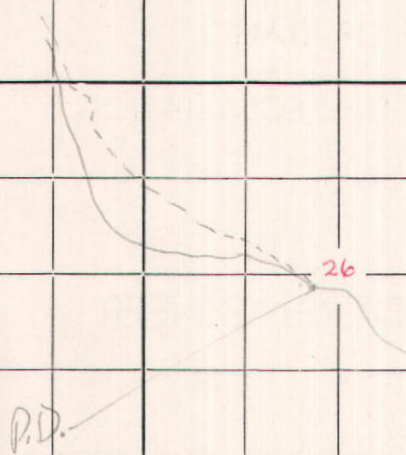


R. + G.W.



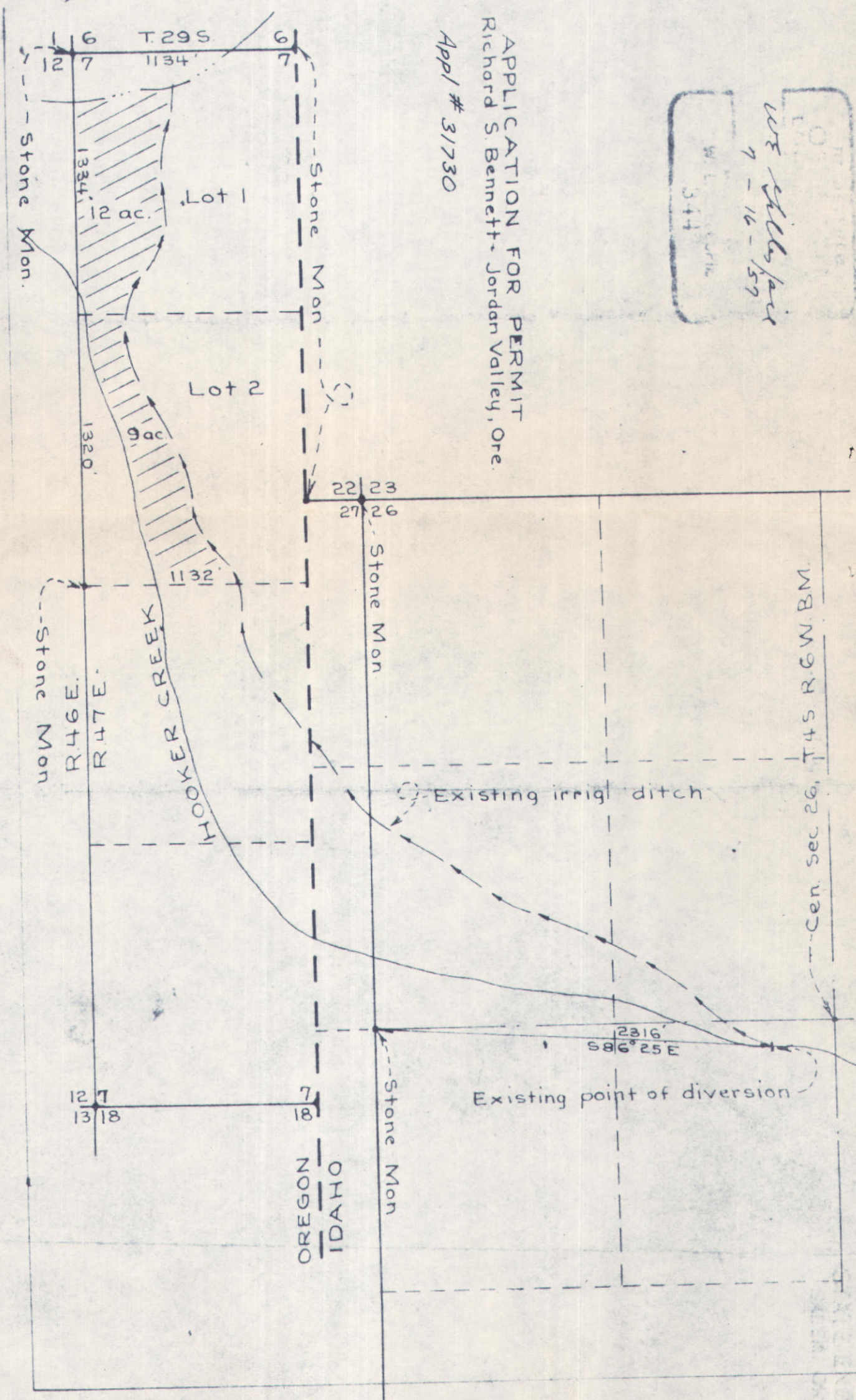
T.
4
S.

nearest main road, probably
at Sheaville, Oregon.

Use is in Oregon.

W.E. Miller
7-16-59
344

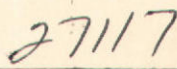
APPLICATION FOR PERMIT
Richard S. Bennett - Jordan Valley, Ore.
Appl # 31730



W3 Chl₂/air
7-16-59

W. L. G. 344

App/ # 31730



NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 1:00 p.m. on the 1st day of November, 1958, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, proof will be submitted of the application to beneficial use of .42 cubic feet per second of the waters of Palmer ditch in accordance with the terms and conditions of Permit No. 27117 heretofore issued by the Governor and Secretary of State of the State of Idaho.

The name and postoffice address of the person or corporation holding such permit are Mr. and Mrs. Richard S. Bennett, Jordan Valley, Oregon.

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

The amount to beneficial use is .42 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 12 Acres within Lot 1; 9 acres within Lot 2, all in Sec. 7, Twp. 29 So., Rge. 47 E. W. M., Oregon.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 4 S., Rge. 6 W. B. M., Idaho.

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

The right to take water from such works is based upon Permit No. 27117.

The source of supply from which such water is diverted is Hooker Creek.

The date of priority which said user is prepared to establish is Oct. 30, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

10-2-4

AFFIDAVIT OF PUBLICATION NOV 5 1958

Department of Reclamation

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the printer or co-publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice NOTICE FOR PUBLICATION

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in four (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

October 2, 1958

October 9, 1958

October 16, 1958

October 23, 1958

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 24th day of October,
A. D., 19 58

Delise Echeverria
Notary Public in and for the State of Idaho.

