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Van Webb & Sons (Andrew Webb); Route #2, Blackfoot, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

none

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

120 miners inches

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:

I am origiaal permit bolder

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: July 1960 Time used since first use:

Used every year all season since.

Ques. 11. Describe all other water rights appurtenant to same place of use:

80 shares of Aberdeen--Springfield canal. However, their water is not practical because it has to come 1 mile from point of diversion to farm.

(sign) Eugene M. Higgins

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

Blackfoot, County of Bingham

State of Idaho, on this 30th day of JUNE, A.D. 1965.

Dean Williams
Residing at Blackfoot, Idaho

My Commission expires: 8/1/68

RECEIVED
JUN 27 1965

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28867

RECEIVED
JUN 28 1965

Department of Reclamation

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:

ARNOLD J. DANCE, 35, Rockford, farming and bookkeeping; Route #2,
Blackfoot, Idaho

Ques. 2 Are you acquainted with EUGENE HIGGINS, the holder of
Permit No. G-28867? How long have you known him and where does he reside?

Yes. I have known him his lifetime. He lives at Route #2, Blackfoot.

Ques. 3. Have you read or heard said Permit No. G-28867 read, and are you familiar
with its provisions and conditions: Yes XXX No.

Ques. 4. State source of water supply: Source of water supply is underground.

Give location of place of diversion, showing subdivision, section, township and range

The NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 3 South, Range 33, EBM

Describe works for conveying water to place of use: A lane pump. A 25 hp motor
pumps water into open ditch. The well is approximately 170 feet deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: At least 120 miner's inches How much water have you seen being so
conveyed? I've seen the pump in full operation. It looked to me it was
pumping at least 120 miner's inches.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Taking out for the house and roads and improvements, there is 35 acres
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$; 37 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; and
2 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 2, Township 3 South, Range 33, EBM

28867

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

To my knowledge, the water has been used for irrigation purposes only

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.

Soil is lava ash and requires probably from 1 to 1½ miner's inches per acre for good cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? I have no interest in the works or land or water.

Ques. 10. When did you first see this water used? In the summer of 1960 for irrigation of crops.

Other times you have seen such use: I have seen it used each year since for crop irrigation.

(Signed):

Arnold J. Dancer

* * * * *

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 _____

Blackfoot, County of Bingham, State of Idaho, on this 21st day of October, A. D. 1965.

Don Williams

Notary Public for the State of Idaho

Residing at Blackfoot, Idaho

My commission expires August 1, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28867

RECEIVED
OCT 27 1965

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

RECEIVED
OCT 29 1965

Department of Reclamation

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:

RAY ANDERSON; Age 36; Res; Rockford, Idaho; Occupation; Salesman
P.O., Route #2, Blackfoot, Idaho

Ques. 2 Are you acquainted with Eugene Higgins, the holder of
Permit No. G-28867? How long have you known him and where does he reside?

Yes, 15 to 20 years; he lives at Route #2, Blackfoot

Ques. 3. Have you read or heard said Permit No. G-28867 read, and are you familiar
with its provisions and conditions: Yes XXX No.

Ques. 4. State source of water supply: Underground source.

Give location of place of diversion, showing subdivision, section, township and range

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 3 South, Range 33, EBM

Describe works for conveying water to place of use: There is a lane pump. A 25 hp
motor pumps the water into an open ditch. I understand the well is
about 170 feet deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 120 miner's inches at least How much water have you seen being so
conveyed? I would estimate approximately 120 miner's inches at least.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

2 $\frac{1}{2}$ acres in the NE Quarter NE Quarter; 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 37 acres
in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; and 35 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 2 Township 3
South, Range 33, East of the Boise Meridian.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

It is not used for purposes other than irrigation.

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.

The soil is lava ash soil. It would require about 1 or 1½ miner's inches per acre for cultivation that is profitable.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No. I don't have any interest whatsoever in the works, water or lands above mentioned.

Ques. 10. When did you first see this water used? Right after the pump was put in in 1960.

Other times you have seen such use: I have seen the land irrigated from the pump each year since 1960.

(Signed):

Ray Anderson

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

Blackfoot, County of Bingham, State of Idaho, on this 26th day of October, A. D. 19 65

Dean Williams

Notary Public for the State of Idaho

Residing at Blackfoot, Idaho

My commission expires August 1, 1968

ROBERT M. KERR, JR.

