

Sic 13. 76-34 all in cult.

120
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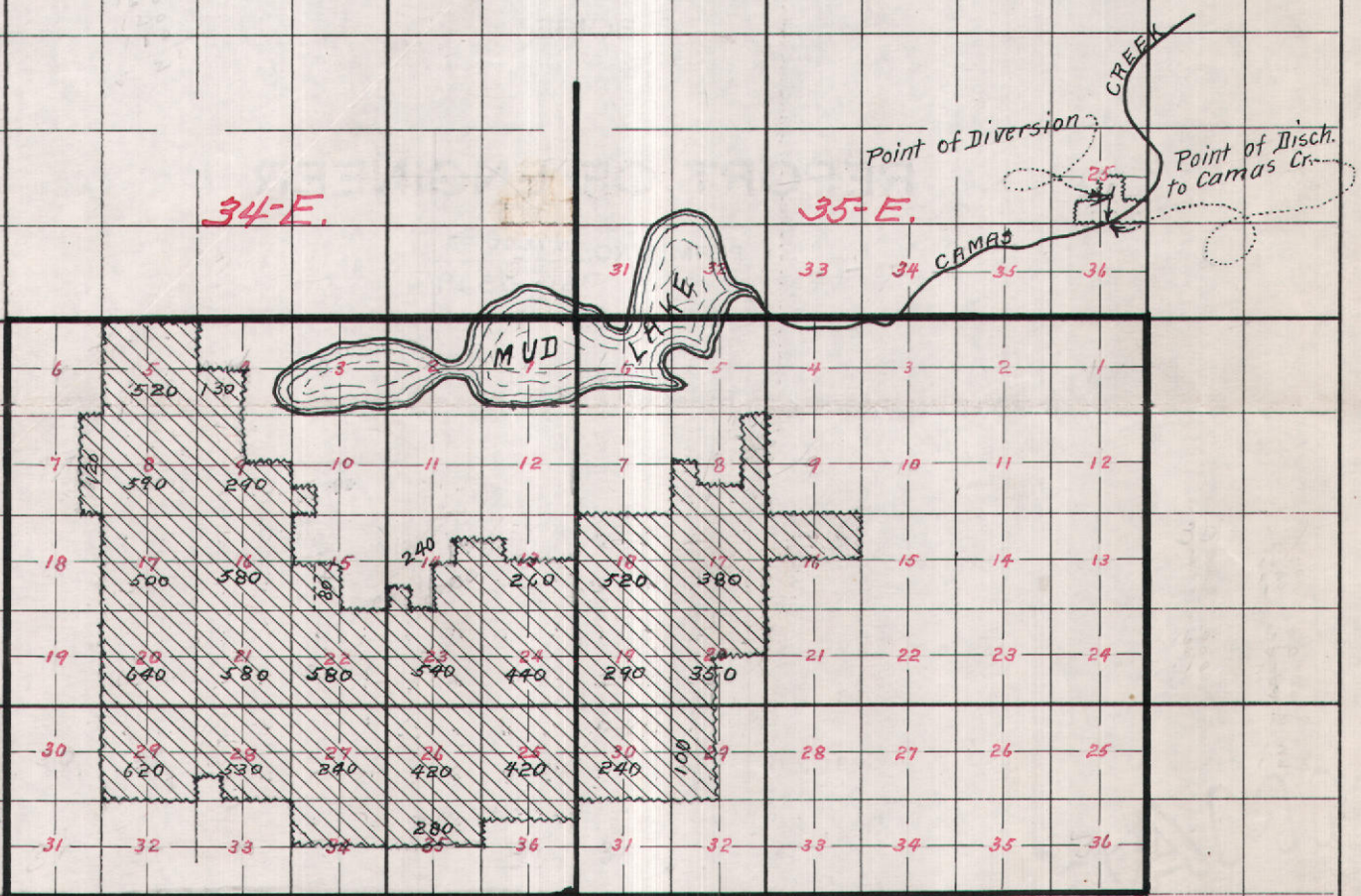
7-N