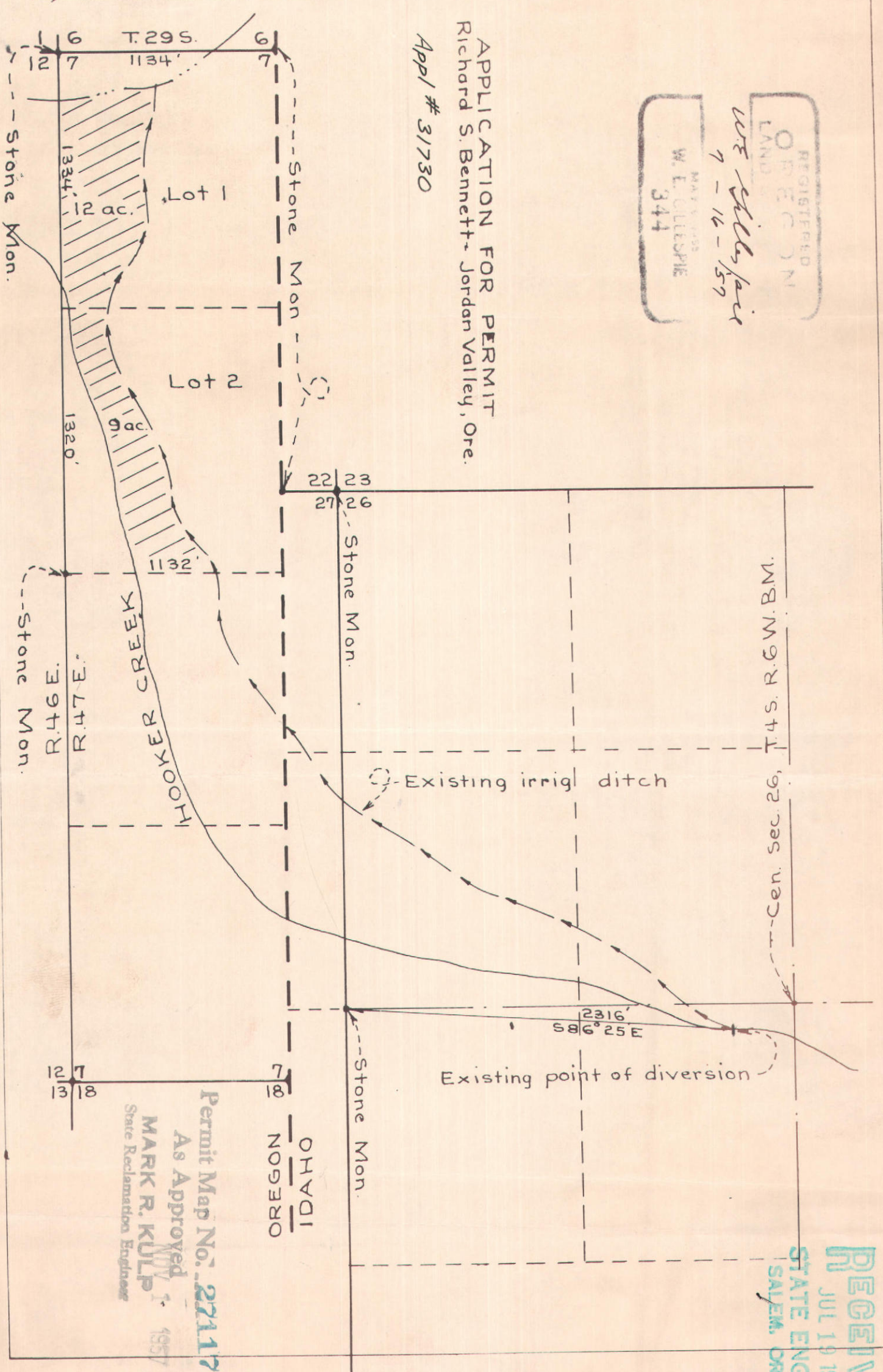
residing at Homedale, Idaho.

My commission expires March 20, 19 59

27117

REGISTERED
 OREGON
 LAND
W.E. Cllespie
 7-16-1957
 W. E. CLESPIE
 344

APPLICATION FOR PERMIT
 Richard S. Bennett - Jordan Valley, Ore.
 Appl # 31730



Permit Map No. 27117
 As Approved
 MARK R. KULP
 State Reclamation Engineer
 JUL 1 1957

RECEIVED
 JUL 19 1957
 STATE ENGINEER
 SALEM, OREGON

27117

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 1:00 p.m. on the 1st day of November, 1958, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, proof will be submitted of the application to beneficial use of .42 cubic feet per second of the waters of Palmer ditch in accordance with the terms and conditions of Permit No. 27117 heretofore issued by the Governor and Secretary of State of the State of Idaho.

The name and postoffice address of the person or corporation holding such permit are Mr. and Mrs. Richard S. Bennett, Jordan Valley, Oregon.

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

The amount to beneficial use is .42 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 12 Acres within Lot 1; 9 acres within Lot 2, all in Sec. 7, Twp. 29 So., Rge. 47 E. W. M., Oregon.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 4 S., Rge. 6 W. B. M., Idaho.

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

The right to take water from such works is based upon Permit No. 27117.

The source of supply from which such water is diverted is Hooker Creek.

The date of priority which said user is prepared to establish is Oct. 30, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. 27117

Amount 0.42 c.f.s.

Water District No.

Priority Oct. 30, 1957

THIS IS TO CERTIFY that MR. and MRS. RICHARD S. BENNETT
of Jordan Valley, Oregon, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 30, 19 57; that Permit No. 27117
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.42 second feet, was issued thereunder on October 16, 19 58, showing that said works
were completed on the 16th day of September, 19 58; and that on the 1st
day of November, 19 58,

MR. and MRS. RICHARD S. BENNETT
of Jordan Valley, State of Oregon, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Hooker Creek
, a tributary of Owyhee River, for the purpose of irrigation
, under Use Permit No. 27117 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6641, on the 12 day of May, 19 59;

The right hereby confirmed dates from October 30, 19 57;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 26, Tp. 4 S., R. 6 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
OREGON					
29S.	47 EWM	7	Lot 1	12	12
			Lot 2	9	9
			Total Number of Acres Irrigated:		21

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

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

12 day of May, 19 59.

s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 22040

Amount 0.8 c.f.s.

Water District No.

Priority April 13, 1951

THIS IS TO CERTIFY that L. W. BLAIR * WALTER C. RUSSELL, Assignee
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 13, 1951; that Permit No. 22040
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second feet, was issued thereunder on August 20, 1954, showing that said works
were completed on the 19th day of August, 1954; and that on the 8th
day of April, 1959,

WALTER C. RUSSELL, Assignee
of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of Irrigation & Domestic
use, under Use Permit No. 22040 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6642, on the 12 day of May, 1959;

The right hereby confirmed dates from April 13, 1951;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 10, Tp. 3 N., R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N	3 W.	10	NW 1/4 SW 1/4	40	40
			Total Number of Acres Irrigated:		40

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

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

12 day of May, 1959.

s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

55-2144

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 35039
PERMIT No. 27117
DISTRICT No.

Lytle & Schroeder
P. O. Box 398
Vale, Oregon

1. Name of Applicant: MR. AND MRS. RICHARD S. BENNETT

Postoffice address: Jordan Valley

County: Malheur

State: Oregon

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: .42 cubic feet per second.

3. Source of water supply: Hooker Creek which is a tributary of Owyhee River

4. Location of point of diversion: S 86 deg. 25' East 231 feet distant from the West Quarter corner of Section 26, T. 4 S., R. 6 W., B.M., and is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 26, T. 4 S., R. 6 W., B. M., County of Owyhee, State of Idaho

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Ditch

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

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom 1 fee; width at water line 3 feet; depth of water 1 feet; dimensions of flume:

Diameter of pipe inches; length of conduit 1 miles.

Average grade per mile variable feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Richard S. Bennett
Mrs. Richard S. Bennett ^{Applicant.}

By /s/ W. F. Schroeder Agent.
of Lytle and Schroeder, their attorneys

Date of first receipt at Department of Reclamation: 8:00 A. M. October 30, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 27117
Recorded in Book 96 Page 27117 Approved November 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 January 1, 1958 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before May 1st, 1958
The whole of said work to be completed on or before November 1, 1958
Beneficial use of water appropriated in accordance herewith, to be made on or before November 1st, 1958

WITNESS My hand this 1st day of November, 1957

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, 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 November, 1957.

Countersigned: STATE OF IDAHO
(SEAL) By /s/ JAS. H. YOUNG, Secretary of State. By /s/ ROBERT E. SMYLIE, Governor.

REMARKS: (see below)

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
29 S.	(Oregon) 47EWM	7	-	-	-	-	-	-	-	Lot One	-	-	-	-	-	-	-	-	12
29 S.	47EWM	7	-	-	-	-	-	-	-	Lot Two	-	-	-	-	-	-	-	-	9
Total number of acres to be irrigated - - - -																			21

REMARKS: This application in the form required by the pertinent statutes of the State of Oregon and the regulations of the Oregon State Engineer, was filed with the Oregon State Engineer at Salem, Oregon on the 19th day of July, 1957 and bears application number 31730. Because the point of diversion lies within the State of Idaho, the application was referred to Mark R. Kulp, State Reclamation Engineer, Boise, Idaho. The Oregon State Engineer indicated to the applicant that although Mr. Kulp could not approve or disapprove an application made with the State of Oregon, this application should be made to the State of Idaho. Pursuant to this notification, applicant withdrew the Oregon application on October 14, 1957. Duplicate maps prepared for and bearing the Oregon Engineer's application number and endorsement are enclosed with and made part of this application.