LAW OFFICES
KERR AND WILLIAMS
785-0990 785-1290
291 NO. BROADWAY, P. O. BOX 708
BLACKFOOT, IDAHO 83221

DEAN WILLIAMS

October 27, 1965

RECEIVED
OCT 28 1965

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

RE: Eugene Higgins, Permit No. G-28867

Dear Sir:

Enclosed you will find the Deposition of Holder, together with an affidavit explaining the delay and also an Affidavit of Publication. The Deposition of Witness was mailed to you under separate cover.

You will recall this is the case in which you held the original witnesses were incompetant because of their relationship. Please keep me informed.

Thank you,

KERR AND WILLIAMS

Dean Williams
Dean Williams

28867

October 27, 1965

RE: Permit No. G-28867
Eugene M. Higgins

Kerr and Williams
Attorneys at Law
Box 708
Blackfoot, Idaho
Attention: Mr. Dean Williams

Dear Mr. Williams:

Returned are depositions of two witnesses.

The proofs of completion of works and beneficial use of the water under the above noted permit were to have been made June 30, 1965.

The depositions were received and returned July 6, 1965, as the witnesses were relatives of the holder of the permit and apparently not disinterested.

The two depositions returned shows irrigation of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Township 3 South, Range 33 East, B.M., which is not included in the permit. You did not return the deposition of the holder.

Please get everything straight and correct. This file is getting full of letters.

Return depositions of holder and two witnesses with affidavit of publication. They will not be returned again. The amount of water right may depend upon the accuracy of the depositions.

This permit is subject to cancellation at this time as notice was sent August 20, 1965, allowing 60 days to show cause why the permit should not be cancelled. Cancellation will be delayed a few days for return of the necessary instruments.

Very truly yours,

RALPH M. THOMAS, Deputy
State Reclamation Engineer

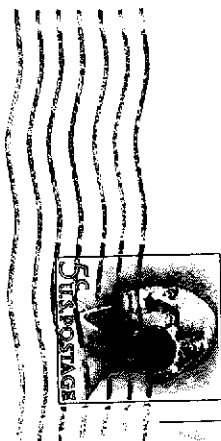
RMT:ejw
Encl: Depositions

28867

LAW OFFICES
KERR AND WILLIAMS
P. O. BOX 708
BLACKFOOT, IDAHO 83221

RECEIVED
OCT 26 1965
DEPARTMENT OF RECLAMATION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho



28867



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE

ALLAN G. SHEPARD
ATTORNEY GENERAL

28867

August 24, 1965

Mr. Dean Williams
Kerr and Williams
291 North Broadway
P. O. Box 708
Blackfoot, Idaho 83221

Dear Mr. Williams:

Perhaps my letter of August 2, 1965 to the State Reclamation Engineer was too vague as to whether the Engineer could accept the aunt and the father of a permit holder as disinterested witnesses on proof of application to beneficial use, under Section 42-217, Idaho Code.

The point I attempted to make was that where a relationship appears prima facie on the proof, the Engineer, cannot at a distance, judge the credibility of the related witnesses, to determine their disinterested status. The statute requires "disinterested witnesses." Therefore, the engineer must reject witnesses related to the permittee. The burden of showing disinterest should not be shifted to the State Reclamation Engineer, if a relationship appears on the face of the proof.

I realize that there are quite often practical problems in obtaining affidavits from truly disinterested persons, as there may be in this case. But I do not believe that the State Reclamation Engineer can depart from the statutory requirement of disinterest.

Very truly yours,

FOR THE ATTORNEY GENERAL

STEPHEN W. BOLLER
Assistant Attorney General

SWB/jg
cc: Dept. of Reclamation

28867

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN
TO

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 14155	Department of Reclamation
INSURED NO.	STREET AND NO. OR P. O. BOX Room 107 Statehouse
	CITY, STATE, AND ZIP CODE Boise, Idaho 83701

CS5-16-71548-8-F

828864

25867

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee

☐ Show address where delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

August 20, 19 65

Re: Permit No. G- 28867

To Eugene M. Higgins
Rt. 2,
Blackfoot, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 28867 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to _____
Completion of Works and Beneficial Use Proofs which were due July 15, 1965

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 28867 is hereby held for cancellation.