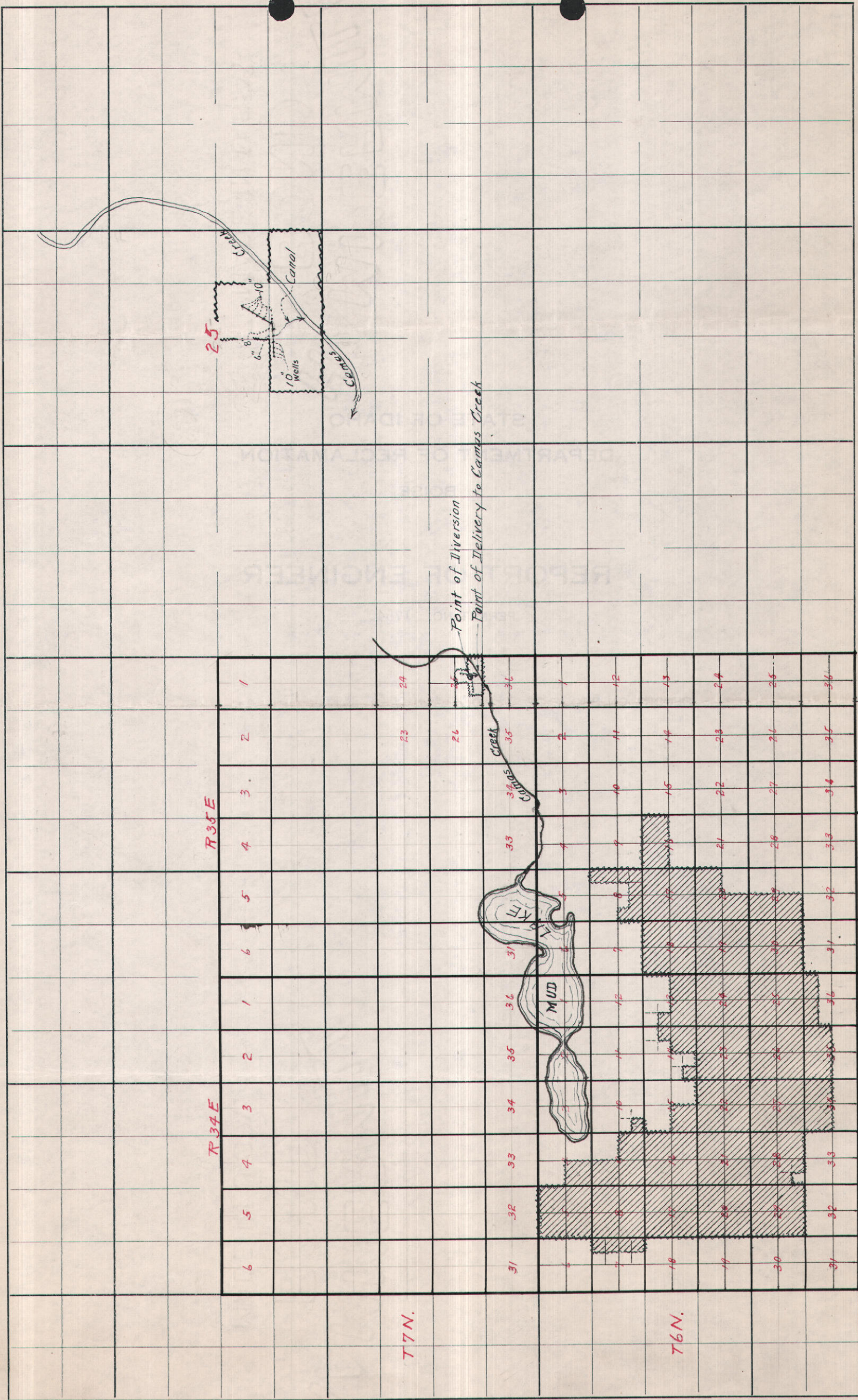
34-E.

35-E.