Permit No. 27117
 Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that MR. AND MRS. RICHARD S. BENNETT of Jordan Valley, County of Malheur, and State of Oregon, the holders of Permit No. 27117, issued upon Application No. 35039 bearing date of priority of October 30, 1957, authorizing the diversion of .42 second feet of waters of Hooker Creek, tributary of Owyhee River County of Owyhee, State of Idaho, for Irrigation purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .42 second feet of the waters of Hooker Creek that the point of diversion of said waters NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 4 South, Range 6 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Twelve acres within Lot One, Twp. 29 South, Range 47 E.W.M. Section 7 and Nine acres within Lot Two, Section 7, Twp. 29 S. R. 47 E.W.M., (Oregon) Proof of Completion of Works made: September 16, 1958

Witness my hand this 16th day of October, A.D. 1958

/s/ Geo. N. Carter
 State Reclamation Engineer

Proof of Completion of Works made: September 16, 1958
 Certificate of Completion of Works issued: October 16, 1958.

LICENSE ISSUED FOR .42 SEC. FT.

Page 6641

May 12, 1959

Re: Permit No. 27117

Mr. & Mrs. Richard S. Bennett
Jordan Valley, Oregon

Dear Mr. & Mrs. Bennett

We enclose License and Certificate of Water Right which
has been issued on Permit No. 27117.

We also enclose departmental receipt No. 29599 covering
fees of \$4.00.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew
License Enc.
receipt.

27117 RT

Jordan Valley, Oregon
May 7, 1959

RECEIVED
MAY 1 11959
Department of Reclamation

Re: Permit No. 27117

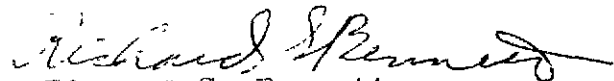
George N. Carter
State Reclamation Engineer
Boise, Idaho

Dear sir,

In reference to your letter dated April 30, 1959 please find enclosed a check for \$4.00, the statutory fee for the issuance of license and certificate of Water Right.

Thank you.

Yours truly,


Richard S. Bennett

27117

April 30, 1919

Re: Permit No. 27117

Mr. Richard S. Bennett
Jordan Valley, Oregon

Dear Mr. Bennett:

Our field engineer's report on his inspection of proof of beneficial use of water under the terms of Permit No. 27117 shows the works are capable to conveying 21 miner's inches or 0.42 c.f.s. of water for irrigation of 21 acres.

Upon receipt of the statutory fee of \$4.00 (based on the rate of \$2.00 for each 40-acre subdivision) we will issue the License and Certificate of Water Right confirming the right with priority of October 30, 1917 to the use of .42 second feet of surface water with the point of diversion in the NE 1/4 SW 1/4, Sec. 26, T. 4 S., R. 6 W., B. N. for irrigation of 21 acres in Lot 1 and 2, Sec. 7, T. 29 S., R. 47 E., W. N. in Oregon.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew

27117

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27117

REPORT ON PROOF OF Application of Water to Beneficial Use

Richard S. Bennett
Jordan Valley,
Oregon

R + G W

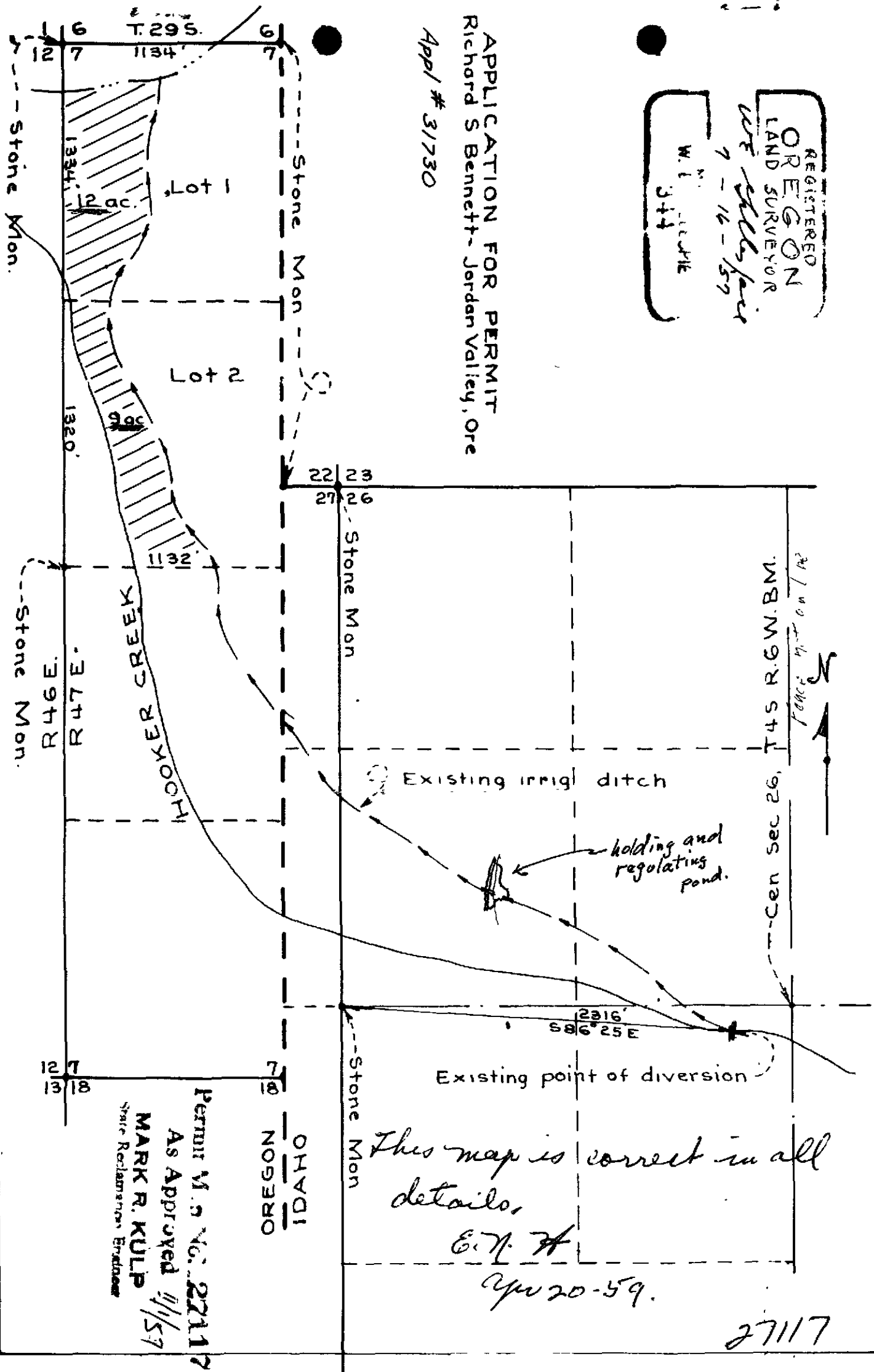
1000

Use is in Oregon.

WFF calls/over
7-16-59

REGISTERED
OREGON
LAND SURVEYOR
W. L. - 114-157
J. J. J.

