

R-5W.

T.
7
S.

to Jordan 20 mi. valley 23

5045

old man cr

house

Stones with
small juniper

end of road

Area = 80 acres

$Q = 80$ inches.

PROOF OF PUBLICATION

State of Idaho, }
County of Owyhee, } ss.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each and every week for 4 consecutive weeks, the first publication being on the 7 day of May, 1953, and the last publication being on the 28 day of May, 1953.

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes

PUBLISHER

Subscribed and sworn to before me this 28 day of

May, 1953.

Leona S. Hawes

Notary Public

My commission expires 9-10-56

(SEAL)

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

NOTICE IS HEREBY GIVEN That at 11:00 A. M. on the 4th day of June, 1953, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, Notary Public, proof will be submitted of the application to beneficial use of 2.20 cubic feet per second of the waters of Old Man Creek, in accordance with the terms and conditions of Permit No. 22845 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are MacKenzie Brothers, Jordan Valley, Oregon.

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

domestic purposes.

The amount applied to beneficial use is 2.20 cubic feet per second.

The place where said water is used W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; All in Twp. 7 South, Range 5 West, B. M.

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

The right to take water from such works is based upon Permit No. 22845.

The source of supply from which such water is diverted is Old Man Creek, a tributary of Boulder Creek.

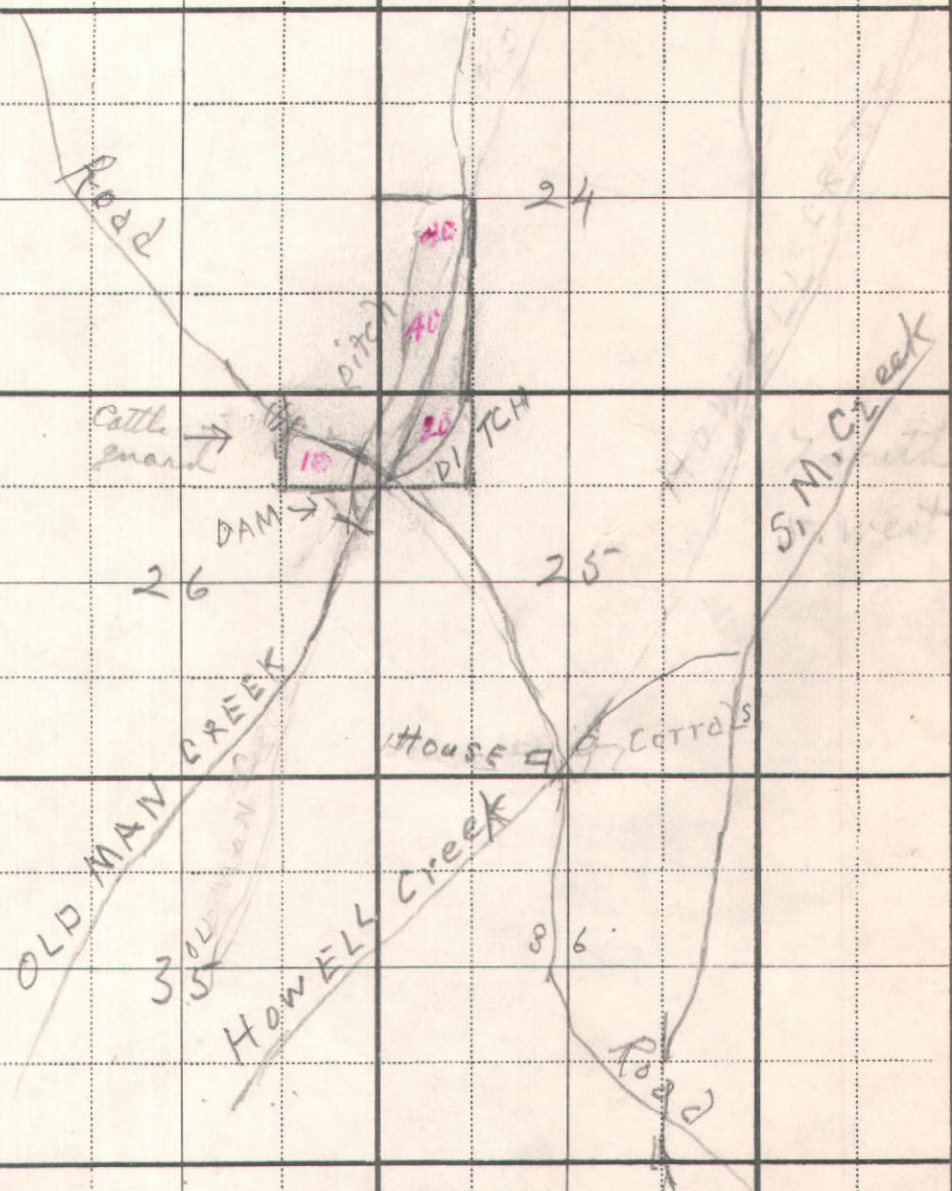
The date of priority which said user is prepared to establish is June 14, 1952.