6-N

271-403





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

This is to certify that: OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF
Priority: 01/25/1930			

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 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00336B : IRRIGATION Priority: 04/27/1932	04/15 to 10/15	11.05 CFS	
Right No. 31-00337B : IRRIGATION Priority: 12/15/1932	04/15 to 10/15	17.00 CFS	
Right No. 31-00371 : IRRIGATION Priority: 09/10/1928	04/15 to 10/15	23.00 CFS	
Right No. 31-02239 : IRRIGATION Priority: 01/25/1930	04/15 to 10/15	40.00 CFS	16899.4 AF
Right No. 31-02265 : IRRIGATION Priority: 05/22/1940	04/15 to 10/15	64.40 CFS	23375.9 AF
Right No. 31-02289 : IRRIGATION Priority: 01/13/1949	04/15 to 10/15	3.20 CFS	560.0 AF
Right No. 31-02290 : IRRIGATION Priority: 02/14/1949	04/15 to 10/15	3.60 CFS	840.0 AF
Right No. 31-02297 : IRRIGATION Priority: 12/29/1949	04/15 to 10/15	6.00 CFS	1190.0 AF
Right No. 31-02310 : IRRIGATION Priority: 09/24/1952	04/15 to 10/15	5.80 CFS	1015.0 AF
Right No. 31-02317A : IRRIGATION Priority: 02/28/1953	04/15 to 10/15	8.08 CFS	1414.0 AF

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 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			

TOTAL: *** 643.21 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
 SESE , Sec. 13, Township 07N, Range 34E
 NENE , Sec. 23, Township 07N, Range 34E
 NENE , Sec. 24, Township 07N, Range 34E
 NWNE , Sec. 24, Township 07N, Range 34E

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
 SWSW , Sec. 13, Township 07N, Range 35E
 SESE , Sec. 14, Township 07N, Range 35E
 Lot 4 (SESW), Sec. 18, Township 07N, Range 35E
 Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E
 SWNW , Sec. 19, Township 07N, Range 35E
 SENW , Sec. 19, Township 07N, Range 35E
 NESE , Sec. 22, Township 07N, Range 35E
 NWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 25, Township 07N, Range 35E
 SESW , Sec. 25, Township 07N, Range 35E
 NWSE , Sec. 25, Township 07N, Range 35E
 SESE , Sec. 26, Township 07N, Range 35E
 NWNE , Sec. 27, Township 07N, Range 35E
 NENW , Sec. 36, Township 07N, Range 35E

JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	34E	3	NENW 26	NWNW 35	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	461
		4	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		5	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		7	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
		8	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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FEB 11 1989

TRANSFER NO. 5335

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
9			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
10			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 20	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			620
11			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
13			NWNW 40	SWNW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			400
14			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 27	SESE 37	460
15			NENW 40	NWNW 40	SWNW 40	
			SESW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 40	SESE 40	476
16			NENE 40	NWNE 40	SWNE 40	
			SENE 25	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
17			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 20	NWSE 40	SWSE 10	
			SESE 10			560
20			NENE 30	NWNE 35	SWNE 40	
			SENE 40	NENW 40	NWNW 30	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			615
21			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 25	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
22			NENE 20	NWNE 20	SWNE 40	
			SENE 40	NENW 36	NWNW 20	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			576
23			NENE 15	NWNE 40	SWNE 40	
			SENE 40	NENW 35	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			610
24			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 10	NWNW 30	
			SWNW 40	SENW 30	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			590
25			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
26			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
27			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
28			NENE 40	SWNE 40	SENE 40	
			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	600
29			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
34			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	
			NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		560
35			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
35E	1		NWNW 4			4
	2		NENE 40	NWNE 40	SWNE 40	
			SENE 8	NESW 32	NWSW 40	
			SWSW 40	SESW 38	NWSE 40	
			SWSE 40			358
3	Lot 1	(NENE) 41.9	Lot 2 (NWNE) 41.7		SWNE 40	
		SENE 40	Lot 3 (NENW) 41.5	Lot 4 (NWNW) 35	NESW 40	
		SWNW 40			SESW 40	
		NWSW 40			SWSE 40	
		NESE 40				

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PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	40			640.1
4	Lot 4	(NWNW)	7	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
5	Lot 1	(NENE)	41.2	Lot 2	(NWNE)	38
		SENE	40	NESW	40	
		NESE	40	NWSE	40	
		SESE	40			327
8		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			399.2
9		NENE	40	NWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
10		NENE	40	SWNE	40	
		SENW	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
		NENE	40	SWNE	40	
		SENW	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
11		NENW	40	NWNW	30	
		SENW	40	NESW	40	
		SESW	40			270
14		NESW	10	NWSW	40	
15		NENE	34	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			50
16		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			634
17		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640