App# 31730



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

Permit No. 27117

This proof is for Application of Water to Beneficial Use Water District No. _____

1. Name of applicant Mr. Richard S. Bennett

2. Source of water supply: Hooker Creek - Tributary of the Owyhee River

3. Location of point of diversion: Is in the NE 1/4 SW 1/4 of Section 26

T. 4 So. R. 6 W.B.M County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: Hooker Creek is a small stream at this point. Water is diverted by use of a very small dam and a ditch with lots of fall. Dam of rocks and earth. Holding pond approx. 100 yds long x 100 feet across x 5' deep. Water is stored over night then released in volume to carry across field in drier weather

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):

12 Acres within Lot One, Section 7, Township 29 South, Rge. 47 E.W.M. and

9 Acres within Lot Two, Section 7, Township 29 South, Range 47 E.W.M. (Oregon)

Layout is exactly as indicated.

Fences are not on the lines.

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

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

Remarks: _____

This is a cattle ranch. Run 300 head.

This examination was made on the 20 day of April, 1959

(Signed) E. N. Humphrey Examiner.

27117

Richard S. Bennett
Jordan Valley, Oregon

Permit No. 27117

Examination for Beneficial Use Proof

County Owyhee

26 - T.S. - 6W.

Q = 0.42 c.f.s.

S = Hooker Cr.

P.E. = NE.SW, Sec. 26, T.4S. - R.6W.

Use = Irrigation

Filed - Oct. 30, 1957

Due = Nov 1, 1958

no other rights

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.

ditch 12" to 18" wide 12" deep
small rock dam in stream -

8" concrete pipe thru dam
40' thru 10' h 10' w.
on top

6" vert. gate
125' up on top
Pond 300 x 100 x 1' deep
regulating pond.

F. frab.

27117

April 15, 1959

Re: Permit No. 27117

Mr. Richard S. Bennett
Jordan Valley, Oregon

Dear Mr. Bennett:

Idaho law requires a field inspection in connection with proofs of Permit No. 27117 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within the State.

It is necessary that you or someone familiar with the terms of the permit and representing you be prepared to accompany me on inspection.

Please meet me where Hooker Creek crosses Highway #95 about 10 o'clock on Monday morning, April 20th.

If it is impossible for you to make the inspection on Monday, or if for any reason the inspection cannot be made on that day, please advise me by telephone. The office phone number is Boise 4-5811, Ex. 563. My home phone is Boise 2-7624 in case you call in the evening.

Yours truly,

GEO. N. CARTER
State Reclamation Engineer

By:

E. N. HUMPHREY, Deputy
State Reclamation Engineer

ENH:ew

27117

November 6, 1958

Re: Permit No. 27117

Mr. Richard S. Bennett
Jordan Valley
Oregon

Dear Mr. Bennett:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Owyhee Chronicle, all submitted in Proof of Application of Water to Beneficial Use, on Permit No. 27117.

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/lw

27117

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 5 1958
Department of Reclamation

Permit No. 27117

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Richard S. Bennett, Jordan Valley, Oregon, Rancher, Jordan Valley, Oregon.

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. I am acting on behalf of myself and my wife, Mrs. Richard S. Bennett.

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

Ans. 27117 November 1, 1957 Date of priority Oct. 30, 1957

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

Ans. Hooker Creek, a tributary of the Owyhee River and the exact location of the point of diversion is S 86 degrees 25' E, a distance of 2316' from the West Quarter Corner of Section 26, Township 24 South, Range 16

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. The works of diversion consist of a diversion dam, a ditch approximately 6700' in length termination in Lot 1 of Section 7, Tp. 29S, R. 47E.W.M. The amount of water which the ditch is capable of carrying is something in excess of .50 cubic feet per second.

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. The purpose of use is irrigation of the following tracts: 12 acres in Lot 1 and 9 acres in Lot 2, Section Seven, Town. 29S, R. 47 E. W.M. The foregoing tracts and acres have actually been irrigated with said water. The pasture is semi cultivated and the improvement has consisted in the development of pasture sufficient to support cattle and the consequent development of fencing.

27117

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

Ans. No purpose other than irrigation.

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

Ans. .42 cubic feet per second.

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

Ans. I am the original permittee.

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

Ans. During 1957 and 1958 I have used .42 cubic feet per second of said water for said purpose.

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)

Richard Bennett

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 Jordan Valley, County of Malheur,

Oregon

State of Idaho, on this 11th day of November, A. D. 1958

My commission expires

Sept 12, 1959
Gabriel Elora
Notary Public for Oregon
My Commission expires
Sept 12th 1959

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
1958
Department of Reclamation

PERMIT NO. 27117

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. John R. Dentel, Age 32, Rancher, Jordan Valley, Oregon

Ques 2. Are you acquainted with Mr. and Mrs. Richard S. Bennett, the holder of Permit No. 27117? How long have you known him and where does he reside?

Ans 18 Years, Jordan Valley, Oregon

Ques 3 Have you read or heard read said Permit No 27117, 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. Hooker Creek, a tributary of the Owyhee River and the exact location of the point of diversion is S 86 degrees 25' E, a distance of 2316' from the West Quarter Corner of Section 26, Township 14 South, Range 46 W. B. M.
An adequate ditch has been constructed, leaving this point and conveys water to place of use.

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 The ditch is capable of carrying in excess of .42 cubic feet per second.
I have seen this amount or more so conveyed.

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

Ans. The purpose of use is irrigation of the following tracts, 12 acres in Lot 1 and 9 acres in Lot 2, Section (7) Seven, Township 29 S, Range 47 E.W.M.
The foregoing tracts and acres have actually been irrigated with said water.
The pasture is semi cultivated and the improvement has consisted of development of additional hay land and pasture.

27117

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

Ans. No purpose 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.

Ans. The land is good top soil, situated along the east side of Hooker Creek, and requires .42 cubic feet per second or more of water for its profitable cultivation.

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

Ans. None

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

Ans I have seen .42 cubic feet per second or more of water used on said lands in the years 1957 and 1958

(Signed)

John D. Lentel

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

County of Malheur, State of ^{Oregon}~~Idaho~~, on this 1st day of November, A D 1958.

Gabriel Elordi

Notary Public.

My commission expires

Sept 12, 1959

Residing at
Jordan Valley

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 27117**Proof of Application of Water to Beneficial Use****Deposition of Witness**

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

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

Ans. Everett E. Jones, Age 45, Rancher, Jordan Valley, Oregon

Ques. 2 Are you acquainted with Mr. and Mrs. Richard S. Bennett, the holder of Permit No 27117? How long have you known him and where does he reside?

Ans Yes 15 Years, Jordan Valley, Oregon

Ques. 3. Have you read or heard read said Permit No. 27117, 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. Hooker Creek, a tributary of the Owyhee River and the exact location of the point of diversion is 386 degrees 25' E, a distance of 2316' from the West Quarter Corner of Section 26, Township 14 South, Range 46 W. B. M. An adequate ditch has been constructed, leaving this point and conveys water to place of use.

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 The amount of water which the ditch is capable of carrying is something in excess of .50 cubic feet per second. I have seen .50 cubic feet per second or more.

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

Ans The purpose of use is irrigation of the following tracts: 12 acres in Lot 1 and 9 acres in Lot 2, Section Seven, Town. 293, R. 47 E.W.M. The foregoing tracts and acres have actually been irrigated with said water. The pasture is Semi cultivated and the improvement has consisted of development of additional hay land and pasture.

27117

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

Ans. No purpose 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.

Ans. The character of the land is clay loam soil situated in small valley and low hill side. The amount of water required for its profitable cultivation is .42 cubic feet per second or more.

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

Ans. None

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

Ans. Observed water used on said premises in years of 1957 & 1958.

Water used was .42 Cubic feet per second or more.

(Signed)

Garnett E Jones

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 _____

County of Walheur, State of ^{Oregon} ~~Idaho~~, on this 1st day of November,

A D. 1958

Gabriel Elordi

Notary Public.

