

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

Notice is hereby given that at 9:00 A.M. on the 13th day of August, 1957, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, proof will be submitted of the application to beneficial use of 2.4 cubic feet per second of the waters of a well in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 13 S., Rge. 27 E. in accordance with the terms and conditions of Permit No. 21187 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 is Ernest L. Merrill, Malta, Idaho.

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

The amount applied to beneficial use is 2.4 cfs.

The place where said water is used: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32 and W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, all in Twp. 13 S., Rge. 27 E.

The right to take water from such works is based upon Permit No. 21187.

The source of supply from which such water is diverted is from a well.

The date of priority which said user is prepared to establish is August 12, 1949.

MARK R. KULP
State Reclamation Engineer
Published in the Burley Herald,
July 18-25, Aug. 1-8, 1957.

AFFIDAVIT OF PUBLICATION

RECEIVED
AUG 14 1957
Department of Reclamation

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

..... Carl Jones , first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly 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 weekly 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 least 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... consecutive weeks, commencing with the issue dated ..July.. 18 19.. 57., and ending with the issue dated ..Aug.. 8, 19... 57.

..... Carl Jones
Subscribed and sworn to before me this 8th day of Aug., 1957.

Hazel G. Woodall
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1959

21187

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MARK R. KULP

State Reclamation Engineer

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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 consecutive weeks, commencing with the issue dated July 18 1957, and ending with the issue dated Aug. 8, 1957.

Subscribed and sworn to before me this 8th day of August, 1957.

Hazel G. Woodruff
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1960

21187

State of Idaho

License and Certificate of Water Right

Water License No. 21187 /43-2 337

Amount 2.0 c.f.s.

Water District No. _____

Priority August 12, 1949

THIS IS TO CERTIFY that ERNEST L. MERRELL
 of Malta, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated August 12, 1949; that Permit No. 21187
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2 second feet, was issued thereunder on January 24, 1955, showing that said works
 were completed on the 4th day of January, 1955; and that on the 13th
 day of August, 1957, ERNEST L. MERRELL

of Duncan, State of Arizona, 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, for the purpose of Irrigation
 , under Use Permit No. 21187 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 6506, on the 12th day of November, 1958;
 The right hereby confirmed dates from August 12, 1949;

The Point of Diversion is located
 in the NW 1/4 NW 1/4, Sec. 32, Tp. 13 S., R. 27 E., B. M. County Cassia
 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 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	27 E.	29	NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			NW 1/4 NW 1/4	40	40
		32	Total number of acres irrigated	- - -	120

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

12th day of November, 1958.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

No 21187
43-2337

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28859
PERMIT No. 21187
DISTRICT No.

Dean E. Rogers
Malta, Idaho

1. Name of Applicant: **ERNEST L. MERRELL**

Postoffice address: **Malta**

County: **Cassia**

State: **Idaho**

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **2.4**

cubic feet per second.

3. Source of water supply: **Subterranean flow from a well**

which is a tributary of

4. Location of point of diversion: **300' E. and 35' N.** feet distant from the **Southwest**
of the **NW $\frac{1}{4}$ NW $\frac{1}{4}$**
corner of Section **32**, T. **13 S.**, R. **27 E.**, B.M., and is in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$**
of Section **32**, T. **13 S.**, R. **27 E.**, B.M., County of **Cassia**

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 , 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: \$ **1,000.00**

8. Kind of works: **Well, 4' concrete casing to 30' and 16" casing to 70'- and pump**

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 feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is **three (3)** years.

13. The time required for the complete application of the water to the proposed use is **three (3)** 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? 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.

ERNEST L. MERRELL Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. August 12, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21187

Recorded in Book 76 Page 21187 Approved August 13, 1949

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 October 13, 1949

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 February 13, 1951

The whole of said work to be completed on or before August 13, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before August 13, 1955

WITNESS My hand this 13th day of August, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 13th

day of August, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

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 $\frac{1}{4}$	
13 S.	27 E.	32 29					40				40	40						40 80	
											Total Number of Acres to be Irrigated -								120
			APPROVAL OF STATE RECLAMATION ENGINEER																
			I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 21187 to August 13, 1952.																
			Witness my hand this 27th day of August, 1952.																
															MARK R. KULP State Reclamation Engineer				

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of Permit No. 21187 Under the Provisions of Section 42-311 Idaho Code	))))	ORDER REINSTATING PERMIT
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WHEREAS, Permit No. 21187 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: August 13, 1954; and,

WHEREAS, On the 12th day of November, 1954 notice to show cause why said permit should not be canceled, under the provisions of Section 42-311 Idaho Code, was duly served on the holder of said permit; and,

WHEREAS, On the 20th day of November, 1954 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 21st day of January, 1955 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21187, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21187 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 24th day of January, 1955.