MARK R. KULP
State Reclamation Engineer

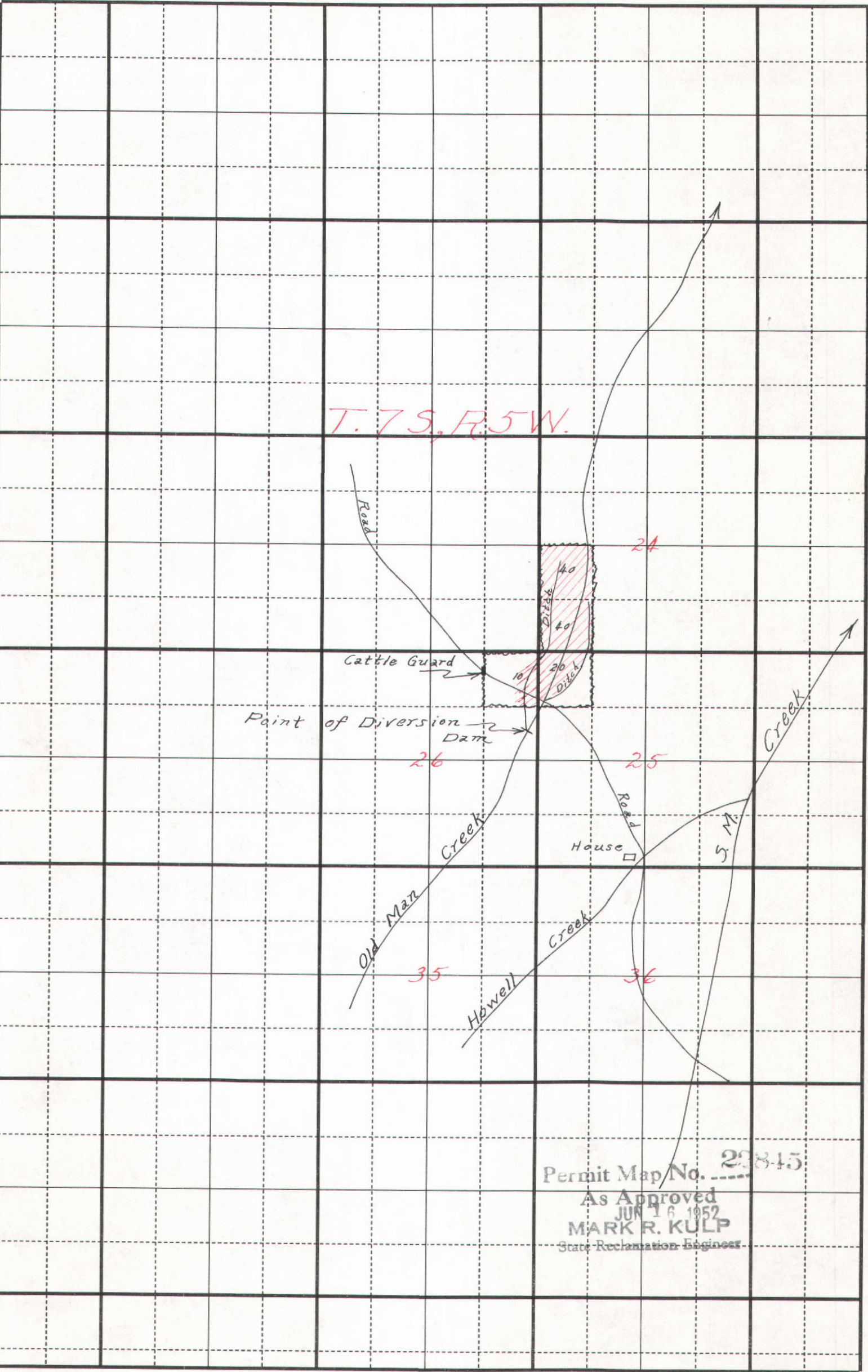
22845

T.7.S. 12.5.W.

7S.4.W.



Permit Map No. 22845
As Approved
JUN 18 1952
MARK R. KULP
State Reclamation Engineer



License and Certificate of Water Right

Water License No. 22845

Amount 1.6 second feet

Water District No. _____

Priority June 14, 1952

THIS IS TO CERTIFY that MAC KENZIE BROTHERS
of Jordan Valley, Oregon, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 14, 1952; that Permit No. 22845
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.2 second feet, was issued thereunder on May 14, 1953, showing that said works
were completed on the 27th day of April, 1953; and that on the 4th
day of June, 1953,

MAC KENZIE BROTHERS

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 Old Man Creek
, a tributary of Boulder Creek, for the purpose of irrigation and domestic
use, under Use Permit No. 22845 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
8 of Licenses at page 5287, on the 18th day of November, 1953;

The right hereby confirmed dates from June 14, 1952;

The Point of Diversion is located in the NE 1/4 NW 1/4 Section 25, and the SE 1/4 NE 1/4 Section 26,

Section 25, Tp. 7 S., R. 5 E., B. M. County Owyhee

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	5 W.	24	NE 1/4 SW 1/4	40	25
			SE 1/4 SW 1/4	0	30
		26	NE 1/4 NW 1/4	0	30
			SE 1/4 NW 1/4	0	5
			Number of acres irrigated - - -		

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
18th day of November, 1953;

W. B. KIMB

State Reclamation Engineer.