YOU ARE HEREBY required to show cause before the State Reclamation Engineer on or before sixty days from date of this notice why said Permit should not be cancelled.

SAID PERMIT NO. G- 28867 claims the use of 2.28 cubic feet per second of the Subterranean Waters of a well with point of diversion located NE¼ NE¼, Sec. 2, Twp. 3 S., Rge. 33 E.B.M.,
and was approved July 15, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, the 20th day of August, 19 65.

State Reclamation Engineer

28867

ROBERT M. KERR, JR.

LAW OFFICES
KERR AND WILLIAMS
785-0990 785-1290
291 NO. BROADWAY, P. O. BOX 708
BLACKFOOT, IDAHO 83221

DEAN WILLIAMS

August 9, 1965

Department of Reclamation
107 Statehouse
Boise, Idaho

Re: Permit Number G-28867

Attention: M. Russell Bosch

Dear Mr. Bosch:

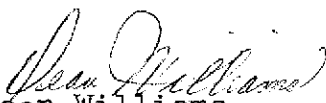
I have reviewed the opinion from the Attorney General's Office dated August 2, 1965. It appears to me that you are misinterpreting the Attorney General's opinion.

As I read the opinion, a father and/or aunt are competent persons to testify per se. The opinion further states that the Department of Reclamation should not and cannot place itself in a position where it passes on the "credibility" of witnesses. The credibility of any witness can always be challenged, but that is not the issue here. The only question that must be resolved in the instance of filing supporting testimony is the competency of the witness.

It would appear to me from the Attorney General's opinion above referred to that the deposition furnished in this case by the father and the aunt meet the requirements of Section 42-217 of the Idaho Code. A copy of this letter is being sent to the Attorney General's Office in care of Stephen W. Bohler, who wrote the opinion, and if I am misinterpreting that opinion I would appreciate being enlightened.

Thank you,

KERR AND WILLIAMS


Dean Williams

DW:m

CC: Attorney General's Office ✓
Stephen W. Bohler
Statehouse
Boise, Idaho

28867

August 4, 1965

RE: Permit G-28867

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

ATTENTION: Mr. Dean Williams

Dear Mr. Williams:

Yesterday we received an opinion from the Attorney General's Office regarding disinterested witnesses. We are enclosing a copy of this opinion for your information.

Would you please comply with our letter of July 6, 1965 inasmuch as a near relative will be under the influence of partiality.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH
State Water Rights & Records Clerk

MRB:et
Enc. copy of Attorney General's letter 8/2/65

28867



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE

ALLAN G. SHEPARD
ATTORNEY GENERAL

RECEIVED
AUG 3 1965
Department of Reclamation

August 2, 1965

G 28867
Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
B U I L D I N G

Dear Mr. Tappan:

We are in receipt of your recent letter asking the following question:

"Are a father and an aunt of the holder of an Idaho water permit acceptable as disinterested support witnesses to permit holder's final proof as required in Idaho Code 42-217?"

The term "disinterested witnesses" has several meanings, depending upon both the field of law and a particular statutory requirement, i.e. what is the intent of the statute in requiring affidavits from disinterested witnesses, as does Section 42-217, Idaho Code.

Generally, however, "disinterested" means fair-minded, including freedom from actual or probable bias, prejudice, or partiality with relation to the questions to be determined rather than as meaning merely a lack of pecuniary interest in the controversy, Scott v. Arden Farms, Inc., Del., 28 Atl.2d 81; and while relationship to the primary party by blood or marriage is not an absolute disqualification, it is evidence that one who is a relative of the party cannot be regarded as disinterested, Hasceig v. Tripp, 20 Mich. 216; so that it may reasonably be presumed that a near relative will be under the influence of partiality, Wolcott v. Ely, 84 Mass. 338.

28867

Carl E. Tappan

-2-

August 2, 1965

Further, the intent of Section 42-217, Idaho Code, in requiring the affidavits of two disinterested witnesses, is to support the sworn statement of the permittee to the effect that the facts sworn to are known to them to be true. Any judicial dispute concerning any of the statements sworn to, the father and/or aunt of the permittee would be competent to testify per se, though the credibility of such witnesses could be questioned by the trier of fact because of the relationship.