My commission expires

Sept 12, 1959

Residing at

Jordan Valley, Oreg

RECEIVED

AFFIDAVIT OF PUBLICATION NOV 5 1958

Department of Reclamation

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 1:00 p.m. on the 1st day of November, 1958, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, proof will be submitted of the application to beneficial use of 42 cubic feet per second of the waters of Palmer Ditch in accordance with the terms and conditions of Permit No. 27117 heretofore issued by the Governor and Secretary of State of the State of Idaho.

The name of the office address of the person or corporation holding said permit are Mr. and Mrs. Richard S. Bennett, Jordan Valley, Oregon.

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

The amount of water applied is 42 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 12 Acres within Lot 1; 9 acres within Lot 2, all in Sec. 7, Twp. 29 So., Rge. 47 E., W. 1 E., Oregon.

Point of diversion: NE 1/4 Sec. 34, Twp. 4 S., Rge. 3 W. B. 1 E., Idaho.

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

The right to take water from such source is based upon Permit No. 27117.

The source of water from which said water is taken is Hooker Creek.

The date of publication of said notice is November 5, 1958.

Signed Reclamation Engineer

STATE OF IDAHO

COUNTY OF OWYHEE

ss.

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the printer or co-publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice NOTICE FOR PUBLICATION

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in OUR (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

October 4, 1958

October 9, 1958

October 16, 1958

October 23, 1958

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 24th day of October, A. D., 1958

Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires March 20, 1959

27117

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

Notice is hereby given that at 1:00 ^{P.}~~A.~~ M. on the 1st day of November, 1958
at Jordan Valley, County of Malheur, State of Oregon~~Idaho~~, before
Gabriel Klordi, proof will be submitted of the
application to beneficial use of .42 cubic feet per second of the waters of
in accordance with the terms and conditions of Permit No. 27117
heretofore issued by the Governor and Secretary of State of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Mr. & Mrs. Richard S. Bennett, Jordan Valley, Oregon

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is .42 cubic feet per second

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

12 Acres within Lot 1; 9 Acres within Lot 2, all in Sec. 7, Twp. 29 So.,

Rge. 47 E. W. M., Oregon

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ S.c. 26, Twp. 4 S., Rge. 6 W.B.M., Idaho

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

Palmer Ditch

The right to take water from such works is based upon Permit No. 27117

The source of supply from which such water is diverted is Hooker Creek

The date of priority which said user is prepared to establish is Oct. 30, 1957

GEO. N. CARTER

State Reclamation Engineer.

27117

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

Notice is hereby given that at 1 P. M. on the 1st day of November, 1958,
at Jordan Valley, County of Malheur, State of Oregon, before
Gabriel Elordi, proof will be submitted of the
application to beneficial use of .42 cubic feet per second of the waters of Hooker Creek
in accordance with the terms and conditions of Permit No. 27117
heretofore issued by the Governor and Secretary of State of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Mr. and
Mrs. Richard S. Bennett, Jordan Valley, Oregon

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

The amount applied to beneficial use is .42 cubic feet per second.

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

12
Twelve acres within Lot One, Section 7, Twp. 29S., R. 47 E. W. M. and
Nine acres within Lot Two, Section 7, Twp. 29S., R. 47 E. W. M.

all in Sec 7, T. 29S. - R. 47 E. W. M., Oregon

Part of Section 7, NE 1/4, Sec. 7, T. 29S. - R. 47 E. W. M., Idaho

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

Palmer Ditch

The right to take water from such works is based upon Permit No. 27117.

The source of supply from which such water is diverted is Hooker Creek.

The date of priority which said user is prepared to establish is Oct. 30,
November 1, 1957

State Reclamation Engineer.

27117

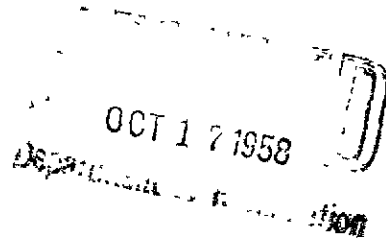
The Owyhee Chronicle

Publishing and Printing

20 E. Idaho Avenue
HOMEDALE, IDAHO

Oct. 9, 1958

Geo. N. Carter, Engineer,
State of Idaho
Dept of Reclamation
Boise, Idaho



Dear Mr. Carter,

This is to acknowledge receipt of two legal notices
from your office:

Permit No. 27117--Mr. and Mrs. Richard S. Bennett,
Jordan Valley, Oregon

and

Permit No. G-24550--Clarence W. Wilks, Homedale, Idaho

The above persons will be billed for their legal notices
as instructed in your letter.

Attached is a clipping of each legal notice for your
convenience.

Sincerely,

The Owyhee Chronicle

By Evelyn J. Colley

27117

October 16, 1958

Re: Permit No. 27117
Mr. and Mrs. Richard S. Bennett
Jordan Valley, Idaho

Lytle & Schroeder
Attorneys at Law
Vale, Oregon

Attention: Robert D. Lytle

Dear Mr. Lytle:

Enclosed is the Certificate of Completion of Works issued under Permit No. 27117 for the diversion of .42 second foot of water from Hooker Creek, with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 4 South, Range 6 West Boise Meridian, for irrigation of 21 acres of land in Oregon described as follows: Twelve acres within Lot One and Nine acres within Lot Two, Section 7, Township 29 South, Range 47 East, W.M..

Enclosed also is departmental receipt #29322 for \$5.00, issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

27117

Jordan Valley, Oregon
October 13, 1958

Re: Permit No. 27117

Gro. N. Carter
State Reclamation Engineer
Boise, Idaho

Dear sir,

In accordance with
your letter dated September
30, 1958, please find en-
closed a check for \$5.00,
the statutory fee for
the issuance of a cert-
ificate of completion of
works.

Yours truly:
Richard S. Bennett
Jordan Valley,
Oregon

OCT 16 1958

Department of Reclamation

27117

September 30, 1958

Re: Permit No. 27117

Messrs. Lytle & Schroeder
Attorneys at Law
Vale, Oregon

Attention- Mr. Robert D. Lytle

Dear Mr. Lytle:

In accordance with the letter addressed you on September 26th we have sent to the Wythe Chronicle, of Homedale, Idaho, notice for publication in connection with proof of beneficial use on Permit No. 27117, to be made on November 1, 1958.

We have instructed the newspaper to publish this notice once a week for four consecutive weeks prior to the date set for proof, and to send the Affidavit of Publication, together with statement of costs, to the Permit holders, Mr. and Mrs. Richard S. Bennett.

The notice states that the proofs are to be made before Gabriel Elordi, but we assume they will be made in your office, so we are enclosing herewith the forms of deposition to be made for this proof.

At the time set Mr. and Mrs. Bennett should appear before Mr. Elordi, together with two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions. The depositions, together with the Affidavit of Publication to be returned promptly to this office.

Meanwhile, a Certificate of Completion of Works can be issued, in accordance with the affidavit enclosed in your letter, upon receipt of the statutory fee of \$5.00.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By
Chief Clerk

A: LW
Encl. (3)
CC to Mr. & Mrs. Bennett

27117

WCC

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. 27117
Mr. & Mrs. Richard S. Bennett

Date: September 29, 1958

Owyhee Chronicle
Homedale, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to November 1, 1958 the date set for proof; the expense of the publication is to be paid by the applicant Mr. & Mrs.

Richard S. Bennett of Jordan Valley, Oregon
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
By

Mrs. Edna P. Rutledge
Chief Clerk

** 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.

27117

September 26, 1958

Re: Permit No. 27117

Honorable Robert D. Lytle
Vale, Oregon

My dear Judge Lytle:

The Attorney General for Idaho has ruled that publication of Notice of Proof on Permit No. 27117, Mr. and Mrs. Richard S. Bennett, permit holders, should be made in a newspaper published in the State of Idaho.