MARK R. KULP
State Reclamation Engineer

(SEAL)

Permit No. 21187
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ERNEST L. MERRELL of Malta, County of Cassia, and State of Idaho, the holder of Permit No. 21187, issued upon Application No. 28859 bearing date of priority of August 12, 1949, authorizing the diversion of 2.4 second feet of the waters of subterranean flow from 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 Two (2) second feet of the waters of said well; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 13 South, Range 27 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, Twp. 13 South, Range 27 East, B.M.

Witness my hand this 24th day of January, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of completion of Works made January 4, 1955
Certificate of Completion of Works issued January 24, 1955.

LICENSE ISSUED FOR 2.4 SEC. FT.

Page 6506

March 23, 1972

Re: License No. 43-2337 - Ernest L. Merrell

Mr. Olene Warr
Malta,
Idaho 83342

Dear Mr. Warr:

Pursuant to your request, please find enclosed a copy of the above referenced license.

The fee for this copy will be 50¢.

If we may be of any further assistance to you in this, or any other matter, please do not hesitate to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:CS

Enc: referenced copy

May 1, 1962

Re: Permit No. 211867

Mr. Buddy D. Ward,
Malta, Idaho.

Dear Mr. Ward:

Your letter of April 30th received requesting if the well drilled by Ernest L. Merrell on the NW¹/₄ NW¹/₄, Section 32, Township 13 South, Range 27 E. B. M., has been licensed.

We wish to state that license has been issued under Permit No. 21186 under date of November 12, 1958. The license calls for 2 cubic feet per second from subterranean source with priority of August 12, 1949.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

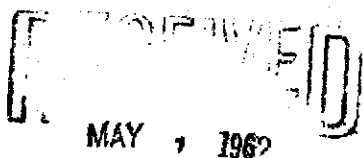
ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

21187

Malta Idaho

Apr. 30, 1965



Dep. of Sec.

Department of Reclamation

Dear Sir.

I'm writing in regards
to well permit 21186 which
is located NE ^{1/4} NW ^{1/4} sec 32
Twp. 13S - 27E and was applied
for by Ernest L. Merrell.

I have an option of sale on this
property from Dean E. Rogers
but he didn't know if the
well had been licensed
or not. Would you please
21187

Give me the information on
the well. Thank you

Sincerely
Buddy S. Ward
Malta, Idaho

Harold 21187 Page 1506
Linnex 4/11 2:00 4/11
Priority 8-12-49
Linnex 4/11 11-12-50

21187

November 12, 1958

Re: Permit No. 21187

Mr. Ernest L. Merrell
Malta
Idaho

Dear Mr. Merrell:

Enclosed is the License and Certificate of Water Right issued under Permit No. 21187, and, departmental receipt #29338 for license fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

BPR:nls
Enc.

21187

RT



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER
STATE RECLAMATION ENGINEER

BOISE

August 6, 1958

Re: Permit No. 21187

RECEIVED
OCT 23 1958
Department of Reclamation

Mr. Ernest L. Merrell
Malta
Idaho

Dear Mr. Merrell:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 21187 shows the well is capable of conveying 120 miners' inches (2.4 c.f.s.) of water for irrigation of 120 acres.

Upon receipt of the statutory fee of \$6.00 (based at the rate of two dollars for each 40-acre subdivision) we will issue the License and Certificate of Water Right, under Permit No. 21187, confirming the right with priority of August 12, 1949, to the use of 2.4 second feet of subterranean water, with the point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, for irrigation of 120 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 13 South, Range 27 East.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

EPR:nls

Please find enclosed Check for \$6.00 to cover license and certificate of water rights.

For Mr.
Ernest L. Merrell
21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21187

REPORT ON PROOF OF Beneficial Use

Ernest L. Merrell, Duncan Arizona

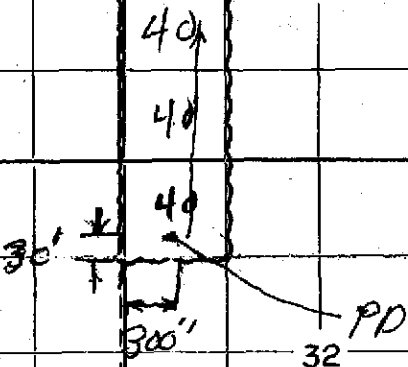
R-27E

TO MILWAUKEE

30

29

T.
13
S.



Subdivisions = 3

Area = 120 acres

Q = 2.4 cfs.