The State Reclamation Engineer should not and cannot stand in the position of a court in this respect.

Very truly yours,

FOR THE ATTORNEY GENERAL

A handwritten signature in dark ink, appearing to read "Stephen W. Boller", is written over the typed name.

STEPHEN W. BOLLER
Assistant Attorney General

SWB/at

28867

ROBERT M. KERR, JR.
DEAN WILLIAMS

LAW OFFICES
KERR AND WILLIAMS
785-0990 785-1280
291 NO. BROADWAY, P. O. BOX 709
BLACKFOOT, IDAHO 83221

HAROLD A. RANQUIST
OF COUNSEL

Gr 28867

July 14, 1965

RECEIVED

JUL 15 1965

Mr. Steven W. Boyler
Assistant Attorney General
Statehouse
Boise, Idaho

Department of Reclamation

Re: Reclamation Request, July 7, 1965, Idaho Code 42-217

Dear Mr. Boyler:

I received a copy of the letter to you from the Department of Reclamation requesting your interpretation of Idaho Code 42-217. In as much as I felt the facts they gave you were a bit sketchy, I am taking the liberty to supplement their request as follows:

Is a father and an aunt of a holder of an Idaho permit, both of whom claim no interest in the works, water or land mentioned in the permit, acceptable as disinterested support witnesses to permit holder's final proof as required in Idaho Code 42-217. The permit holder is married, has his own family and is not dependent upon his father or aunt.

In as much as final proof has been submitted on a water permit supported by witnesses of the above caliber, I will appreciate hearing from you as promptly as possible.

Thank you,

KERR AND WILLIAMS

Dean Williams
Dean Williams

DW:m

CC: H. Petri
Office Manager
Dept. of Reclamation
Statehouse
Boise, Idaho

C
O
P
Y

28867

July 8, 1965

RE: Permit G-28867

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

ATTENTION: Mr. Dean Williams

Dear Mr. Williams:

Enclosed herewith is copy of request to the
Attorney General's Office for an opinion regarding the
two witnesses under Permit G-28867. ✓

Very truly yours,

CARL E. TAPPAN

H. PETRI
Office Manager

HP:ct

Enc. photocopy of letter to Attny. Gen.'s Office

28867

July 7, 1965

RE: Idaho Code 42-217
Supporting witnesses to final proofs

Stephen W. Boller,
Assistant Attorney General
Building

Dear Mr. Boller:

Pursuant to our telephone conversation today we request an opinion from the State Attorney General's Office concerning the questions: "Are a father and an aunt of the holder of an Idaho water permit acceptable as disinterested support witnesses to permit holder's final proof as required in Idaho Code 42-217?"

Kindly inform this office by letter in order that we may send copy to interested parties.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. PETRI
Office Manager

HP:ct

28867

ROBERT E. SMYTH
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

July 7, 1965

ATTORNEY GENERAL'S OFFICE
STATE OF IDAHO
RECEIVED
JUL 7 1965

RE: Idaho Code 42-217
Supporting witnesses to final proofs

Stephen W. Boller,
Assistant Attorney General
Building

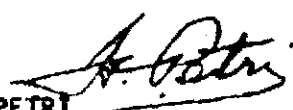
Dear Mr. Boller:

Pursuant to our telephone conversation today we request an opinion from the State Attorney General's Office concerning the questions: "Are a father and an aunt of the holder of an Idaho water permit acceptable as disinterested support witnesses to permit holder's final proof as required in Idaho Code 42-217?"

Kindly inform this office by letter in order that we may send copy to interested parties.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer


H. PETRI
Office Manager

HP:ct

28867

July 6, 1965

RE: Submitted Proofs
under Permit No. G-28867

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

ATTENTION: Mr. Dean Williams

Dear Mr. Williams:

Subject proofs are returned herewith. Idaho Code 42-217 states that two disinterested witnesses must support the holder's affidavit of proofs. If Vera R. Higgins and Arthur Eugene Higgins are the mother and father of Eugene M. Higgins it will be necessary to procure new notarized depositions by disinterested persons. Also your deposition taken before another notary stating the reason for the belated proofs should be attached to the proofs.