Accordingly, publication of Notice is being ordered in the Homedale newspaper.

In due time you will be notified of any future requirements in connection with this permit and proof.

With kind personal regards, I remain,

Sincerely yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:lw

27117



GRAYDON W. SMITH
ATTORNEY GENERAL
STATE OF IDAHO
BOISE

September 25, 1958

SEP 25 1958
Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
B U I L D I N G

Re: Title 42, Chapter 4, Idaho Code

Dear Mr. Carter:

We are in receipt of your recent request for an opinion regarding publication of a proof of notice of a Proof of Application of Water to Beneficial Use of certain waters of Hooker Creek, a tributary of the Owyhee River, wherein the point of diversion for the permit is in Idaho while the land to be irrigated is in Malheur County, Oregon.

The specific question asked was where, or in which state, should the proofs be advertised and made. This question has arisen inasmuch as Section 42-217, Idaho Code, states that the notice of proof of application shall be published in some newspaper in the county in which the major portion of such land is situated--in this case, Malheur County, Oregon.

Section 42-406, Idaho Code, a provision of the chapter governing appropriations for use of water outside the state, provides that the State Department of Reclamation is empowered to make any rules and regulations necessary for the proper administration of the provisions of the chapter. Section 42-404 of the same chapter demonstrates that a permit will only issue in accordance with Idaho laws, and that proof of the same must be that which will satisfy our Department of Reclamation as to the application of the waters to beneficial use.

In view of the provisions of Sections 60-106, 107 and 108, Idaho Code, relating to the qualifications of newspapers printing legal notices, we are of the opinion that a publication of a legal notice of proof of application of water to beneficial use would have no force or effect, as such, unless the same be published in a newspaper printed within

27117

GRAYDON W. SMITH
ATTORNEY GENERAL

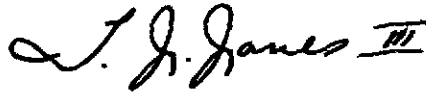
Mr. George N. Carter

-2-

September 25, 1958

the State of Idaho in the county wherein the point of diversion is located. We feel that our opinion in this instance is further substantiated by the general requirements relating to publication of legal notices referred to above, and thus, we are of the thinking that a publication of this type made outside the state would, in any event, be of no force or effect as a valid legal publication of proof.

Very truly yours,



T. J. JONES, III
Assistant Attorney General

TJJ:sss

27117

27117

September 18, 1958

Mr. Graydon W. Smith
Attorney General
BUILDING

Dear Mr. Smith:

Something of a statutory technicality arises in connection with the required proof of completion of works and application of water to beneficial use on Permit No. 27117.

This is a permit seeking to appropriate 0.42 cubic feet per second of the waters of Hooker Creek, a tributary of the Owyhee River. The point of diversion for the permit is in Idaho while the land to be irrigated is in Oregon.

Application for this permit to appropriate water was first made to the State Engineer of Oregon who referred it to Idaho for consideration. Idaho's State Reclamation Engineer accepted and approved the application for administration under Idaho laws, on November 1, 1957.

Now the usual proofs are due and the specific question is - where (in which state) should the proofs be advertised and made?

Section 424217 Idaho Code, which prescribes the various actions to be taken in making a Proof of Application of Water to Beneficial Use, requires among other things publication of the permit holder's intention to make such proof and states the notice of the proof intention shall be published in some newspaper in the county in which the major portion of the land is situated--which in the case of the permit herein under consideration would be Malheur County, Oregon.

Following this requirement with respect to publication would appear to attempt a proof outside of Idaho's jurisdiction and contrary to the conditions laid down by Idaho's Reclamation Engineer in accepting the application for filing in Idaho. In correspondence with Oregon's State Engineer the State Reclamation Engineer of Idaho made the following statement:

"Specifically, the State of Idaho has no objection to appropriation of water in Idaho for use in Oregon, however, administration of water in streams in Idaho must remain in the State of Idaho and cannot be surrendered except by compact."

27117

Mr. Graydon W. Smith
Attorney General
Page 2

September 18, 1958

To me it appears that the proof notice must be published in Idaho -
this I conclude from reading Section 42-404 Idaho Code, however,
I will appreciate your consideration and opinion in this matter.

Respectfully yours,

Geo. N. Carter
State Reclamation Engineer

GNC/nls

27117

September 18, 1958

Re: Permit No. 27117
Mr. and Mrs. Richard S. Bennett

Mr. Robert D. Lytle
c/o Lytle & Schroeder
Vale, Oregon

My dear Judge Lytle:

This letter is in confirmation of verbal opinion given by the Chief Clerk in this office in response to your phone inquiry as to where notice of intention to make proofs on the above captioned permit should be published.

As you are no doubt aware, these water appropriation matters which cross states lines, small as they may be, sometimes present perplexing questions. In this particular case there appears to be a conflict in Idaho laws as to where publication of a notice of intention to make a proof shall be made.

I presume you have a set of the Idaho Code in your office. Section 42-217 thereof, in prescribing actions to be taken in making proofs, requires among other things that publication of the notice shall be in a newspaper published in the county in which the major portion of the land to be irrigated is situated. In the case of the Bennett permit this would be Malheur County, Oregon.

However, it appears to me (a layman) that Section 42-204 should govern in this particular case and accordingly you were advised over the phone that publication of the notice should be made in Idaho - the Homedale newspaper should be a proper one.

To make certain on this point, I have today referred the matter of proper place of publication to the Idaho Attorney General for an opinion. In the meantime and until I have the Attorney General's opinion it may be well to hold up transmitting the publication notice to the Homedale paper. You will be promptly notified when the matter is cleared.

27117

Mr. Robert D. Lytle
Page 2

September 18, 1958

Incidentally, I am pleased to again have some contacts with you after all the years in connection with Vale and Owyhee project matters while I was a Bureau of Reclamation representative.

With kind personal regards, I am,

Sincerely yours,

Geo. N. Carter
State Reclamation Engineer

CNC/nls

27117

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 16, 1958, Richard S. Bennett et ux.
(P.O.) Jordan Valley, Oregon

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Richard S. Bennett

(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.

27117

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF ~~OREGON~~
OREGON

ss.

County of Malheur

Richard S. Bennett, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 27117, and that his postoffice address is Jordan Valley, State of Oregon.

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

Third: That the point of diversion of said water is S86 degrees 25 minutes east 2316 feet distant from the West Quarter corner of Section 26, Twp. 4S, R. 6WBM.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by November 1, 1958.

Fifth: That the use for which said water is intended is Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (~~not completed~~) fully completed and consisted of the following:

I. Kind of works: Ditch

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

II. Dimensions of work: (a)

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit Ditch width at bottom one feet, width at water line three.
(State whether ditch, flume or pipe)

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

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

Eighth: That water appropriated under said permit is available for 21 acres of land described as follows: Twelve acres within Lot One, Twp. 29S, R. 47 E.W.M. Section 7 and Nine acres within Lot Two, Section 7, Twp. 29S, R. 47E.W.M.

Ninth: Remarks: That

Richard S. Bennett

(Sign Here)

Subscribed and sworn to before me this 16th day of September, 1958.

My commission expires July 23, 1962.

[Signature]
Notary Public.
For Oregon

27117

LAW OFFICE OF
LYTLE AND SCHROEDER
VALE, OREGON

ROBT. D. LYTLE
W. F. SCHROEDER

TELEPHONE 9331

September 16, 1958

SUBJECT:

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed herewith you will find your letter of the 2nd
of Sept., original and copy of Notice for Publication, Form
No. 11, and Affidavit of Holder in relation to Richard S. Bennett.

