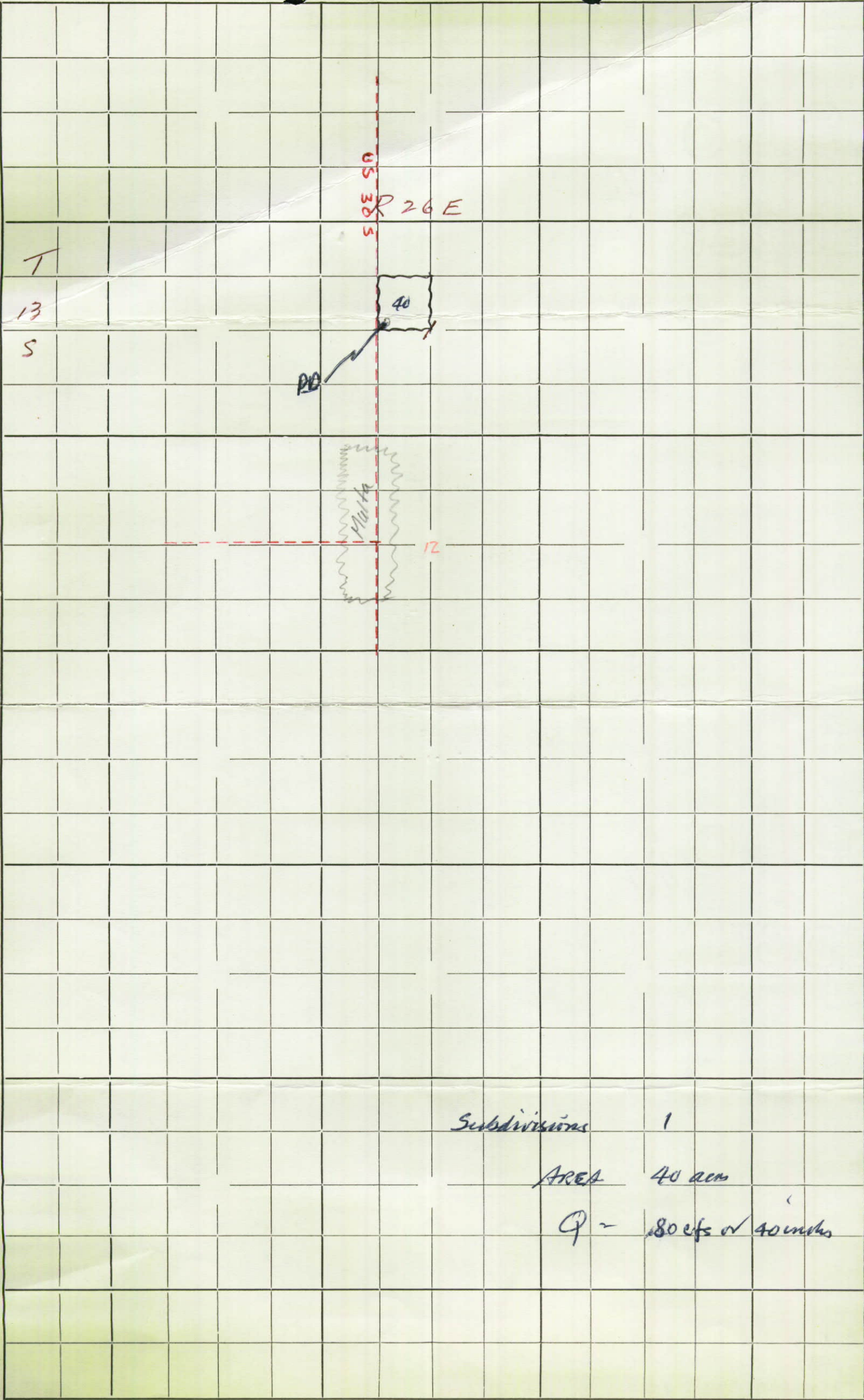




Subdivisions 1
AREA 40 acs
Q ~ 80 cfs or 40 inches

NOTICE OF PROOF OF
COMPLETION OF WORKS

and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 8th day of October, 1963, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at Fouts Bldg., Burley, Idaho, proof will be submitted of the completion of works for the diversion of .8 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-31169, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Allen or Thelma Sexton, Star Rt., Declo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is .8 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Township 13 South, Range 26 E.B.M.