(SEAL)

55-2142

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30591
 PERMIT No. 22845
 DISTRICT No.

MacKenzie Bros.
 C/o Norman J. MacKenzie
 Jordan Valley, Oregon

1. Name of Applicant: **MacKENZIE BROS.**

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:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: **110 miner's inches or 2.20** cubic feet per second.

3. Source of water supply: **Old Man Creek** which is a tributary of **Boulder Creek**

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26**

~~of Section~~ , T. **7 S.** , R. **5 W.** , B.M., County of **Owyhee**

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

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$ **500.00**

8. Kind of works: **Ditches**

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 $\frac{1}{2}$** feet; width at water line **4** feet; depth of water **1** feet;

dimensions of flume:

Diameter of pipe inches; length of conduit **1 $\frac{1}{2}$** miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is **None** 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 of record. However, applicants have been using the water on this place since 1925, and prior owners have used the water on this place since 1900.**

16. (a) Is reservoir to be used? 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.

MacKENZIE BROS.

Applicant.

By

Norman J. MacKenzie

Agent.

Date of first receipt at Department of Reclamation: 11:45 A. M. June 14, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22845

Recorded in Book 81 Page 22845 Approved June 16, 1952

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 **August 16, 1952** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **December 16, 1952**

The whole of said work to be completed on or before **June 16, 1953**

Beneficial use of water appropriated in accordance herewith, to be made on or before **June 16, 1953.**

WITNESS My hand this 16th day of June, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho,

and IRA H. MASTERS

, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th

day of **June** , 19 **52** .

STATE OF IDAHO

Countersigned:

(SEAL)

By

LEN JORDAN

Governor.

By _____ IRA H. MASTERS

By Jessie Wanlass *Secretary of State.*
Assistant Secretary

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S.	5 W.	24 25 26	10				20				40 40								80 20 10 <u>110</u>
Total Number of Acres to be Irrigated - -																		110	
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that MACKENZIE BROTHERS of Jordan valley, County of Malheur, and State of Idaho, Permit No. 22845, issued upon application No. 30591 bearing date of priority of June 14, 1952, authorizing the 2.20 second feet of the waters of Old Man Creek, a tributary of Boulder Creek County of Owyhee, State of Idaho and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to completion of the works of diversion set out and described in said permit; that said works are adequate for diversion to the place of intended use 2.20 second feet of the waters of Old Man Creek; that the points of diversion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 South, Range 5 West, B.M. and that the lands proposed by the use of said water are described as follows, to-wit: W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 South, Range 5 West, B.M.																			
Witness my hand this 14th day of May, A.D. 1953.																			
MARK R. KULP State Reclamation Engineer																			
Proof of completion of works made April 27, 1953.																			
Certificate of completion of works made May 14, 1953.																			
PERMIT ISSUED FOR 1.6 SEC. FT. Pg. 5187																			

September 1, 1967

Re: Permit G-22845

Connecticut Mutual Life Insurance Co.
Hartford,
Connecticut

Gentlemen:

We have been informed by the Bingham Title & Trust Company that R-B Enterprises has mortgaged their land to you. Our department has indicated on our records that no transfer or change of diversion can be made without first notifying you. Of course after a permit is licensed it becomes appurtenant to the lands and any mortgage should include the license number. This then makes the license included in the transaction.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:kd

cc: Utah Mortgage Loan
Box 460
Idaho Falls, Idaho

Bingham Title & Trust Co.
Box 591
Idaho Falls, Idaho

22845

Abstracts of Title

Escrows

RECEIVED
Title Insurance
SEP 1 1967

Department of Reclamation

*The Bingham
Title & Trust Co.*

Phone 785-0320

156 West Judicial Street

Box 591

Blackfoot, Idaho

August 30, 1967

State Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

R-B Enterprises, Inc., holder of State Water License No. G-25368 and License No. G-22849, have mortgaged their land and chattels to Connecticut Mutual Life Insurance Co., Hartford, Connecticut and Utah Mortgage Loan Corporation, Box 460, Idaho Falls, Idaho. These companies request that they be notified in the event of any proposed State action which would affect their security in connection with these two water licenses.

Would you forward to this office letters assuring that these companies will be notified by your office of any proposed action.

Thank you.