Very truly yours,

LYTLE AND SCHROEDER

By: *Shirley Bruner*
Secretary

SB

27117

STATE OF IDAHO
DEPARTMENT OF RECLAMATIONRE: Permit No. 27117Date September 2, 1958

Mr. & Mrs. Richard E. Bennett

Jordan Valley, Oregon

Dear ~~Mr.~~ Mr. & Mrs. Bennett:

Under the terms of your Permit No. 27117 you are required to make proofs of completion of works and application of water to beneficial use on or before November 1, 1958.

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as 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.

Also enclosed 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 Forms 10.

At the time we send the notice to the newspaper will 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 and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Note: Copy of Notice sent to:
Aytle & Schroeder
Box 398
Vale, Oregon

27117

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

DEPARTMENT OF RECLAMATION

RE: Permit No. 27117Date September 2, 1958

Mr. & Mrs. Richard E. Bonnett

Jordan Valley, Oregon

Dear ~~Sirs~~ Mr. & Mrs. Bennett:

Under the terms of your Permit No. 27117 you are required to make proofs of completion of works and application of water to beneficial use on or before November 1, 1958.

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as 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.

Also enclosed 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 Forms 10.

At the time we send the notice to the newspaper will 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 and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Note: Copy of notice sent to:
Lytle & Schroeder
P.O. Box 398
Vale, Oregon

27117

December 9, 1957

Re: Permit No. 27117
Mr. and Mrs. Richard S. Bennett

Lytle and Schroeder
Attorneys At Law
P. O. Box 398
Vale, Oregon

Attention: W. F. Schroeder

Dear Mr. Schroeder:

We enclose Permit No. 27117, in the name of Mr. & Mrs. Richard S. Bennett, in which we direct your attention to the limitations and conditions as given on the fourth page and your approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 28-61 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

MARK R. ZULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw
Encls. (2)
cc: Mr. & Mrs. Richard S. Bennett
Jordan Valley
Oregon

27117

Ch Enc # 500

LAW OFFICE OF
LYTLE AND SCHROEDER
VALE, OREGON

October 29, 1957

ROBT. D. LYTLE
W. F. SCHROEDER

SUBJECT:

TELEPHONE 9901
RECEIVED
OCT 30 1957
Department of Reclamation

Roy W. Thompson, Office Manager
State of Idaho Dept. of Reclamation
Boise, Idaho

Dear Mr. Thompson:

We have received your letter of October
25th, in relation to the application of Richard
S. Bennett.

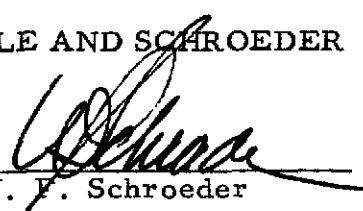
We are herewith enclosing the filing
Fee in the amount of \$5.00.

Thank you very much for your cooper-
ation in this matter.

Very truly yours,

LYTLE AND SCHROEDER

By:


W. F. Schroeder

WFS:mr

cc:: Richard S. Bennett
Jordan Valley, Oregon

Enc.

27117

October 25, 1957

Re: Application for Permit
Richard S. Bennett

Lytle & Schroeder
Attorneys
Vale, Oregon

Attention: W. F. Schroeder

Dear Mr. Schroeder:

We wish to acknowledge receipt of the Application for Permit to Appropriate Water in Idaho to be used in the State of Oregon.

The application and sketch-map are in good form. however, we had to make the following changes in the application. Under Question (2) - Quantity of Water Claimed - it was necessary to cut the amount down from .50 cubic foot per second to .42 cubic foot per second, which is 21 Miner's Inches of water. This was necessary for the reason that the State of Idaho does not exceed the amount of one inch per irrigable acre on any filing.

It was also necessary that we change the Township and Range under Question (4) which is the location of the point of diversion. The location now reads, after correction, located 2316 feet distant from the West Quarter corner Section 26, Township 4 South, Range 6 West and is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 4 South, Range 6 West.

The filing fee which should have accompanied the application is five dollars, based on the rate of five dollars for the first cubic foot per second and any fraction thereof. Upon receipt of your check, the application will be processed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

27117

LAW OFFICE OF
LYTLE AND SCHROEDER
VALE, OREGON

ROBT D LYTLE
W F SCHROEDER

TELEPHONE 9331

SUBJECT:

Richard S. Bennett

RECEIVED
OCT 23 1957

Department of Reclamation

October 21, 1957

Hon. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

We understand from the Oregon State Engineer that you have some familiarity with the circumstances reflected upon the enclosed application of Mr. and Mrs. Richard S. Bennett of Jordan Valley, Oregon. Appended to the application are duplicate maps bearing the endorsement of Mr. W.E. Gillespie of Vale, Oregon, a Registered Oregon Land Surveyor, No. 344. We notice that these maps may not be found by you to be strictly within the terms of your rules governing applications of this type, but because of this peculiar situation we hope that your rules will permit you to accept them in this instance. If your need any further information or proof, kindly advise us and we will promptly comply.

Very truly yours,

LYTLE AND SCHROEDER

BY 

WFS/

27117

September 25, 1957

RE: Application for Permit

Lytle and Schroeder
Attorneys
Vale, Oregon

Gentlemen:

In reply to your request of September 24, 1957, we enclose an "Application for Permit to appropriate the Public Waters of the State of Idaho, together with a pamphlet which gives regulations and instructions, also sketch maps, in duplicate, which are required to accompany the application. The map is to be drawn by "cross hatch", or color, showing the lands to be irrigated by 40-acre sub-division, section number, township, range, and, clearly show the location of the water supply (stream, spring, etc.) and the point of diversion (the point where the water is taken from the stream).

After this application is approved and signed by the Governor and Secretary of State, it will be returned to you as a "Use Permit".

To complete the water right, two proofs are required:-

First: Proof of completion of works. The time required for making this proof is to be indicated under Question 12 on the application. The maximum time allowed is five years - the minimum time is one year.
Second: Proof of Beneficial Use, which is the final proof, is made when the water has been completely applied for irrigation or to whatever purpose it is to be used. The time for making this proof should be indicated under Question 13. The maximum time is an additional six years from the time the completion of works proof is made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

ETR:vm

Enc.

27117

LAW OFFICE OF
LYTLE AND SCHROEDER
VALE, OREGON

September 24, 1957

ROBT D LYTLE
W. F SCHROEDER

TELEPHONE 9331

SUBJECT:

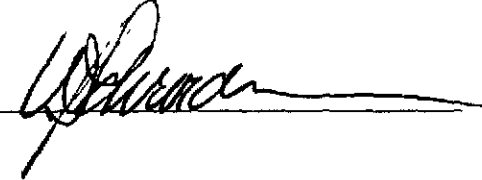
Water Resources Department
State of Idaho
Boise, Idaho

Gentlemen:

Will you kindly send to us the necessary application and instructions relating to the appropriation of the waters of the State of Idaho. Our client desires to make application for irrigation from water arising in Idaho, but to be used in Oregon. He is a resident of the Jordan Valley Area. The point of diversion and point of distribution control are within Idaho jurisdiction.

Very truly yours,

LYTLE AND SCHROEDER

By 

WFS:mr

27117

August 15, 1957

RE: Application No. 31730 (Oregon)

Mr. Lewis A. Stanley
State Engineer, State of Oregon
Water Resources Department
Salem, Oregon

Dear Mr. Stanley:

Oregon application No. 31730 - Mr. and Mrs. Richard S. Bennett - for 0.50 cubic feet per second of water from Hooker Creek, with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 4 South, Range 6 West of the Boise Base and Meridian in Idaho, for the irrigation of land in Oregon, cannot be considered for approval or disapproval by the State of Idaho.

To initiate a water right with the point of diversion in Idaho for use in Oregon--the application for permit to appropriate water must be made in Idaho, on Idaho forms and under Idaho procedure. Then, the Department of Reclamation may request a statement from the State Engineer of Oregon that the water would be beneficially used in Oregon.