5. The place where said water is used is SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Township 13 So., Range 26 E.B.M.

6. The date of priority which said user is prepared to establish is June 4, 1963.

CARL E. TAPPAN,
State Reclamation Engineer
Published in the Burley Herald-Bulletin on Sept. 6, 13, 20 and 27, 1963.

Affidavit of Publication

The Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF CASSIA

ss.

Karen F. McInters, first being duly sworn, deposes and says: That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at last four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for *four (4)* consecutive weeks, commencing with the issue dated *Sept 6*, 19*63*, and ending with the issue dated *Sept 27*, 19*63*.

Subscribed and sworn to before me this

28th day of *Sept*, 19*63*

MY COMMISSION EXPIRES

APRIL 24, 1967

Dorothy L. Gidd
Notary Public in and for the State of Idaho
Residing at Burley, Idaho

31169

LEGAL NOTICE

63-229

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

Notice is hereby given that at 10:00 A.M., on the 8th day of October, 1963, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at Fouts Bldg., Burley, Idaho, proof will be submitted of the completion of works for the diversion of .8 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-31169, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Allen or Thelma Sexton, Star Rt., Declo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is .8 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Township 13 South, Range 26 E.B.M.

5. The place where said water is used is SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Township 13 So., Range 26 E.B.M.

6. The date of priority which said user is prepared to establish is June 4, 1963.

CARL E. TAPPAN,

State Reclamation Engineer

Published in the Burley Herald-Bulletin on Sept. 6, 13, 20 and 27, 1963.

3/169

+7906✓
18

State of Idaho
License and Certificate of Water Right

Water License No. G-31169 Amount .80 c.f.s.
Water District No. Priority June 4, 1963

THIS IS TO CERTIFY that ALLEN or THELMA SEXTON
of Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 4, 1963; that Permit No. G-31169
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.80 second feet, was issued thereunder on July 31, 1964, showing that said works
were completed on the 8th day of October, 1963; and that on the 8th
day of October, 1963, ALLEN or THELMA SEXTON

of Declo, 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.
, under Use Permit No. G-31169 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
13 of Licenses at page 7906, on the 31st day of July, 1964;
The right hereby confirmed dates from June 4, 1963;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 1, Tp. 13 S, R. 26 E, B. M. Cassia 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 .80 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	26 E.	1	SE 1/4 NW 1/4	40	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
31st day of July, 1964.

(SEAL) s/ CARL E. TAPPAN
State Reclamation Engineer. 43 2566

State of Idaho
License and Certificate of Water Right

Water License No. 30383 Amount 4.0 c.f.s.
Water District No. Priority February 12, 1962

THIS IS TO CERTIFY that FRANK J. WELLARD
of Salmon, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 12, 1962; that Permit No. 30383
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.0 second feet, was issued thereunder on January 17, 1963, showing that said works
were completed on the 9th day of January, 1963; and that on the 11th
day of February, 1964,

FRANK J. WELLARD
of Salmon, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Wimpy Creek
, a tributary of Lemhi River, for the purpose of irrigation
, under Use Permit No. 30383 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
13 of Licenses at page 7905, on the 29 day of July, 1964;
The right hereby confirmed dates from February 12, 1962;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 7, Tp. 21 N., R. 24 E., B. M. Lemhi 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 4.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
21 N.	23 E	28	NW 1/4 NE 1/4	40	35
			NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	40	30
			S 1/2 NW 1/4	80	80
			NW 1/4 SW 1/4	40	40
			Total number of acres to be irrigated:		225

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
29th day of July, 1964.

CARL E. TAPPAN
State Reclamation Engineer.

(SEAL)

73-2564

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39262
Permit No. G- 31169
District No.

1. Name of Applicant: Allen or Thelma Sexton
Postoffice address: Star Rt., Declo County: Cassia State: Idaho
2. Quantity of water claimed: 0.8 c.f.s.
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1
Twp. 13 S , Rge. 26 E , B.M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled well with casing - pump & motor
8. Estimated cost of works: \$ 3000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 400 (cubic feet per second, inches or gallons per minute) is for new lands.