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PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
18			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
19			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
20			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
22			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	
			NESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		440
29			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 10	SESW 40		290
30			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
07N 34E	32		SESW 40	SWSE 40	SESE 40	120
	33		NWSW 10	SWSW 20	SESW 40	
35E	32	Lot 8 (SWSE) 2		Lot 7 (SESE) 18		20
	33		SWSW 1			1
	35		NESE 38	NWSE 34	SWSE 34	
			SESE 38			144
	36		NESW 40	NWSW 40	SWSW 38	118

Total number of acres irrigated: * 24261.3

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31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- *** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.
10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- ** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.
- * 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- * 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- * 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

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TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

- * 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
- * 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
- * 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
- * 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
- * 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
- * 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
- * 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
- * 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
- 23. Two points of diversion are located within SESE, S14, T07N, R35E.
- 24. Two points of diversion are located within Lot 1 (NWNW), S19, T07N, R35E.
- 25. Five points of diversion are located within SWSW, S25, T07N, R35E.
- 26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
- 27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day ofFebruary, 19 99.

J. Glen Saylor
 Chief, Water Allocation Bureau

MICROFILMED

FEB 11 1999

THE OWSLEY CANAL COMPANY, a Corporation,
Plaintiff.

VS.

ERNEST BAUERLE, et al,
Defendants.

CIVIL NO. 1739.

FINAL DECREE.

This cause came regularly on for trial before the court without a jury at the County Courthouse at Rigby, Idaho, on the 14th day of October, 1940.

The plaintiff and the defendant Ben H. Matkins appeared by their attorney, Edwin Snow. The defendants Ernest Bauerle, R.L.Bybie (whose name is sometimes spelled Bybee), R.P.Cope, R.P.Cope, as administrator of the estate of William Barnes, deceased, Edna Next, Cary Prugh (also known as Caroline E. Prugh), and Blanch Schaw (the last three defendants being successors to defendant H.R.Jackett, deceased), Holley Water Users' Association, a corporation, Bessie Hutchison Ellis (formerly Bessie Hutchison), Anna Hutchison (also known as Mrs. W.H.Hutchison, successor to W.H.Hutchison, deceased), Bessie M. Jackett, Frank S.Jackett, Samuel W. Lundholm, Frank E.McClain, David A.Sanders, J.L.Sanders, C.A.Sanders (successor to G.A.Adams, deceased, Charles Thieman, and John Barnes, appeared by their attorney, O.A.Johannesen; the defendants Nicholas Burgraf, Henry Jemmett, Nellie M.Skinner (also known as Nellie J.Skinner, successor to Mary Jemmett, deceased), Independent Water Users of Mud Lake, Inc., a corporation, Bertha I. Owsley, Merritt M.Owsley, Joseph B. Potter, and J.T.Sykes, were represented by their attorney, Ralph L. Albaugh.

None of the other defendants appeared either in person or by attorney.

A stipulation in writing, signed by all the parties who have appeared in the action by attorney, was presented to the court for approval, approved by the court, and filed herein, said stipulation reciting and stipulating the material facts in controversy, agreeing to compromise the cause, and consenting to the entry of this decree; and all parties who appeared in the action in their own persons filed in this cause their consent in writing to the entry of this decree; and accordingly, the cause having been duly submitted to and considered by the court, it is now,

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS: MAY 28 1936

I.

1.

MICROFILMED
FEB 11 1999

IV.

That plaintiff is the owner of the following water permits issued to it by the Department of Reclamation of Idaho for the diversion by means of wells of underground waters in the vicinity of Mud Lake:

PERMIT NUMBER	AMOUNT.	PERMIT NUMBER	AMOUNT
31-0327 17611	110 cubic feet per second.	17640 31-0328	50 cubic feet per second.
31-0328 17612	100 cubic feet per second.	18378 31-0329	80 cubic feet per second.

V.