Kindly accomplish this change and return all papers to this office promptly. Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. PETRI
Office Manager

HPict
Enc. proofs

28867

June 14, 1965

Re: Permit No. G-28867
Eugene M. Higgins

Blackfoot News
Blackfoot, Idaho

Gentlemen:

On May 17th we mailed you a Notice of Publication on the above numbered permit, requesting a tear sheet or copy for checking purposes.

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

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

28867

RECEIVED
MAY 17 1965

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 13, 1965

(P. O.) Blackfoot, 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 Blackfoot News of
Blackfoot, Idaho published in the
county in which the works are situated.

Eugene M. Higgins

(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

25867

RECEIVED
JUL 17 1965

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

Department of Reclamation

Notice is hereby given that at 10 A. M., on the 30th day of June
1965, at Blackfoot, County of Bingham, State of Idaho
before Dean Williams, Notary Public, at (address) 291 North
Broadway, Blackfoot, Idaho, proof will be submitted of the completion
of works for the diversion of 2.28 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-28867, 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 Eugene M. Higgins, Rt. 2, Blackfoot, Idaho

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 2.28 cubic feet per second.

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

4. The point of diversion of said water is NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2,
Township 3 South, Range 33, East Boise Meridian, Bingham County

5. The place where said water is used is NE $\frac{1}{4}$ Sec 2, Twp ³~~2~~ South, Rge 33, EBM

6. The date of priority which said user is prepared to establish is July 15, 1960

Carl E. Tappan
State Reclamation Engineer

28867 16

Re: Permit No. G-28867
Eugene M. Higgins

Date: May 17, 1965

Blackfoot News,
Blackfoot, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to June 30, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant Eugene M. Higgins
of Rt. 2, Blackfoot, 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,

Carl E. Tappan
CARL E. TAPPAN
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

Re: Permit No. 0-28867
Eugene M. Higgins

May 17, 1965

Mr. Dean Williams,
Attorney at Law,
Box 708,
Blackfoot, Idaho.

Dear Mr. Williams:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 0-28867, in the name of Eugene M. Higgins. Final Proof is to be made before you, as Notary on the 30th day of June, 19 65, at 10:00 o'clock A.M., at 251 North Broadway, Blackfoot, Idaho.

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

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

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

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

28867

ROBERT M. KERR, JR.
DEAN WILLIAMS

LAW OFFICES
KERR AND WILLIAMS
785-0990 785-1290
291 NO. BROADWAY, P. O. BOX 708
BLACKFOOT, IDAHO 83221

HAROLD A. RANQUIST
OF COUNSEL

RECEIVED
MAY 17 1965

May 14, 1965

Department of Reclamation
Statehouse
Boise, Idaho

Department of Reclamation

Re: Permit # G-28867 - Eugene Higgins, Route #2,
Blackfoot, Idaho

Dear Sir:

Enclosed is two copies of Form 36-4M and one copy of Form 11.

Please have this matter noticed up for publication and forward the deposition forms to me for final proof.

Thank you,

KERR AND WILLIAMS


Dean Williams

DW:m

Enclosures: 3

28867

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28867

April 30, 1965

Eugene Higgins
Route #2
Blackfoot, Idaho

Dear Mr. Higgins:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28867 are due not later than **July 15, 1965**

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,



State Reclamation Engineer

Enclosures Forms 36 and 11

28867

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28867

Date: May 11, 1961

Eugene M. Higgins
Route #2
Blackfoot, Idaho

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 28867 are due not later than

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use of the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

Enclosures Form 36 - 11

The above letter is to use for instructions to fill out the forms enclosed for making proofs as requested in your letter of May 10, 1961

28867

Blackfoot, Idaho

May 10, 1961

Department of Reclamation

Bain

Idaho

RECEIVED

MAY 11 1961

Department of Reclamation

Gentlemen;

I completed the drilling of my well in June, 1960, the water was used to irrigate the land described in the permit # G 28867, I would now ask you to send the forms necessary to make proof and receive license for this water.

Sincerely,

Eugene M. Higgins
Rt 2, Blackfoot
Idaho 83667

April 12, 1961

Re: Permit No. G-28867

Eugene M. Higgins
Route #2
Blackfoot, Idaho

Dear Mr. Higgins:

You requested, by letter dated April 11, advise as to procedure to complete you permit to a water license.