Very truly yours,

Michael K. Ferrin
Michael K. Ferrin
Escrow Department.

c.c.: Utah Mortgage Loan
Box 460
Idaho Falls, Idaho

822845

*Sammy
Trent
10-2-67
5 file - 12*

✓
November 19, 1952

RE: Permit No. 22845

Mr. Norman MacKenzie
Jordan Valley
Oregon

Dear Mr. MacKenzie:

We enclose License and Certificate of Water Right issued under Permit No. 22845, confirming the right of MacKenzie Brothers to the use of 1.6 second feet of water from Old Man Creek, with priority of June 14, 1952, and points of diversion in the NW¹₄ NW¹₄, Section 25; SE¹₄ NE¹₄ Section 26, Township 7 South, Range 5 East, B.M. for irrigation and domestic use on the W¹₂ SW¹₂ Section 24; NW¹₄ NW¹₄ Section 25 and NE¹₄ NE¹₄ Section 26, same Township and Range.

We also enclose departmental receipt No. 26340 for the \$8.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Enc. 2

22845



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

RECEIVED
NOV 18 1953
Department of Reclamation

November 4, 1953

RE: Permit No. 22845

Mr. Norman MacKenzie
Jordan Valley
Oregon

Dear Mr. MacKenzie:

The report of our field engineer upon examination for Beneficial Use on Permit No. 22845 shows that you have irrigated 80 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 South, Range 3 West, B.M.

Therefore, upon receipt of the statutory fee of \$8.00, which is at the rate of \$2.00 for each forty acre subdivision in which the land is located, a license will be issued for 80 inches or 1.6 second feet of water from Old Man Creek.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

Jordan Valley, Or
November 13 1945

Dept of Reclamation
Boise, Idaho

Gentlemen

Enclosed please find check in amount of \$8.00 in payment of above permit

Yours truly
Norman MacKenzie

22845

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 22845

REPORT ON PROOF OF Beneficial Use

MacKenzie Brothers, Jordan Valley, Oregon

*1/6 of
max*

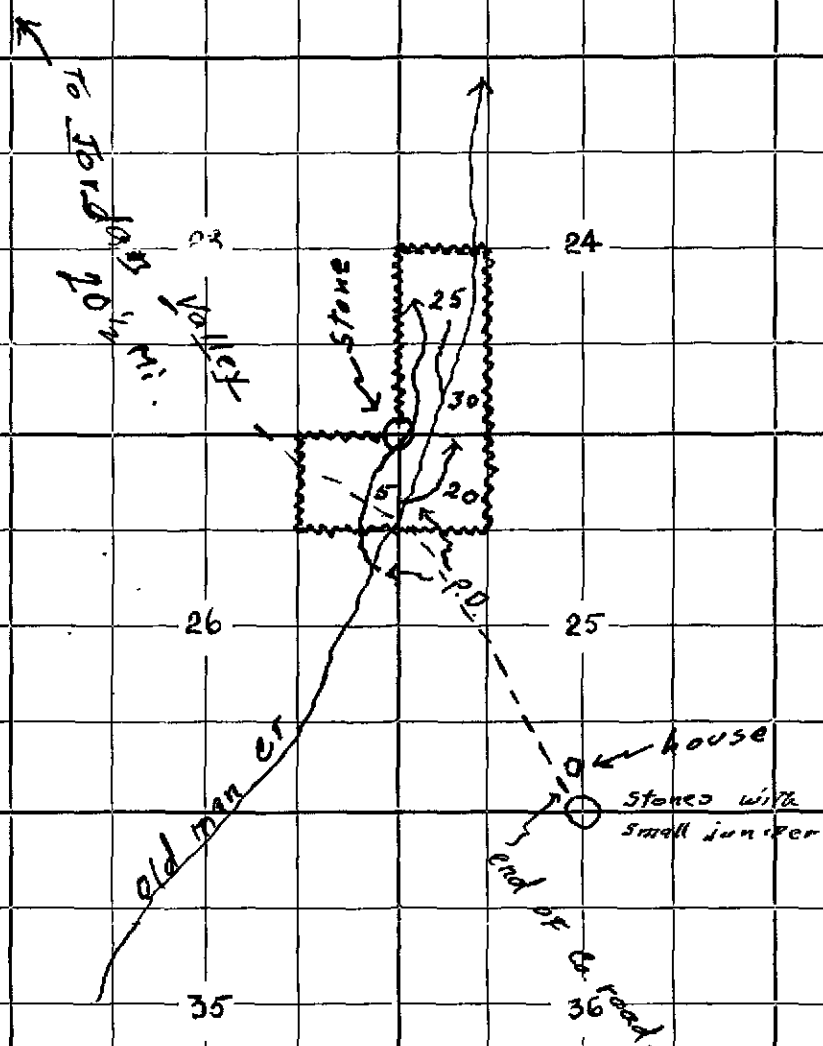
app. 2.2 cfs.

50 acres

11-110' S -

R-5W.