Twp.	Range	Sec.	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	Totals
			NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	
13 S	26 E	1		40			40
PERMIT NO. G-31169 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that ALLEN or THELMA SEXTON of Star Route, Declo, County of Cassia, and State of Idaho, the holder of Permit No. G-31169, issued upon Application No. G-39262, bearing date of priority of June 4, 1963, authorizing the diversion of 0.8 second feet of waters of a well, County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .80 second feet of the water of a well from subterranean flow that the point of diversion of said waters SE¹/₄NW¹/₄, Sec. 1, T. 13 S., R. 26 E., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 40 acres in SE¹/₄NW¹/₄, Sec. 1, T. 13 S., R. 26 E.B.M. Witness my hand this 31st day of July, A.D. 1964. Proof of Completion of Works Made: October 8, 1963 s/ CARL E. TAPPAN State Reclamation Engineer LICENSE ISSUED FOR <u>.80</u> SEC. FT. LICENSE PAGE NO. <u>7906</u>.							

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

July 20, 1964

Re: Permit No. G-31169

Allen Sexton
Star Route
Declo, Idaho

Dear Mr. Sexton:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-31169 shows the well is (are) capable of conveying 40 miner's inches, or .80 c.f.s. of water for the irrigation of 40 acres.

Upon receipt of the statutory fees, totaling \$ 7.00 , which consists of a Completion of Works fee of \$ ----- and License and Certificate of Water Right fee of \$ ----- based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of June 4, 1963 to the use of .80 c.f.s. of water for the irrigation of 40 acres in the SE 1/4, Sec. 1, T. 13 S., R. 26 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

July 31, 1964

Re: Permit No. G-31169

Allen Sexton
Star. Route
Declo, Idaho

Dear Mr. Sexton:

Enclosed are the Certificate of Completion
of Works and License and Certificate of Water Right
issued on Permit No. G-31169.

Also enclosed is departmental receipt No.
G-8753, in the amount of \$7.00, covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