3.4 cfs measured by spring meter

3.28 cfs.

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

Permit No. 21187

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Ernest L. Merrell
2. Source of water supply: Underground water
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ of Section 32
T. 13 S. R. 27 E., B.M. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Well 18" diam
General Electric 40 Hp 440V motor # YNT1113009
Layne + Bowler # 21645 pump. Square "O" controls
mounted 6' to S.E. of pump. 8" x 90' columns
2 bowls 12" diameter 8" delivery 3.4 cfs measured
By sparkling meter feeds & field by gravity
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):

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32, and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 29, all in Twp. 13 S., Rge. 27 E., B.M.

c/w 1-4-55 2 cfs irr - above

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

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

Remarks:

Crops - hay, grain & row crops

This examination was made on the 11 day of July, 1958

(Signed)

Daniel H. Benson

Examiner.

21187

300 y in 1M 288

$$\begin{array}{r} 3.4 \\ 48 \overline{) 300.0} \\ \underline{264} \\ 360 \\ \underline{352} \end{array}$$

$$\begin{array}{r} 60 \\ 28 \\ \hline 48 \end{array}$$

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 5 1958

Department of Reclamation

Ernest L. Merrell
Dunacn, Arizona

Permit No. 21187

Examination for Beneficial Use

County Cassia
32-13S.-27E.

Q = 2.4 c.f.s.

S = Well.

P.D. - NW. NW., Sec 32, T. 13S. - R. 27E.

2.8 cfs water claim

180 acres

Use = Irrigation.

Dean Rogers

Filed - Aug. 12, 1949.

Due 2 Aug. 13, 1957

Dean Rogers

18" well

8" feeder

General Electric

40 HP motor #KNT 1113009

Layne + Bowler pump

21645

square "O" controls

mounted 6' to 4E

of pump

Westinghouse meter

26846911 440V

empties into pond

to field by gravity

no header

pump mounted on

well casing

8" x 90' column

2 bowls 12" dia

8" delivery

3.4 cfs sparking meter

July 3, 1958

Re: Permit # 21187

Mr. Ernest L. Merrell
Malta,
Idaho

Dear Mr. Merrell:

An inspection and a report on same is required by law in connection with any permit for use of water being brought to license in the State of Idaho before same can be licensed.

An inspecting Engineer from this Department will be in your County the week of July 9, 1958 to make inspections.

He will try to contact you by telephone or otherwise at that time to make a definite appointment with you for the inspection.

Please prepared to accompany him or have someone represent you on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
E. N. Humphrey
Deputy

21187

July 3, 1958

Re: Permit # 21187

Mr. Ernest L. Merrell
Duncan, Arizona

Dear Mr. Merrell:

An inspection and a report on same is required by law in connection with any permit for use of water being brought to license in the State of Idaho before same can be licensed.

An inspecting Engineer from this Department will be in your County the week of June 9, 1958 to make inspections.

He will try to contact you by telephone or otherwise at that time to make a definite appointment with you for the inspection.

Please prepared to accompany him or have someone represent you on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
E. N. Humphrey
Deputy

21187

August 20, 1957

Re: 21187

Mr. Ernest L. Morrell
Duncan
Arizona

Dear Mr. Morrell:

We acknowledge receipt of the deposition of holder and two witnesses, also affidavit of publication in The Burley Herald, all submitted in proof of beneficial use on Permit No. 21187.

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,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Rrvhh

21187

NOTICE FOR PUBLICATION
NOTICE OF PROOF
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TO BENEFICIAL USE

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The name and postoffice address of the person or corporation holding said permit is Ernest L. Merrill, Malta, Idaho.

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

The amount applied to beneficial use is 2.4 cfs.

The place where said water is used: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32 and W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, all in Twp. 13 S., Rge. 27 E.

The right to take water from such works is based upon Permit No. 21187.

The source of supply from which such water is diverted is from a well.

The date of priority which said user is prepared to establish is August 12, 1949.

MARK R. KULP
State Reclamation Engineer
Published in the Burley Herald,
July 18-25, Aug. 1-8, 1957.

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COUNTY OF CASSIA } ss.

..... Carl Jones first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly 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 weekly 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 least 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... consecutive weeks, commencing with the issue dated ..July 18 19..57, and ending with the issue dated ..Aug. 8, 19...57.

..... Carl Jones
Subscribed and sworn to before me this 8th day of Aug., 1957.