T.
7
S.



Area = 80 acres

$Q = 80$ inches.

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.

MacKenzie Brothers, Jordan Valley, Ore.

C/o Norman MacKenzie

Permit No. 22845

Examination for Beneficial use

County Owyhee

S. 26 - 75 - SW.

Q = 2.2 a.f.s.

S = Old Man Creek

P.D. = NW. NW. Sec. 25, T. 7S. - R. 5W.
SE. 1/4. " 26, " "

Use = Irrigation & Domestic

RECEIVED
NOV 4 1953
Bureau of Reclamation

Priority = June 16, 1952
Due = June 16, 1953

W = 5-14-53

Upper P.D. = small rock
dam 3' x 1 1/2'
ditch = 2' x 1' deep.

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

Permit No. 22845This proof is for Beneficial use In Water District No. _____1. Name of applicant Mackenzie Brothers, C/o Norman Mackenzie, Jordan Valley, Oregon2. Source of water supply: Old Man Creek3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26T. 7 South, R. 5 West County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: gravity system from creek, small rock dam 3' l. x 1' high, ditch 2' w x 1' deep. Approx. fall. will carry more than amt filed on.

5. Water is used for: Irrigation and domestic purposes6. 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):

W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24;NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25;NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26;Twp. 7 South, Range 5 West, 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? Jordan Valley Cr.Remarks: Wild hay meadowsSoil is quite gravelly and porous.This examination was made on the 3 day of Nov, 19 53(Signed) E. H. Humphrey Examiner.22845

✓
June 9, 1953

RE: Permit No. 22845

Mr. Norman MacKenzie
Jordan Valley
Oregon

Dear Mr. MacKenzie:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Owyhee Nugget, all submitted in proof of beneficial use under Permit No. 22845.

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

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:sp

22845

PROOF OF PUBLICATION

State of Idaho,
County of Owyhee,

vs.

I, RODNEY A HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each and every week for 4.... consecutive weeks, the first publication being on the 7. day of May 1953, and the last publication being on the 28 day of May 1953

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A Hawes

PUBLISHER

Subscribed and sworn to before me this 28.... day of

May, 1953.

Leona L. Hawes

Notary Public

My commission expires 9-10-54

(SEAL)

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

NOTICE IS HEREBY GIVEN That at 11:00 A. M. on the 4th day of June, 1953, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, Notary Public, proof will be submitted of the application to beneficial use of 2.20 cubic feet per second of the waters of Old Man Creek, in accordance with the terms and conditions of Permit No 22845 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are MacKenzie Brothers, Jordan Valley, Oregon.

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

domestic purposes.

The amount applied to beneficial use is 2.20 cubic feet per second

The place where said water is used W 1/2 SW 1/4 Section 24; NW 1/4 NW 1/4 Section 25; NE 1/4 NE 1/4 Section 26; All in Twp. 7 South, Range 5 West, B. M.

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

The right to take water from such works is based upon Permit No 22845.

The source of supply from which such water is diverted is Old Man Creek, a tributary of Boulder Creek.

The date of priority which said user is prepared to establish is June 14, 1952.

MARK R. KULP
State Reclamation Engineer

22845

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 5 1953
Department of Reclamation

Permit No. 22845

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Norman MacKenzie, Jordan Valley, Oregon, Farmer and
Stockman, Post office Address, 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. MacKenzie Brothers, Jordan Valley, Oregon, position co-partner

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

Ans. Permit No. 22845, June 14, 1952 (Application No. 30591)

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

Ans. Old Man Creek, a tributary of Boulder Creek. 600 feet
South West where Road Crosses Creek. Div. point are in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 25, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Twn 7 South, Range 5 West, B.M.

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.

Ans. Irrigation Ditch on Old Man Creek, capable of diverting 2.20
second feet of water.

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. Irrigating the following lands: W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; Township 7 South, Range
5 West, B.M.
Natural meadow land with sufficient ditches for irrigating same.

22845

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

Ans. No.

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

Ans. No.

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. No.

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

Ans. For Irrigating purposes, priority date June 14, 1952, diverting 2.20 Second feet of water.

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)

Norman Mackenzie

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,
OREGON
County of Malheur, State of Ore, on this 4th day of June,
A. D. 19 53,

Gabriel Clark

My commission expires Sept 12, 1955

22845

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO 22845

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. George Johnstone, age 37, residence Homedale, Idaho,
Occupation Farmer and Stockman.

Ques 2 Are you acquainted with Norman MacKenzie yes, the
holder of Permit No 22845? How long have you known him and where does
he reside? Have known Mr. Norman MacKenzie for the past 15 years, Owyhee
County, Post Office Address, Jordan Valley, Oregon

Ans. _____

Ques. 3 Have you read or heard read said Permit No 22845, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use

Ans. Source of water supply, Old Man Creek, place of diversion,
are in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26,
Township 7 South, Range 5 West, B.M. Dam across Creek diverting
water into irrigation ditch.