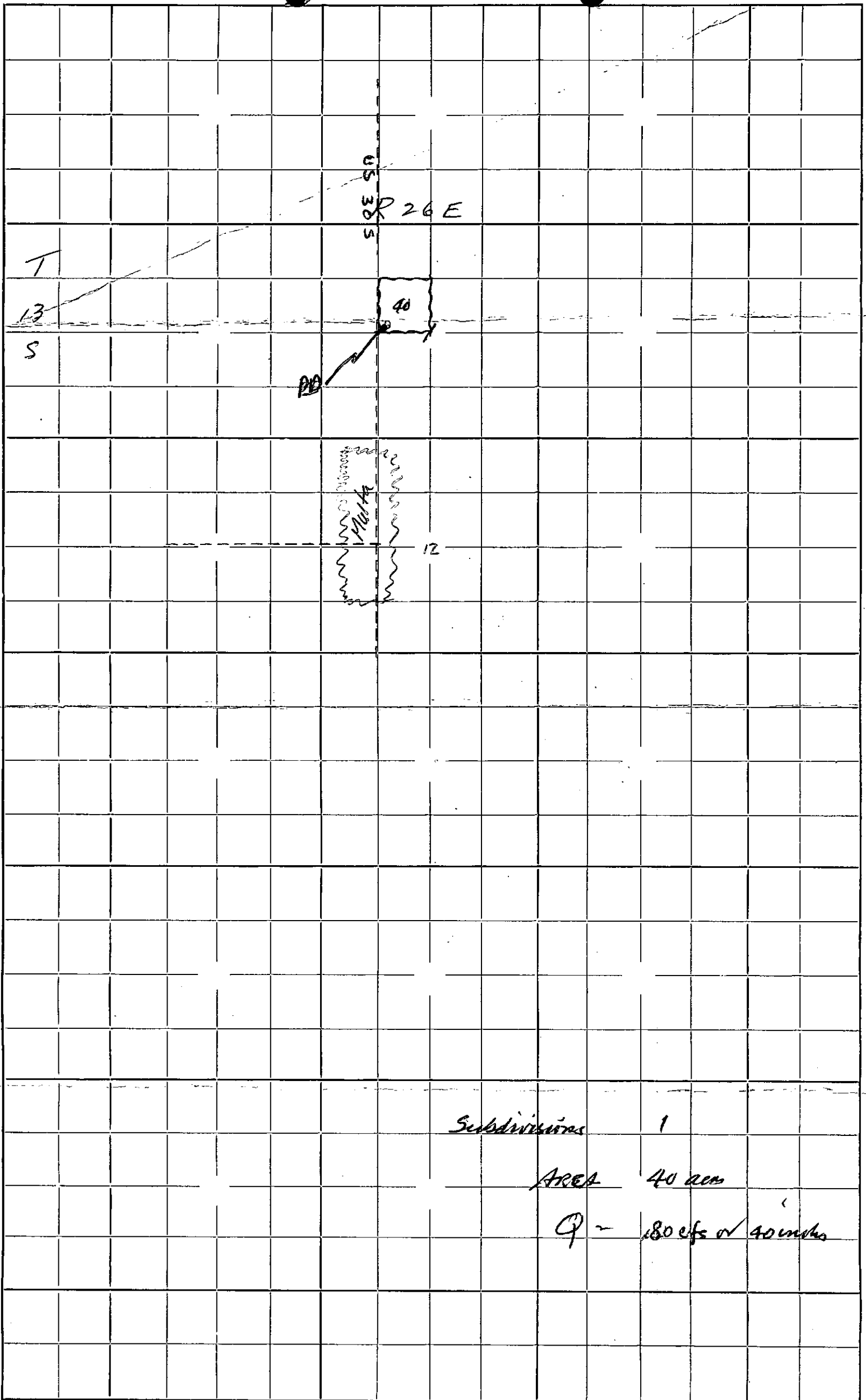
Enc. certificates
receipt

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-31169

REPORT ON PROOF OF Completion of Works and Beneficial Use
Thelma Sexton
Star Route
Declo, Idaho



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-31169

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

1. Name of applicant Allen or Thelma Sexton

2. Source of water supply: well

3. Location of point of diversion: Is in the SE¹NW¹ of Section 1

T. 13 S R. 26 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 15 HP GE Motor

*TWS 622287, Peerless Pump "197125 (4x6x12) 4" discharge
with 4" Gate Valve at flange increased to 6" 18' steel pipe to Concrete
block spill and distribution box to open ditch north.

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):

SE¹NW¹, Sec. 1, T. 13 S., R. 26 E., B.M.

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

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

Remarks: Mr. Allen Sexton along

Measured by Spotting Motor 1 Rev. 1 Min. 36 sec. = 1.10 cfs

This examination was made on the 24th day of June, 19 64

(Signed)

Loyd Johnson

Examiner.

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
JUL 16 1964

Department of Reclamation

Thelma Sexton
Star Route
Declo, Idaho
Permit No. G-31169

Examination for Completion of Works & Beneficial Use

County Cassia

Sec. 1 T. 13 SR. 26 E

Quantity: 0.8 cfs

Source: Well

P.D.: SENW 1-135-26E

Use: Irrigation

Filed: 6-4-63

Due: 6-7-68

Extension:

Completion of Works:

Other Rights: None

1M April 1962

XXXXXXXXXX

November 1, 1963

Re: Permit No.

G-31169

Thelma Sexton
Star Route
Declo, Idaho

Dear Mrs. Sexton:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Herald-Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. G-31169.

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

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

Very truly yours,
CARL E. TAPPAN
~~GEORGE N. CARTER~~
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: ~~mt~~

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 14 1963

Department of Reclamation

Permit No. G31169

Proof of Application of Water to Beneficial Use
and ~~Completion of Works~~

Deposition of Holder

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

Ans. Thelma Sexton, Star Rt., Declo, Idaho, Waitress at Malta, Idaho

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

Ans. _____

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

Ans. G31169 June 4, 1963 - June 4, 1963

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

Ans. Subterranean Well located in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sect. 1, Township 13 So., Range 26, E.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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. The works of diversion consists of a pump and open ditches. The open ditches are capable of conveying from point of diversion to place of use 1 cubic ft. per second.

The well at said diversion point, is 105 ft., the casing is a 16 inch casing and the depth of said casing is 80 ft. The pump produces 1 cubic ft. per second and this was measured by the use of a weir.

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

Ans. Water is used for irrigation and is used to irrigate the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, Township 13 So., Range 26, E.B.M. The entire 40 acres are cultivated and irrigated.