Hazel G. Horne, CC
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1959

21187

NOTICE FOR PUBLICATION

NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 9:00 A.M. on the 13th day of August, 1957, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, proof will be submitted of the application to beneficial use of 2.4 cubic feet per second of the waters of a well in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 13 S., Rge. 27 E. in accordance with the terms and conditions of Permit No. 21187 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 is Ernest L. Merrill, Malta, Idaho.

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

The amount applied to beneficial use is 2.4 cfs.

The place where said water is used: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32 and W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, all in Twp. 13 S., Rge. 27 E.

The right to take water from such works is based upon Permit No. 21187.

The source of supply from which such water is diverted is from a well.

The date of priority which said user is prepared to establish is August 12, 1949.

MARK R. KULP

State Reclamation Engineer
Published in the Burley Herald,
July 18-25, Aug. 1-8, 1957.

AFFIDAVIT OF PUBLICATION

AUG 1 2 1957

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Department of Reclamation

... Carl Jones, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly 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 weekly 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 least 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 consecutive weeks, commencing with the issue dated July 18 19 57, and ending with the issue dated Aug. 8, 19 57.

Subscribed and sworn to before me this 5th day of August, 1957.

Harold G. Dr. Hall
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 14 1957
Department of Reclamation

Permit No. 21187

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ernest L. Morrell, Duncan Arizona, Merchant, Same

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

Ans.

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

Ans. Permit No. 21187 Application no. 20859 Dated Aug. 13, 1949

8-12-49

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

Ans. Underground - NW. NW. Sec. 32, T. 13 S., R. 27 E.

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. Well 16" 284 feet deep Pump has 8" discharge and water was measured by orifice method

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. Irrigation

Land irrigated NW. NW. Sec. 32, T. 13 S., R. 27 E. (40 acres)

Land is irrigated and has a good crop on it as result of said irrigation

21187

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. One inch per acre

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. This well pumps approximately 2 1/2 second feet of water and we have been irrigating and put into crop said land.

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) Ernest L. Kerrell

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 Malta, County of Cassia, State of Idaho, on this 13 day of August, A. D. 1957.

My commission expires

January-25-1961

MALTA, IDAHO

21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 14 1957
Department of Reclamation

Permit No. 21187

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. Edward J. Holtman, 42 Malta, Idaho.
Malta, Idaho.

Ques. 2. Are you acquainted with Ernest L. Merrell, the holder of Permit No. 21187? How long have you known him and where does he reside?

Ans. 8 years, Malta, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21187, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. subterranean well, NW1/4NW1/4, Sec 32, Twp 13 S, R. 27 EBL.
private built ditch.

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. 5 second feet, --- 5 second feet.

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

Ans. 2.8 cfs. --- I saw the well tested.

21187

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

Ans. domestic and irrigation use.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 32, Twp 13 S.R 27 E----- 40 acres irrigated

W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 29, Twp 13 S.R 27 EHM----- 80 acres "

cultivated - 50 acres in grain and 70 acres in alfalfa.

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

Ans. ----

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay loam-

3 irrigation will mature crops of hay and grain.

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

Ans. no

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

Ans. I saw a crop of barley raised in 1949, and since that time
crops of hay and grain have been raised each year.

(Signed) *Edward J. Holtman*

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 Malta,
County of Cassia, State of Idaho, on this 13 day of August,
A. D. 1957.

Henry Thompson
Notary Public. Idaho

My commission expires January-25-1961.

MALTA IDAHO

21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 27 4 1957
Department of Reclamation

Permit No. 21187

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. Roger C. Naddo. 30. Malta, Idaho.
farmer, Malta, Idaho.

Ques. 2. Are you acquainted with Ernest L. Merrell, the holder of Permit No. 21187? How long have you known him and where does he reside?

Ans. 8 years. Malta, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21187, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. subterranean well, NW 1/4 NW 1/4 Sec. 32, Twp. 13 N, R. 27 E, B.M.
private ditch.

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. 5 second feet, --- 5 second feet.

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

Ans. 2.8 cfs. my own estimate.

21187

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

Ans. domestic and irrigation use.

NW¹/₄ NW¹/₄ Sec 32. Twp 13 S R 27 E. --- 40 acres

W¹/₂SW¹/₄, Sec. 29. Twp 13 S. R. 27 E. --- 80 acres.

cultivated land. - 70 in alfalfa, 50 acres in grain.

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

Ans. -----

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay loam-

one inch to the acre.

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

Ans. no

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

Ans. I have seen most of it farmed since 1951, and I have seen all of it in hay and grain since 1954.

hay went about 4 ton to the acres, and grain about 50 bushels.