(a) That the defendant Holley Water Users Association is the owner of water permit No. 16979, issued to Bessie Hutchison (now Bessie Hutchison Ellis) by the Department of Reclamation of Idaho, for the diversion by means of wells of 25 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. 17276, issued to R.P.Cope by the Department of Reclamation of Idaho, for the diversion by means of wells of 24 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. R-528, issued by the Department of Reclamation of Idaho, for the diversion by means of wells and the storage of 5,000 acre feet annually of underground water in the vicinity of Mud Lake.

(b) That the defendant Bessie M. Jackett is the owner of water permit No. 17263, issued to her by the Department of Reclamation of Idaho, for the diversion by means of wells of 10 cubic feet per second of underground waters in the vicinity of Mud Lake.

(c) That the defendant Frank S. Jackett is the owner of water permit No. 17264, issued to him by the Department of Reclamation of Idaho, for the diversion by means of wells of 10 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. 17347, issued by the Department of Reclamation of Idaho, to H.R.Jackett for the diversion by means of wells of 10 cubic feet per second of under-ground water in the vicinity of Mud Lake; and said defendant Frank S.Jackett is also the owner of certain wells whereby he obtains 15.2 cubic feet per second of water decreed in the case of *Sauve*

Each of the parties hereto, and his or its agents, officers, and employees, is hereby enjoined and restrained from interfering with the free flow of water from said wells or any of them into Mud Lake during the non-irrigation season as herein directed, or from interfering during the irrigation season with the withdrawal and use of water from said wells by the respective owners thereof up to the amount of water withdrawn therefrom as limited by this decree.

XV.

The administration of this decree is hereby committed to the water-master of District No. 66.

XVI.

Each of the parties hereto shall bear his own costs,

Dated this 14th day of October, 1940.

C. J. TAYLOR, District Judge.

We hereby consent to the entry of the foregoing final decree; and hereby waive findings of fact and conclusions of law herein, and we hereby agree that the above entitled cause may be heard by the Judge of the above entitled court at any time upon motion of the plaintiff, either in open court or before the Judge at chambers.

Dated October 14, 1940.

EDWIN SNOW.

Attorney for Plaintiff.

Residence: Boise, Idaho.

O. A. JOHANNESSEN, Attorney for Certain Defendants. Residence: Idaho Falls, Idaho.

RALPH L. ALBAUGH, Attorney for Certain Defendants. Residence: Idaho Falls, Idaho.

Filed October 14th, 1940.
By Wm. Sauer, Clerk.

STATE OF IDAHO,

County of Jefferson.

SS.

I, Wm. Sauer, Clerk of the District Court, and Ex-Officio Auditor and Recorder, do hereby certify and declare that the foregoing Nine (9) sheets, numbered from 1 to 9 inclusive, are a full, true and correct copy of the FINAL DECREE, in Civil Case No. 1739, entitled The Owsley Canal Company, a Corporation, Plaintiff, VS ERNEST BAUERLE, et al, Defendants, which said Decree, is recorded in Book 122 of Judgments and Decrees, at Page 346, records of Jefferson County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 31st day of October, 1940.

MAY 2 1936

Wm Sauer

Clerk of the District Court, and Ex-Officio Auditor and Recorder in and for Jefferson County, State of Idaho.

State of Idaho
License and Certificate of Water Right

Water License No. 17640
Water District No.

Amount 50 Sec. Ft.
Priority 1-8-1932

THIS IS TO CERTIFY that F. B. JONES *See assignment*
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 8, 1932; that Permit No. 17640
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
50 second feet, was issued thereunder on February 8, 1935, showing that said works
were completed on the 15th day of September, 1934; and that on the 16th
day of September, 1937,

the OWSLEY CANAL COMPANY, Assignee of F. B. Jones,
of Terraton, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of use of subterranean
waters, a tributary of no known stream, for the purpose of irrigation and domestic
use, under Use Permit No. 17640 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3893, on the 24th day of February, 1938;

The right hereby confirmed dates from January 8, 1932;

The Point of Diversion ^{are} located
in the $\frac{1}{2}$ } SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Tp. 7 N., R. 35 E., B. M., Jefferson County.
 $\frac{2}{2}$ } SW $\frac{1}{4}$ SE $\frac{1}{4}$
 $\frac{3}{3}$ } NW $\frac{1}{4}$ SE $\frac{1}{4}$

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 50
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			WATER IS TO BE USED ON LANDS UNDER THE OWSLEY CANAL COMPANY.		