The land has been reclaimed from desert land and the nature of all improvements that have been made thereon is that a well has been drilled at a cost of \$3,000.00, a pump has been installed and ditches have been cut on said premises and leveling has been done at a cost of \$3,000.00. Land has been taken out of sagebrush and put into cultivated lands.

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

Ans. _____

Wayment Yarbrough

31169

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

Ans. _____

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

Ans. The minimum amount of water required to irrigate the property described in this dep. is .8 cubic ft. 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. _____

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

Ans. The water produced from said well has been used continuously from the lands herein, namely the SE¹/₄ of the NW¹/₄ of Sect. 1, Township 13 So., Range 26, E.B.M. since May of 1963 and throughout the cropping season of 1963.

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. There is no water appurtenant to the SE¹/₄ of the NW¹/₄ of Sect. 1, Tnsp. 13 So., Range 26, E.B.M. other than the water which is developed from the well, which is described in this deposition.

✓ (Sign) *Shelma Sexton*

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 Burley, County of Cassia

State of Idaho, on this 8th day of October, A. D. 1963

My commission expires May 12, 1966

Wesley H. Furber
Notary Public in and for Idaho
Residing at Burley, Idaho

RECEIVED
OCT 14 1963

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

BOISE, IDAHO
Permit No. G31169

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

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

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

Rex W. Wagner, 37 years of age, Burley, Idaho, Salesman Perma Water Lifter Co., Burley
Idaho

Ques. 2. Are you acquainted with Allen and Thelma Sexton, the holder of
Permit No. G31169? How long have you known him and where does he reside:

I am well acquainted with the Sextons. They reside at Star Rt., Declo, Idaho, in the Malta,
Idaho, area.

Ques. 3. Have you read or heard said Permit No. G31169 read, and are you familiar
with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: Subterrenean Well

State place of diversion: SE¹/₄ of the NW¹/₄ of Sec. 1, Twnshp. 13, So., Range 26, E.B.M.

Describe works for conveying water to place of use: The water is conveyed from the well by
open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: in excess of 1 cubic ft. per sec How much water have you seen being so
conveyed: I have seen an excess of 1 cubic ft. per sec. of water being conveyed

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

The no. of acres that are irrigated in the SE¹/₄ of the NW¹/₄ of Sec. 1, Twnshp. 13, So., Range
26 E.B.M. is 40 acres exclusive of the ditches and other land taken out. Full legal description
of the said ground which is watered by the water from the well in this deposition is the SE¹/₄
of the NW¹/₄ of Section 1, Township 13 South, Range 26 E.B.M.

31169

Ques. 7. If for power or other purposes than irrigation, state how water has been used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

The land described in this deposition has been reclaimed from desert land and has been put into cultivated ground. The amount of water required for its profitable cultivation would be 1.8 cu. ft. per second.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: I have no interest whatsoever in the works, water or land mentioned in this deposition.

Ques. 10. When did you first see this water used: The first time in May of 1963

Other times you have seen such use: I have seen the water on said land on a number of occasions since May of 1963, the exact dates I do not remember.

(Signed)

Del H. Wagner

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 Burley

 , County of Cassia, State of Idaho, on this 8th day of October,

A. D., ~~1962~~ 1963.

James H. Jackson
Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires: May 12, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G31169

RECEIVED
JUL 26 1962

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

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

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

Neal L. Bushears, 26 years of age, Burley, Idaho, Salesman, 859 Yale Ave., Burley, Idaho

Ques. 2. Are you acquainted with Allen and Thelma Sexton, the holder of
Permit No. G31169? How long have you known him and where does he reside:

I have known Allen and Thelma Sexton for approximately 1 year and they reside at Star Rt., Declo
Idaho, near the Malta, Idaho, area.

Ques. 3. Have you read or heard said Permit No. G31169 read, and are you familiar
with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: Subterrenean Well

State place of diversion: SE¹/₄ of the NW¹/₄ of Sec. 1, Twnship. 13, So., Range 26, E.B.M.

Describe works for conveying water to place of use: The water is conveyed from the well by
open ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: in excess of 1 cu. ft. per sec. How much water have you seen being so
conveyed: I have seen an excess of 1 cubic ft. per sec. of water being conveyed.