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

Ans. 2.20 second feet

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 im-
provements which have been made as a direct result of said use.

Ans. Water used for Irrigating purposes used on the following
described land: W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26, Township 7 South, Range 5 West, B.M.
Natural Meadow land with sufficient ditches to irrigate same.

22845

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

Ans. None.

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. Sagebrush land that has been cleared into Natural meadow,
amount of water required for irrigating 2.20 second feet.

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. Have witnessed water being used on said lands for the
past 15 years.

(Signed)

George Johnstone

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 Jordan Valley

County of Malheur, State of OREGON on this 4th day of June

A D. 19 53

Gabriel Clark

Notary Public.

My commission expires Sept 12, 1955

22845

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 22845

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. Angus MacKiver, age 67, residence, Owyhee County, Idaho,
Postoffice address, Jordan Valley, Oregon.

Ques. 2. Are you acquainted with Norman MacKenzie, the
holder of Permit No. 22845? How long have you known him and where does
he reside?

Ans. Yes have known him for the past 46 years.

Ques 3 Have you read or heard read said Permit No. 22845, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use

Ans Old Man Creek, place of diversion, are in the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 25, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 South,
Range 5 West, B.M. Dam across creek diverting water into
irrigation ditch.

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

Ans 2.20 second feet.

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

Ans. Water used for Irrigation purposes used on the following
described land: W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; Township 7 South, Range 5 West, B.M.
Natural meadow land with sufficient ditches to irrigate same.

22845

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

Ans. None.

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. Sagebrush land that has been cleared into Natural meadow,
amount of water required for irrigation is 2.20 second feet.

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

Ans. no.

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. Have witnessed water being used on said lands for the
past 20 years.

(Signed)

Angus Mac Iver

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 Jordan Valley,
County of Malheur, State of OREGON, on this 4th day of June,
A D 19 53.

Gabriel Clark

Notary Public.

My commission expires Sept 12, 1955.

22845

May 15, 1953

RE: Permit No. 22845

Mr. Norman MacKenzie
Jordan Valley
Oregon

Dear Mr. MacKenzie:

We enclose Certificate of Completion of Works issued under Permit No. 22845 for the diversion of 2.20 second feet of water from Old Man Creek, for irrigation and domestic use on the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 7 South, Range 5 West, B.M.

We also enclose departmental receipt No. 25919 for the \$5.00 fee paid in connection therewith.

We have sent to the Owyhee Nugget notice of beneficial use proof to be made on this permit June 4, 1953, before Gabriel Elordi, Notary Public, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof and at the time set you 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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22845

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **April 30, 1953**

Re: Permit No. 22845

Owyhee Nugget

Marsing, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **June 4, 1953**, the date set for proof, the expense of the publication to be paid by the applicant, **Norman J. MacKenzie** 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 of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clark

22845

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

Notice is hereby given that at 11:00 A. M. on the 14th day of June, 1953,
at Jordan Valley, County of Malheur, State of Oregon, before
Gabriel Elordi, Notary Public, proof will be submitted of the
application to beneficial use of 2.20 cubic feet per second of the waters of Old Man Creek,
in accordance with the terms and conditions of Permit No. 22845
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
MacKensie Brothers, Jordan Valley, Oregon.

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

The amount applied to beneficial use is 2.20 cubic feet per second.

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

W $\frac{1}{2}$ SW $\frac{1}{2}$ Section 24, NW $\frac{1}{2}$ NW $\frac{1}{2}$ Section 25, NE $\frac{1}{2}$ NE $\frac{1}{2}$ Section 26; All in Twp. 7 South,
Range 5 West, B. M.

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

Private ditch.

The right to take water from such works is based upon Permit No. 22845

The source of supply from which such water is diverted is Old Man Creek, a tributary of
Boulder Creek.

The date of priority which said user is prepared to establish is June 14, 1952.

MARK R. KULP

State Reclamation Engineer.

22845

Permit No. 22845

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Ada

Norman J. McKenzie, 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. 22845, and that his postoffice address is Jordan Valley

State of Idaho

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

Third: That the point of diversion of said water ~~is~~ are in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; Twp. 7 South, Range 5 West, B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 16, 1953

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

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(as shown on)~~ fully completed and consisted of the following:

I. Kind of works: ~~Ditches on both sides of the creek~~
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(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 1 $\frac{1}{2}$ feet, width at water line 4 feet, depth of water 1 feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 2.20 second feet of water.

Eighth: That water appropriated under said permit is available for 110 acres of land described as follows: W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; All in Twp. 7 South, Range 5 West, B. M.

Ninth: Remarks: That

Norman J. McKenzie
(Sign Here)

Subscribed and sworn to before me this 27 day of April, 1953

My commission expires 9-12-56 Notary Public.