(Signed)

Roger C. Fiedler

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 Malta, County of Cassia, State of Idaho, on this 13 day of August, A. D. 1957.

Henry Thompson
Notary Public.
MALTA, IDAHO

My commission expires January-25-1961.

21187

Boise, Idaho
July 12, 1957

Dear Mr. Kulp:

Your letter and legal of July 11
came today for Ernest L. Merrell, Malta, Idaho.
We will make it to appear in July 18-25, Aug. 1-
8. Will also send first publication for next
Thursday. THANKS

RECEIVED
JUL 15 1957

Department of Reclamation

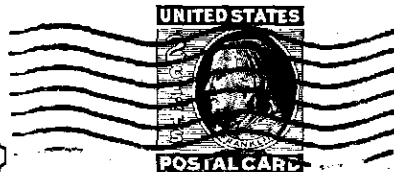
21187

Very truly yours
Burley Herald-Bulletin
By

Hazel B. Hoodall



THIS SIDE OF CARD IS FOR ADDRESS



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

21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 21187
Ernest L. Merrell

Date: July 11, 1957

Burley Herald
Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 13, 1957** the date set for proof, the expense of the publication to be paid by the applicant, **s-Atty- Dean E. Rogers** of **Malta, 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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:vm
Encl.

21187

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

Notice is hereby given that at 9:00 A. M. on the 13th day of August, 19 57,
at Malta, County of Cassia, State of Idaho, before
J. Henry Thompson, Notary Public, proof will be submitted of the
application to beneficial use of 2.4 cubic feet per second of the waters of a well in NW1/4,
Sec. 32, Twp. 13 S., Rge. 27 E. in accordance with the terms and conditions of Permit No. 21187
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 ~~is~~ is

Ernest L. Marrell, Malta, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 2.4 cfs.

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

NW1/4, Sec. 32 and W1/4, Sec. 29, all in Twp. 13 S., Rge. 27 E.

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

The right to take water from such works is based upon Permit No. 21187

The source of supply from which such water is diverted is from a well

The date of priority which said user is prepared to establish is August 12, 1949

MARK R. KULP

State Reclamation Engineer.

July 11, 1957

RE: Permit No. 21187

Mr. Dean E. Rogers
Malta, Idaho

Dear Mr. Rogers:

We acknowledge receipt of Notice in proof of Beneficial Use on Permit No. 21187, in the name of Ernest L. Merrell, to be made August 13th, 1957, before J. Henry Thompson, Notary Public.

We shall send a copy of the Notice to the Burley Herald 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.

At the time set, you should contact Mr. Merrell, permit holder, to appear before J. Henry Thompson, Notary Public, together with his two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:vm

Encl.

cc. Ernest L. Merrell
Malta, Idaho

21187

RECEIVED
JUN 13 1957
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

June 10, 1957

Address

Matta Idaho
City State

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Ernest L. Merrell
By Dean C. Rogers

(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

21187

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

RECEIVED
JUN 13 1957
Department of Reclamation

Notice is hereby given that at 9 A. M. on the 13 day of August, 1957,
at Cassia Malta, County of Cassia, State of Idaho, before
J. Henry Thompson, proof will be submitted of the
application to beneficial use of 2.4 cubic feet per second of the waters of a Well in the NW 1/4 NW 1/4
Sec. 32, T. 13 S. - R. 27 E in accordance with the terms and conditions of Permit No. 21187
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 Ernest
L. Merrill - Malta, Ida

The use to which said water has been applied is Irrigating & Raising Crops

The amount applied to beneficial use is 2.4 Cu. Ft.

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

NW 1/4 of NW 1/4 - Sec 32 - (40 acres) TWP. 13 S., Rge 27 E.
W 1/2 - SW 1/4 - Sec 29 - (80 acres) TWP. 13 S., Rge 27 E.
~~W 1/2 NE 1/4 of NW 1/4 Sec 29 (20 acres)~~

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

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

The source of supply from which such water is diverted is _____

The date of priority which said user is prepared to establish is Application # HUG 124949
28859

State Reclamation Engineer.