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

The number of acres that are irrigated in the SE¹/₄ of the NW¹/₄ of Sec. 1, Twnship. 13 So.,
Range 26, E.B.M. is 40 acres exclusive of the ditches and other land taken out. Full legal
description of the said ground which is watered by the water from the well in this deposition is
the SE¹/₄ of the NW¹/₄ of Sec. 1, Township 13 So., Range 26 E.B.M.

Ques. 7. If for power or other purposes than irrigation, state how water has been used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

The land described in this deposition has been reclaimed from desert land and has been put into cultivated ground. The amount of water required for its profitable cultivation would be 1.8 cu. ft. per second.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: I have no interest whatsoever in the works, water or land mentioned in this deposition.

Ques. 10. When did you first see this water used: The first time in May of 1963.

Other times you have seen such use: I have seen the water on said land on a number of occasions since May of 1963, the exact dates I do not remember.

(Signed)

Paul L. Bushears

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 Burley

County of Cassia, State of Idaho, on this 8th day of October,

A. D., ~~XXXX~~ 1963.

Wm. H. Gibson

Notary Public for State of Idaho

Residing: _____

My commission expires: May 12, 1966

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

Notice is hereby given that at 10:00 A.M. on the 8th day of October, 1963, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public at Fouts Bldg., Burley, Idaho, proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of underground water from a well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 63-1189, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is, Allen or Thelma Sexton, Star 4th, Declo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1 cubic foot per second.

3. The use to which said water has been applied is, irrigation purposes, and the amount applied to beneficial use is 8 cubic feet per second.

4. The point of diversion of said water is SE 1/4 of the NW 1/4 of Sec. 1, Township 13 South, Range 26 E.B.M.

5. The place where said water is used is SE 1/4 of the NW 1/4 of Sec. 1, Township 13 So., Range 26 E.B.M.

6. The date of priority which said user is prepared to establish is June 4, 1963.

CARL E. HARPAN,
State Reclamation Engineer,
Published in the Burley Herald-Bulletin on Sept. 6, 13, 20 and 27, 1963.

Affidavit of Publication

The Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

ss.

COUNTY OF CASSIA

Norman F. McInters
That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at last four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for *four (4)* consecutive weeks, commencing with the issue dated *Sept. 6*, 1963, and ending with the issue dated *Sept. 27*, 1963.

Subscribed and sworn to before me this

28th day of Sept., 1963

MY COMMISSION EXPIRES
APRIL 24, 1967

Dorothy L. Gidd
Notary Public in and for the State of Idaho
Residing at Burley, Idaho

31169

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

October 11, 1963

TELEPHONE
678-5574

Department of Reclamation
Statehouse
Boise, Idaho

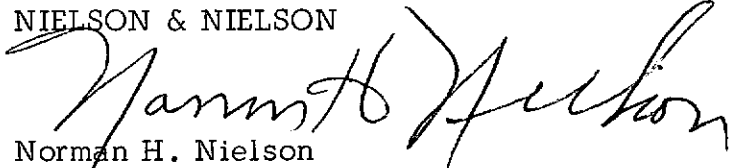
Re: Permit No. G-31169 Allen or Thelma Sexton

Gentlemen:

Enclosed you will find the Notice of Proof of Application
of Water to Beneficial Use under the above permit number, together
with the Deposition of Holder and the Deposition of Witnesses.
Would you please process this application.

Very truly yours,

NIELSON & NIELSON


Norman H. Nielson

NHN:mh
Encl.

21169

September 16, 1963

Re: Permit No. G-25559
Dianne L. Somsen

Permit No. ~~G-31169~~
Alma or Thelma Sexton

Burley-Herald Bulletin
Burley, Idaho

Gentlemen:

On September 3rd and 4th Notice for Publication was mailed on each of the above numbered permits, at which time a copy was requested on each for checking purposes.

To date we have not received such copies and ask that a copy for each permit of the Notice of Publication be mailed to this office as soon as possible.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

H. PETRI
State Water Rights Clerk

HP:ew

September 4, 1963

Re: Permit No. G-31169
Allen or Thelma Sexton

Mr. Norman H. Nielson,
Attorney at Law,
Burley, Idaho.

Dear Mr. Nielson:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-31169, in the name of Allen or Thelma Sexton. Final Proof is to be made before you, as Notary on the 8th day of October, 1963, at 10:00 o'clock A.M., at Fouts Bldg., Burley, Idaho.