22845

April 24, 1953

RE: Permit No. 22845

Mr. Norman J. McKenzie
Jordan Valley
Oregon

Dear Mr. McKenzie:

When you took your proof of completion of works on Permit No. 22845 to be notarized, I am afraid you also picked up the notice for beneficial use proof on which I had made a few pencil notes and which I was going to complete and send to the Owyhee Nugget for publication.

For that reason, I do not have the ^{date} time when you expected to make this proof. Please advise as to this and I will get the notice out right away.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

22845

STATE OF ILLINOIS
DEPARTMENT OF RECLAMATION
FOISE

MacKenzie Brothers

April 1, 1953

Jordan Valley, Oregon

Dear Sir:

Under the terms of your permit No. 22845 you are required to complete your diversion works and make proof of beneficial use on or before

June 16, 1953.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is June 16, 1953, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

22845

June 19, 1952

RE: Permit No. 22845

Mr. Norman J. MacKenzie
Jordan Valley
Oregon

Dear Mr. MacKenzie:

We enclose Permit No. 22845 in the name of MacKenzie Bros., and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 24554 for the \$5.50 filing fee paid in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

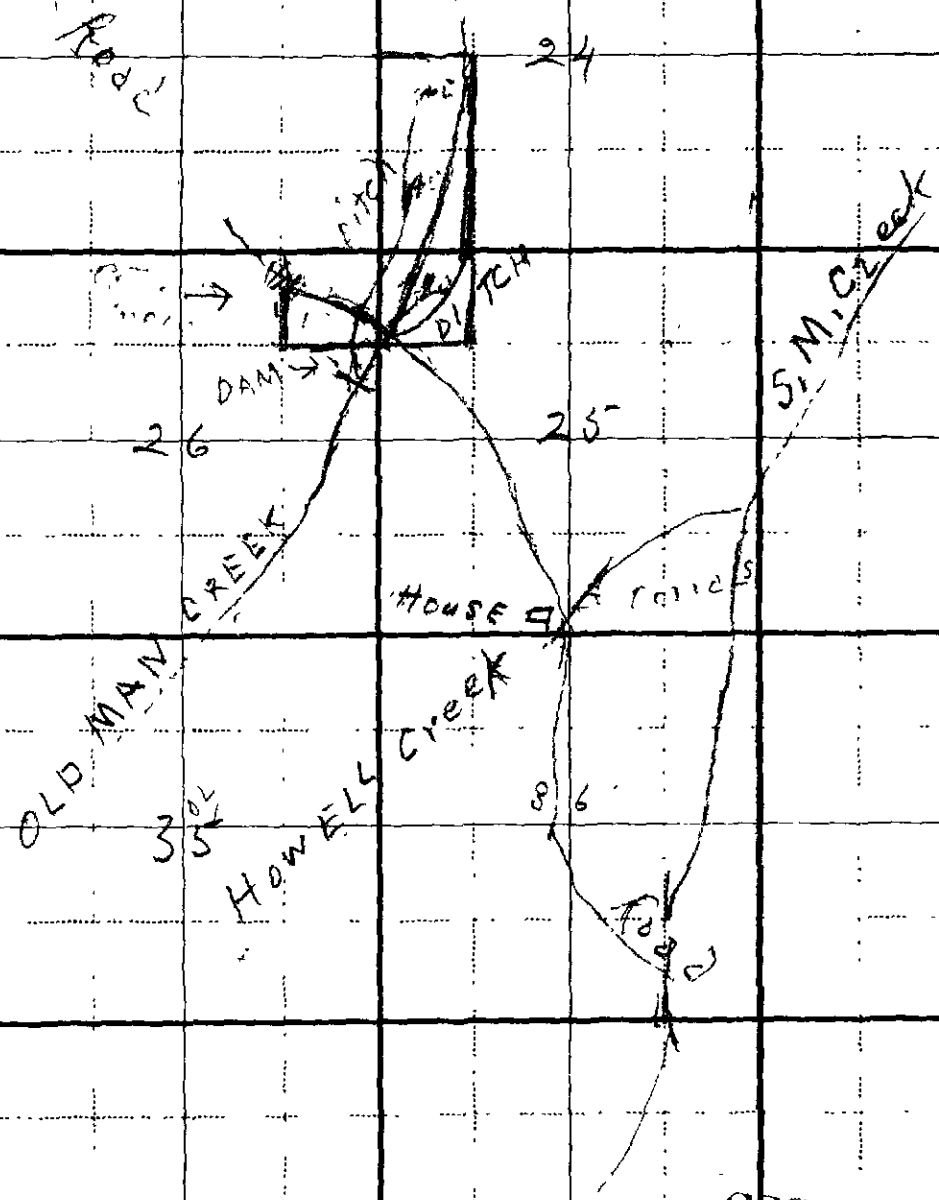
Chief Clerk

A:fg
Enc.