✓ Specifically, the State of Idaho has no objection to appropriation of water in Idaho for use in Oregon, however, administration of water ✓ in streams in Idaho must remain in the State of Idaho and cannot be surrendered except by compact.

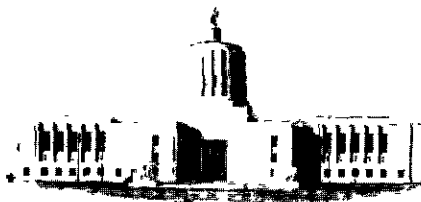
Mr. and Mrs. Bennett may receive forms for application for permit to appropriate water by writing to this department.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK:nls

27117



RECEIVED
AUG 14 1957

Department of Reclamation

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. 31730

August 13, 1957

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

Dear Mr. Kulp:

This is to advise you that Application No. 31730, has been filed in the name of Mr. and Mrs. Richard S. Bennett of Jordan Valley, for a permit to appropriate 0.50 cubic feet per second from Hooker Creek, a tributary of Owyhee River, for the irrigation of the following lands:

T 29 S. R 47 E. W. M. Section 7

Lot 1	12 acres
Lot 2	9 acres

The point of diversion is described as being South 86° 25' East a distance of 2316 feet from the West $\frac{1}{4}$ corner of Section 26, T 14 S, R 46 W, B. M.

4 S 6 W

A print of the submitted map of the proposed project is enclosed.

I would appreciate it if you would advise me whether or not the State of Idaho has any objection to the proposed development.

Further action on Application No. 31730 is withheld pending your reply.

Very truly yours,

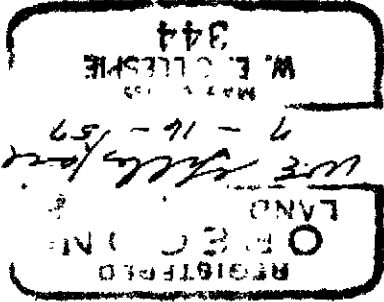
Lewis A. Stanley

Lewis A. Stanley
State Engineer

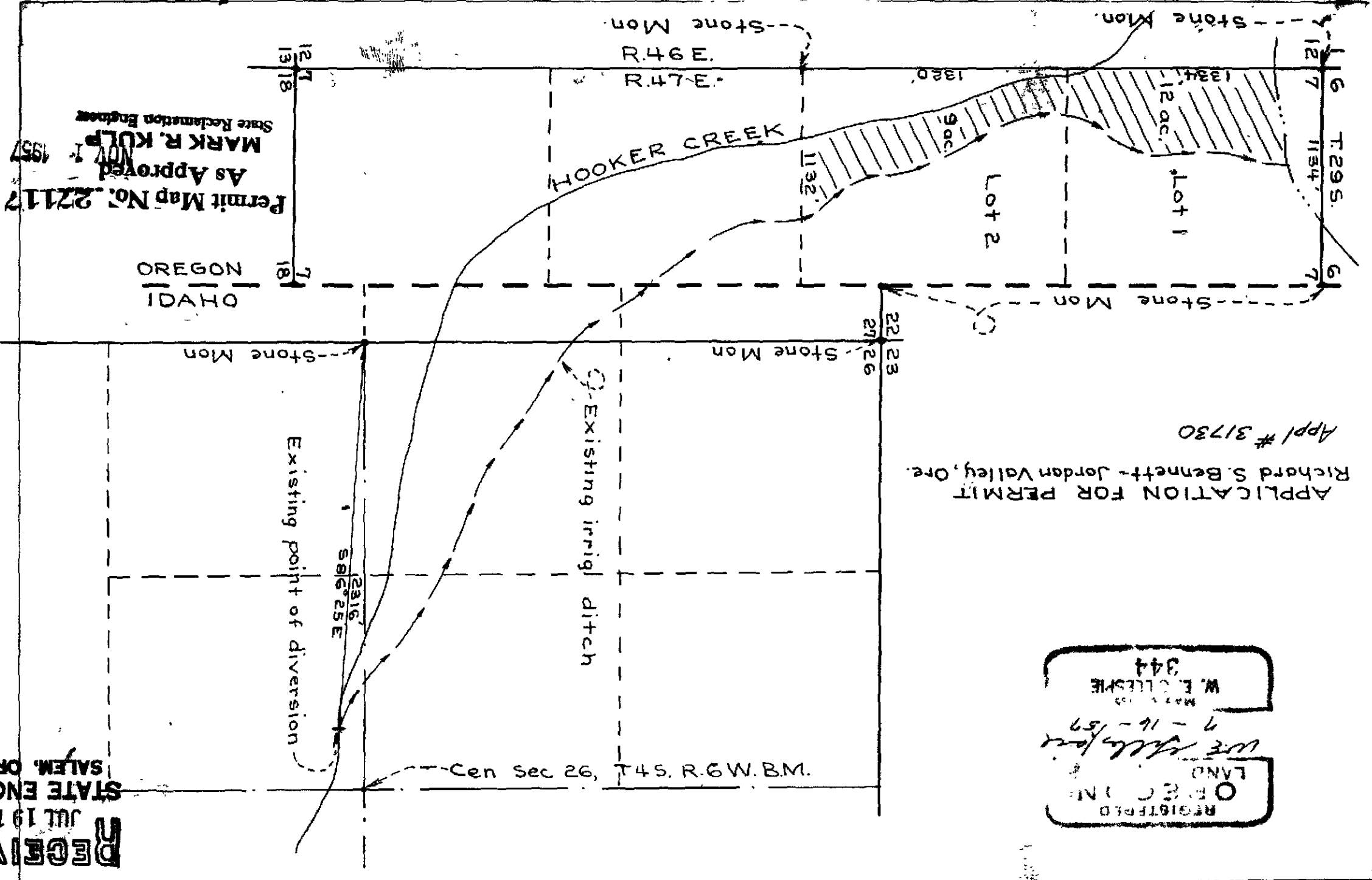
JWC:mb

Enc: print

27117



APPLICATION FOR PERMIT
Richard S. Bennett - Jordan Valley, Ore.
App'l # 31730



Permit Map No. 22117
As Approved
MARK R. KULP
State Reclamation Engineer
NOV 1 1957

RECEIVED
JUL 19 1957
STATE ENGINEER
SALEM, OREGON

27117

Myra, Oregon Sept 25th 1957

OFFICE OF THE SOLICITOR
FIELD SOLICITOR
BOISE, IDAHO
SEP 27 1957

Dear Sirs,

Will you please send me,
Application for Permit,
To appropriate the ~~the~~ Public Waters
of The State of Idaho.

I wish to permit to use water from the
Snake river for irrigation purposes,

Yours Truly

Fred L. ^{Morse} Morse # 392

Myra, Oregon

Land from the 1 with cattle

27116

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 1:00 p.m. on the 1st day of November, 1958, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, proof will be submitted of the application to beneficial use of .42 cubic feet per second of the waters of Palmer ditch in accordance with the terms and conditions of Permit No. 27117 heretofore issued by the Governor and Secretary of State of the State of Idaho.

The name and postoffice address of the person or corporation holding such permit are Mr. and Mrs. Richard S. Bennett, Jordan Valley, Oregon.

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

The amount to beneficial use is .42 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 12 Acres within Lot 1; 9 acres within Lot 2, all in Sec. 7, Twp. 29 So., Rge. 47 E. W. M., Oregon.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 4 S., Rge. 6 W. B. M., Idaho.

The name of the canal or ditch or other works by which

such works is based upon Permit No. 27117.

The source of supply from which such water is diverted is Hooker Creek.

The date of priority which said user is prepared to establish is Oct. 30, 1957.

GEO. N. CARTER,
State Reclamation Engineer.