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

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

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

Very truly yours,

~~OSCAR O. CARTER~~
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Enc.
cc: Applicant

Re: Permit No. G-31169

Date: September 4, 1963

Herald Bulletin,
Burley, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to October 8, 1963 the date set for proof; the expense of the publication is to be paid by the applicant 's attorney, Norman H. Nielson, of Fouts Building, Burley, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,



CARL E. TAPPAN
State Reclamation Engineer

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

CET:pmk

RECEIVED

SEP 4 1963

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

Department of Reclamation

Notice is hereby given that at 10:00 A.M., on the 8th day of October
19 63, at Burley, County of Cassia, State of Idaho,
before Norman H. Nielson, Notary Public, at (address) Fouts Bldg.,
Burley, Idaho, proof will be submitted of the completion of works for
the diversion of .8 cubic feet per second of underground water from a well, and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. G 31169, heretofore issued by the Department of Reclamation
of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Allen or Thelma Sexton, Star Rt., Declo, Idaho

2. Said works of diversion will be fully completed on the date set for such com-
pletion, and the amount of water which said works are capable of conveying to the place of
use is 1 cubic feet per second.

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is .8
cubic feet per second.

4. The point of diversion of said water is SE¹/₄ of the NW¹/₄ of Sec. 1, Township 13
South, Range 26 E.B.M.

5. The place where said water is used is SE¹/₄ of the NW¹/₄ of Sec. 1, Township 13 So.,
Range 26 E.B.M.

6. The date of priority which said user is prepared to establish is June 4, 1963.

CARL E. TAPPAN

State Reclamation Engineer

78

Form No. 11
2M - 10/60

RECEIVED
SEP 4 1963
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 3, 1963

(P. O.) _____

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Herald Bulletin of Burley, Idaho published in
Carrie Co.
the county in which the works are situated.

Norman H. Nielson
Allen Sexton
By

Norman H. Nielson
His Attorney

(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.

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
BURLEY, IDAHO

A. H. NIELSON
N. H. NIELSON

Sept. 3, 1963

TELEPHONE
678-5574

State of Idaho
Department of Reclamation
State House
Boise, Idaho

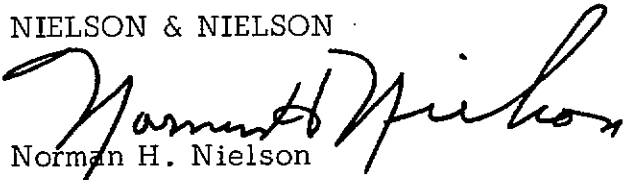
Gentlemen:

Enclosed you will find Form No. 36, Notice of Proof
of Completion of Works and Application of Water to Beneficial
Use, together with the authority to publish the same in the
Herald Bulletin at Burley, Idaho.

If there is any further information you need, will you
please let us know.

Very truly yours,

NIELSON & NIELSON


Norman H. Nielson

NHN:Mh
Encl.

June 20, 1963

Re: Permit No. G-31169

Allen or Helen Sexton,
Star Route,
Declo, Idaho.

Dear Mr. or Mrs. Sexton:

We enclose Permit No. G-31169 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-7927 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

Very truly yours,

~~GEO. N. CARTER~~
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl. ..

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

21169

R26E

T13S



Sec. 1

POTENTIAL No. *931169*
W. J. McQuinn
Reputy State Reclamation Engineer
JUN 7 1963

LEGAL NOTICE

63-229

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 8th day of October, 1963, at Burley, County of Cassia, State of Idaho, before Norman H. Nielson, Notary Public, at Fouts Bldg., Burley, Idaho, proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of underground water from a well, and of the application for beneficial use of said water, in accordance with the terms and conditions of Permit No. G-31169, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Allen, Thelma Sexton, Star Rt., Declo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 8 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Township 13 S., Range 26 E.B.M.

5. The place where said water is used is SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, Township 13 S., Range 26 E.B.M.

6. The date of priority which said user is prepared to establish is June 4, 1963.

CARL E. TAPPAN,
State Reclamation Engineer
Published in the Burley Herald-
Bulletin on Sept. 6, 13, 20 and 27,
1963.