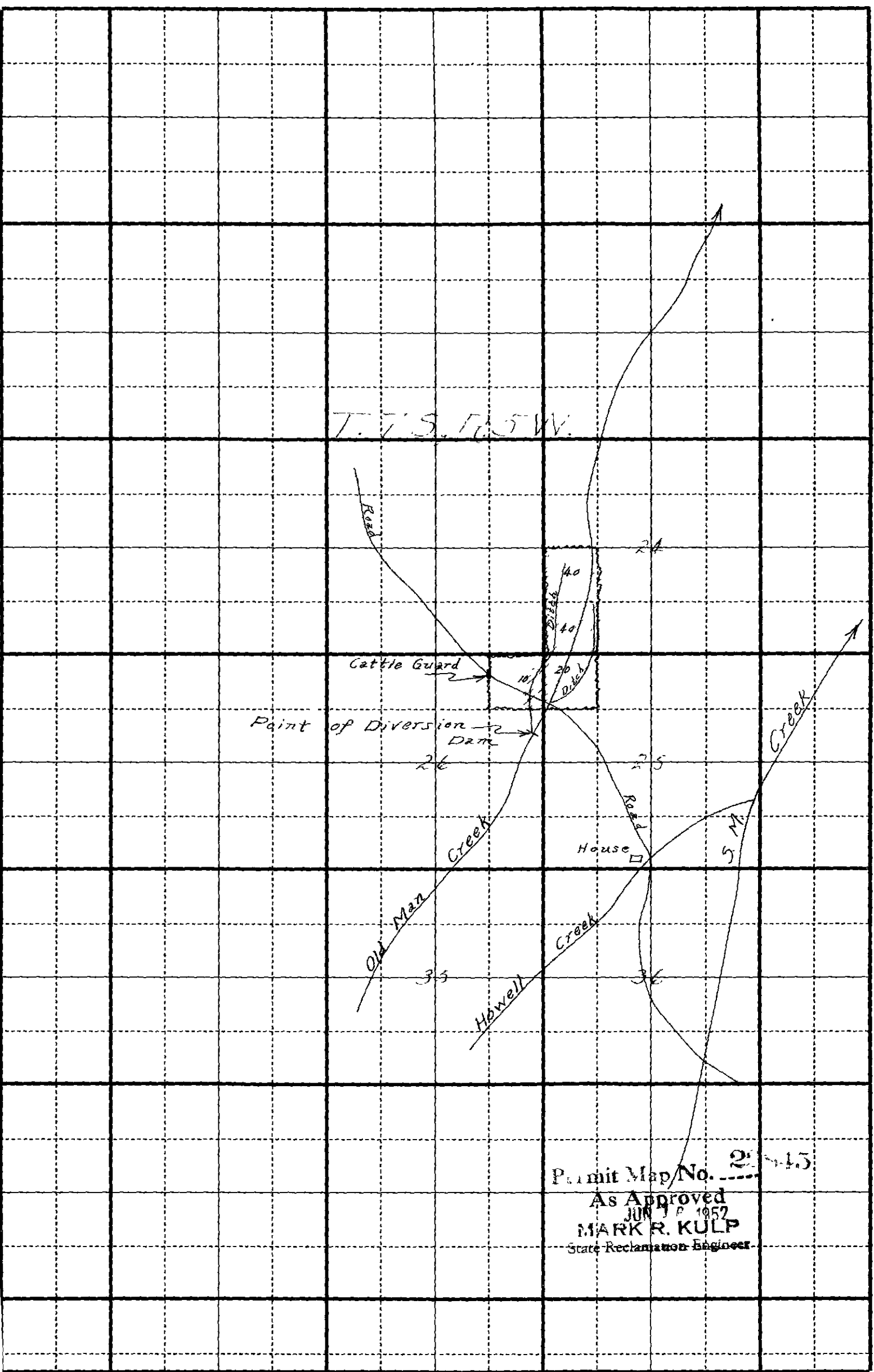
22845

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Map No. 22845
 As Approved
 JUN 1 1907
 MARK R. KULP
 State Reclamation Engineer



paid
the
at

**NOTICE FOR LOCATION
NOTICE
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE IS HEREBY GIVEN

That at 11:00 A. M. on the 4th day of June, 1953, at Jordan Valley, County of Malheur, State of Oregon, before Gabriel Elordi, Notary Public, proof will be submitted of the application to beneficial use of 2.20 cubic feet per second of the waters of Old Man Creek, in accordance with the terms and conditions of Permit No. 22845 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are MacKenzie Brothers, Jordan Valley, Oregon.

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

The amount applied to beneficial use is 2.20 cubic feet per second.

The place where said water is used W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; All in Twp. 7 South, Range 5 West. B. M.

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

The right to take water from such works is based upon Permit No. 22845.

The source of supply from which such water is diverted is Old Man Creek, a tributary of Boulder Creek.

The date of priority which said user is prepared to establish is June 14, 1952.

MARK R. KULP
State Reclamation Engineer
(May 7 - 26)