The enclosed form, used when the forms are included, shows the procedure. The forms will be sent to you upon request. Your letter stated the well had been completed and no mention made of beneficial use of the water.

You do not need to make the proofs before July 15, 1965, however you can make the proofs at any prior time. You should not attempt to make the proofs before the due date unless you have actually used the water to irrigate a crop on all the land you expect to develop under the well.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

28867

Blackfoot, Idaho -
April 11, 1961

State of Idaho
Department of Reclamation
Boise, Idaho

RECEIVED

APR 12 1961

Department of Reclamation

Gentlemen;

I have completed the well, for
which I received permit NO. G-28867

Would you please advise as
to the procedure in filing out.

Sincerely,
Eugene M. Higgins
RT 2

Blackfoot, Idaho

Shoop due July 15, 1965

28867

July 26, 1960

Re: Permit No. G-28867

Mr. Eugene M. Higgins,
Rt. #2,
Blackfoot, Idaho.

Dear Mr. Higgins:

We enclose Permit No. G-28867 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-5039 which was issued covering payment in the amount of \$5.50 for the filing fee of the above mentioned permit.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

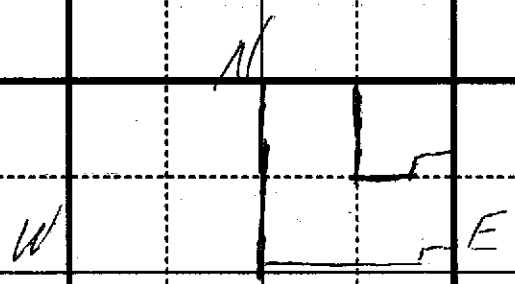
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:mk

28867

NAME OF APPLICANT Fogge M Higgins

Form No. 0



S
Sec. 2, BS-33E.

Permit Map No. ⁹ 28867
As Approved
GEO. N. CARTER
Reclamation Engineer
JUL 15 1960

July 5, 1960

Re: Application for Permit

Mr. Eugene M. Higgins
Route #2
Blackfoot, Idaho

Dear Mr. Higgins:

Returned herewith is your application for permit. You failed to enclose the fee.

The maximum amount of water you can claim is one miner's inch per acre. As you show 114 acres under 12 the amount under 2 has been changed to 114 miners inches or 2.28 cubic feet per second.

Kindly complete 7 showing whether you will use ditches or a sprinkler system.

The time under 10 has been changed to 5 years however you can make the proofs at any prior time.

The number of acres in each 40-acre tract should be shown under 12 instead of a map. That map does not seem to agree with the Form No. 0 sketch map.

Kindly complete answers and return with the filing fee of \$5.50 for an amount of water over 2.0 c.f.s. and not over 3.0 c.f.s. The fee is \$5.25 for not over 2.0 c.f.s. or 100 miners inches.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. application

28867 RT

NOTICE OF PROOF OF
COMPLETION OF WORKS
and

APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at
10 a.m., on the 30th day of June
1965, at Blackfoot, County of
Bingham, State of Idaho before

Dean Williams, Notary Public,
at 291 North Broadway, Black-
foot, Idaho, proof will be submit-
ted of the completion of works for
the diversion of 2.28 cubic feet
per second of underground water
from a well, and of the applica-
tion to beneficial use of said wa-
ter, in accordance with the terms
and conditions of Permit No. G-
28867, heretofore issued by the
Department of Reclamation of the
State of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is Eu-
gene M. Higgins, Rt. 2, Blackfoot,
Idaho.

2. Said works of diversion will
be fully completed on the date for
such completion, and the amount
of water which said works are
capable of conveying to the place
of use is 2.28 cubic feet per
second.

3. The use to which said water
has been applied is irrigation,
purposes and the amount applied
to beneficial use is 2.28 cubic
feet per second.

4. The point of diversion of
said water is NE1/4 of the NE
1/4 of Section 2, Township 3
South, Range 33, East Boise Me-
dian, Bingham County.

5. The place where said water
is used is NE1/4 Sec 2, Twp 3
South, Rge 33, EBM.

6. The date of priority which
said user is prepared to estab-
lish is July 15, 1960.

CARL E. TAPPAN

State Reclamation Engineer
Sub. May 21 - 28 - June 4 - 11

28867