21187

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

D E P A R T M E N T O F R E C L A M A T I O N

Permit No. 21187

Boise, Idaho

June 1, 1937

Mr. Ernest L. Merrell
Malta, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21187. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This 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 not later than August 13, 1937, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

P.S. Copy of this Notice and the Forms Mailed to:-

Mr. Dean E. Rogers
Malta, Idaho

21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 21187 Under the)
Provisions of Section ~~5504, Idaho~~)
~~Compiled Statutes~~ 42-311 Idaho Code)
_____)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 21187 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: August 13, 1954; and,

WHEREAS, On the 12th day of November, 1954, ~~1954~~ notice to show cause why said permit should not be canceled, under the provisions of Section ~~5504~~, 42-311 ~~Code~~ ~~Compiled Statutes of Idaho~~, was duly served on the holder of said permit; and,

WHEREAS, On the 20th day of November, 1954, ~~1954~~ the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 21st day of January, 1955, ~~1954~~ depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of State~~ ^{Engineer} Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21187, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21187 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 24th day of January, ~~1954~~ 1955

Commissioner of Reclamation
State Reclamation Engineer
Mark R. Kulp

Assistant

21187

✓
January 24, 1955

RE: Permit No. 21187

Mr. Dean E. Rogers
Malta
Idaho

Dear Mr. Rogers:

We enclose herewith certificate of Completion of Works issued on Permit No. 21187 in the name of Ernest L. Merrell for the diversion of two second feet of water from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 13 South, Range 27 East, B.M. for irrigation of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32; SW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, Township 13 South, Range 27 East B.M.

We also enclose departmental receipt No. 27151 for the \$5.00 fee in connection with this proof.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

21187

PERMIT NO. 21187

RECEIVED
JAN 21 1955
Department of Reclamation

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans.

Dean E. Rogers, Malta, Ida. Farming & well drilling

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Acting in Behalf of Ernest L. Marvel
By His Permission to complete these Papers

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans.

21187 - Aug 13, 1949 NW 1/4 NW 1/4
Sec 32 Twp 13 S Range 27 E.B.M. - 24 Cfs

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans.

For Irrigation. 100 Acres NW 1/4 NW 1/2 of Sec 32 Twp 13 S - Range 27 E.B.M. and SW 1/4 of SW 1/2 and the So. 1/2 of NW 1/4 of NW 1/2 of Sec 29 Twp 13 S Range 27 E.B.M.

Ques. 5. State whether or not the water has been turned into your works of diversion,

Ans.

Yes. 2 Cfs let April 1950

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans.

Works are fully completed & comply with terms of permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

This is to certify that this work was completed prior to August 13, 1954

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans.

Well - 42" Concrete Casing 28ft deep 24" Steel Casing to 54 feet deep - A Farmers pump. 40ft of tubing & a 10 H.P. Motor. Pitches adequate to carry water.

(Sign here.)

Dean E. Rogers

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 Malta,

County of Cassia, State of Idaho, on this 4th day of January, A. D. 1955.

Henry Thompson
Notary Public.

My Commission expires January-25-1957.

21187

Permit No. 21187

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Edward J Holtman Malta Idaho, Farmer
Malta IdahoQues. 2. Are you acquainted with Ernest L. Maxwell, the holder of Permit No 21187, authorizing the diversion of 2.4 second-feet of the waters of under ground, at _____ for _____ purposes? How long have you known him, and where does he reside?Ans. 4 years Doncon ArizonaQues. 3. Have you read or heard read said Permit No 21187, and are you familiar with its terms and conditions?Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. loam soil and requires 1 inch
per acre. This work was completed
before Aug. 13 1954

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. well 42" concrete casing 28 ft deep
24" steel casing 54 feet deep a portable
pump 40 ft of column & a 10 HP
motor(Sign here.) Edward J HoltmanI 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, at my office in MaltaCounty of Cassia, State of Idaho, on this 4th day of January, A. D. 19 55Henry Thompson
26187

Permit No.

21187

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Dean H. Otley, Farmer
Malta Idaho.

Ques. 2. Are you acquainted with Ernest F. Merrell, the holder of Permit No. 21157, authorizing the diversion of 2.4 second-feet of the waters of _____, at Malta for Irrigation purposes? How long have you known him, and where does he reside?

Ans. 5 years. Parnum Arizona.

Ques. 3. Have you read or heard read said Permit No. 21157, and are you familiar with its terms and conditions?

Ans. yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Loam soil and requires about
an inch per acre.The described work was completed prior to
Aug. 13, 1954.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes.

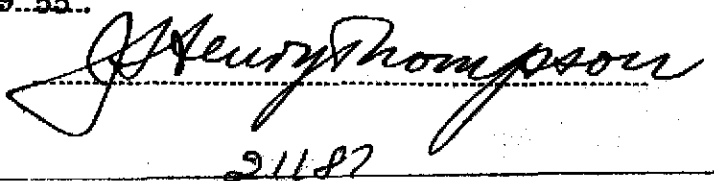
Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Well 42" concrete casing 28 ft deep 24" steel casing
to 54 feet deep a Ramona pump 40 ft of column
& a 10 hp motor adequate ditches to carry water

(Sign here.)

Dean H. Otley

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, at my office in Malta County of Cassia, State of Idaho, on this 4th day of January, A. D. 1955.



21187

RECEIVED
JAN 21 1955
Department of Reclamation

January 7, 1955

RE: Permit No. 21187

Mr. Dean E. Rogers
Malta
Idaho

Dear Mr. Rogers:

We have your letter of January 4 enclosing depositions of yourself and two witnesses offered in proof of completion of works on Permit No. 21187 in the name of Ernest Merrell.

However, none of these depositions state that the works were completed prior to August 13, 1954, the date set for proof and as mentioned in our letters addressed you on December 13 and December 30, that is necessary if the permit is to be reinstated and a Certificate of Completion of Works issued.

We return the depositions for the necessary correction, and meanwhile, we hold to your credit, your check for the \$5.00 fee required by statute for Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21187

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Department of Reclamation

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JAN 5 1955

Department of Reclamation
Jan 4, 1955

Mr. Mark R. Rely -

Dear Mr. Kulp:

I'm enclosing the affidavit
for completion of work for
permit No 21187. Held by
Mr. Ernest L. Merrell
Sorry I've been so long getting
this done.

I believe there is a $\$5.00$
charge for this work for which
I'm enclosing a $\$5.00$ check.

Thanks,

Very Truly yours
Dean E. Rogers
21187

December 30, 1954

RE: Permits Nos. 21186 and 21187

Mr. Dean E. Rogers
Malta
Idaho

Dear Mr. Rogers:

On December 9 you wrote us in regard to the above numbered Permits in the name of Ernest Merrell, to which we replied on December 13 sending you the forms of deposition to be executed by Mr. Merrell and two witnesses, in order to prove that the works were completed within the required time.

To date we have received no depositions and since the forty days allowed in registered letter sent Mr. Merrell on November 12 have expired, it will be necessary to cancel these permits unless the matter is taken care of at once.

Very truly yours,

MARK R. FULP
State Reclamation Engineer
By

Chief Clerk

Ashll
cc Mr. Ernest L. Merrell

21187

✓
December 13, 1954

RE: Permit Nos. 21186 - 21187

Mr. Dean S. Rogers
Malta, Idaho

Dear Mr. Rogers:

Reference made to your letter of December 9 in regard to proofs on the above numbered Permits in the name of Ernest Merrell.

We enclose forms of depositions to be executed for Mr. Merrell and 2 witnesses (one set for each Permit).

These depositions should describe the works that have been completed and state definitely that they were completed prior to August 13, 1954.

Upon receipt and approval of these proofs the Permits may be reinstate and certificate of Completion of works issued. The fees for which will amount to \$5.00 each.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

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Enc.

21187

Malta Idaho
Dec 9, 1954

Dept of Reclamation
Mr. Mark R. Kulb:
Dear Mr. Kulb:

I'm Writing to you regarding Permits No's.
21186 & 21187. If you will please send me the
necessary forms for Mr. Merrell to fill out for
the water that was developed prior to August 13, 1954.
I will see that, that is taken care of so he won't
lose priority on an amount of water that is
developed to date.

Thanks.
Dean E. Rogers

RECEIVED
DEC 13 1954
Department of Reclamation

21187

✓
November 23, 1954

RE: Permits Nos. 21186 & 21187

Mr. Dean E. Rogers
Malta
Idaho

Dear Mr. Rogers:

We have your letter of November 20th in regard to the above numbered Permits in the name of Ernest L. Merrell which are held for cancellation for failure to make proof of Completion of Works when due on or before August 13, 1954.

Since the five years allowed by statute expired on that date no extension can be allowed.

However, if Mr. Merrell wishes to make proof of the amount of water that has been developed under these two permits, the permits may be reinstated and Certificates of Completion of Works may be issued for that amount.

Later on Mr. Merrell may file other applications for additional water to be developed from these wells, but this of course will take a later priority date.

In order to reinstate these permits it will be necessary for Mr. Merrell to furnish affidavits of himself and two witnesses describing the works that were completed prior to August 13, 1954. This will include description of the wells and the pumps.

If Mr. Merrell wishes to do this, we shall be glad to send the necessary forms upon request; otherwise Mr. Merrell may file new applications to take the place of Permits Nos. 21186 and 21187.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

November 12, 1954, 1954

Re: Permit No. 21187

To Mr. Ernest L. Merrell

Malta, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21187
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works August 13, 1954

42-311

you are hereby notified in compliance with Sec. 41-311, Idaho Code annotated that said Permit No. 21187
is hereby held for cancellation,

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21187 claims the use of 2.4 cubic feet per second of the
waters of a well with point of diversion located
in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Twp. 13 South, Range 27 East, B. M., and
was approved August 13, 1949

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
12th day of November, 1954

Mark R. Kulp.

State Reclamation Engineer.

By Assistant.

21187

August 12, 1954

RE: Permits Nos. 21186, 21187

Mr. Ernest L. Merrell
Malta
Idaho

Dear Mr. Merrell:

Reference is made to your letter of August 10 in regard to the above numbered Permits, on which proof of completion of works is due August 13, 1954.

We note the conditions mentioned in your letter and if you can honestly execute Form 6 enclosed for each Permit stating the maximum amount the wells will deliver, Certificates of Completion of works can be issued upon receipt of the statutory fees of \$5.00 each.

You can then be allowed additional time before making your final or beneficial use proof and it is not until this proof has been made that a field inspection is made by this department and the wells measured and also the acreage upon which the water has been applied.

Since the maximum of five years allowed by statute for completion of works will expire August 13, 1954, no extension can be allowed for making this first proof.

Very truly yours,

MARK R. KILP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

21187

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Ernest I. Merrell

Malta, Idaho

Boise, Idaho

June 1, 1954

Dear Sir:-

Under the terms of your Permit No. 21187..... you are required to complete your diversion works on or before..... August 13, 1954..... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a 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 will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

21187

✓
September 9, 1952

RE: Permits Nos. 21186 and 21187

Mr. Ernest L. Merrell
Duncan
Arizona

Dear Mr. Merrell:

We enclose approval of the State Reclamation Engineer of your application for extension of time for completion of works on the above numbered permits to August 15, 1954.

These should be attached to the original permits of which they now form a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21187

Permit No. 21187

Application for Extension of Time FOR COMPLETION OF WORKS

Ernest L. Murrell, of Duncan

State of Ariz., being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 21187

Under the terms and conditions of said permit, construction work thereunder was required to be completed by Aug. 13, 1952.

That he has heretofore performed the following work described under said permit.

Dug open well with six foot cement rings, twenty six feet; from there has twenty four inch casing to forty eight feet from top of well. Pump installed

costing \$2005.00

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

my sons who were doing the developing of the well were taken into the service of our country one is back to the farm and will proceed to complete the well if given the requested time

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the completion of works under said permit to Aug. 13, 1954

Subscribed and sworn to before me this 16 day of August, 1952

W. C. Clouse

Notary Public.

My commission expires Sept 8 1954

Date of receipt at office of Department of Reclamation Aug. 20 - 1952

STATE RECLAMATION ENGINEER

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

Mark R. Kulp

State Reclamation Engineer

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21187 to

August 13, 1954

Witness my hand this 27th day of August

21187
Mark R. Kulp
State Reclamation Engineer

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Ernest L. Merrell

Boise, Idaho **June 2, 1952**

Malta, Idaho

Dear Sir:-

Under the terms of your permit No. ~~21187~~-----you are required to complete your diversion works on or before----~~August 13, 1952~~---. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a 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 will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Vours truly,

MARK R. KULP

State Reclamation Engineer

21187

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21186 and 21187

Date August 18, 1949

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Ernest L. Merrell
Multa, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21731.

21187

T13S., R27E B.M.

30

29

Point of Diversion to

31

32

Permit Map No. 21187
As Approved
AUG 13 1949
MARK R. KULP
Civil Engineering

GEO. N. CARTER
~~XXXXXXXXXX~~

August 6, 1958

Re: Permit No. 21187

Mr. Ernest L. Merrell
Malta
Idaho

Dear Mr. Merrell:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 21187 shows the well is capable of conveying 120 miners' inches (2.4 c.f.s.) of water for irrigation of 120 acres.

Upon receipt of the statutory fee of \$6.00 (based at the rate of two dollars for each 40-acre subdivision) we will issue the License and Certificate of Water Right, under Permit No. 21187, confirming the right with priority of August 12, 1949, to the use of 2.4 second feet of subterranean water, with the point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, for irrigation of 120 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 13 South, Range 27 East.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

21187

NAME OF APPLICANT Ernest L. Murrell

FORM No. 0

S/49-T13SR21E

S/4 1/4
NW 1/4
S/4 1/4
NW 1/4
cont'd
Ac. 32 T13-SR27°