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 24th day of February, 1938.

R. W. PARIS
Commissioner of Reclamation

(SEAL)

31-00-329

F. B. JONES
Box 515
Boise, Idaho

Nº 17640

31-2252

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 24728
Permit No. 17640
District No.

1. Name of Applicant: F. B. Jones

Postoffice address: Boise

County: Ada

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: 50

cubic feet per second.

3. Source of water supply: Underground waters

which is ^{not} tributary of any other stream so far
as known.

4. Location of point of diversion: See specific location and / quantities under "Remarks"
feet distant from the

corner of Section , T. , R. , B. M., and is in the

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

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

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

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

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

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

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

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

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

7. Estimated cost of works: \$ 3,000.00

8. Kind of works: Wells and ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

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

11. Ditch: Width at bottom 20 feet; width at water line 26.6 feet; depth of water 2.2

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 $2\frac{1}{2}$ years.

13. The time required for the complete application of the water to the proposed use is 3 additional years.

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

15. (a) Is reservoir to be used? Winter flow is to be / stored in Mud Lake, a natural reservoir
(b) Name of Reservoir and number of Storage Permit: If so, fill in (b) and (c) below.
(c) Date of filing of Application for Storage Permit and Name of Applicant:

F. B. Jones Applicant.

By _____ Agent.

Returned to applicant for correction: February 6, 1932

Corrected application received: March 14, 1932

The number of this permit is 17640
Recorded in Book 64 Page 17640 Approved March 16, 1932
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 \$ 1000.00 to be filed on or before May 15, 1932
Work to begin on or before 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 June 16, 1933
The whole of said work to be completed on or before September 16, 1934
Beneficial use of water appropriated in accordance herewith, to be made on or before September 16, 1937

Witness my hand this 16th day of March, 1932

R. W. FARIS
Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
REMARKS: It is proposed to drill wells and develop underground water therefrom within the following subdivisions to the extent shown opposite each respectively: An amount equivalent to continuous flow of:																				
1 - Upon SE¼SW¼, Sec. 25, T. 7 N., R. 35 EBM 15 Sec. ft.																				
2 - Upon SW¼SE¼, Sec. 25, T. 7 N., R. 35 EBM 10 Sec. ft.																				
3 - Upon NW¼SE¼, Sec. 25, T. 7 N., R. 35 EBM 25 Sec. ft.																				
The water so developed will be conveyed through artificial ditches to Mud Lake; thence through Mud Lake to existing point of diversion therefrom of Owsley Canal Company located N. 42° 30' E. 3935 feet from the north quarter corner Section 14, Twp. 6 N., R. 34 East B. M. (which is in the SW¼NW¼ Sec. 12, Twp. 6 N., R. 34 East B. M.); thence the water will be conveyed through the existing irrigation system of Owsley Canal Company																				
6 N.	35 E.	8	40			40						40	40	40	40		40	40	320	
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320		
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480		
		29																320		
		30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		6 N.	34 E.	4										40	40	40	40	40	40	160
				5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
7	40					40											160			
8	40			40	40	40	40	40	40	40	40	40	40	40	40	40	640			
9							40	40	40	40	40	40	40	40	40	40	480			
10													40				40			
13									40		40	40	40	40	40	40	40	360		
14						40							40		40	40	40	240		
15											40	40	40	40				160		
16	40			40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	600				
29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640				
34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320				
35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320				
36	40	40														160				
7 N	35 E.	25										40		40	40	40	160			
		Total Number of Acres to be Irrigated															15,480			

ASSIGNMENT

THIS INDENTURE, made this 2nd day of April, 1932, between F. B. JONES and OLIVER C. JONES, her husband, of Boise, Idaho, parties of the first part, and OWSLEY CANAL COMPANY, an Idaho corporation, party of the second part,

WITNESSETH: Whereas, on March 16, 1932, the Commissioner of Reclamation of the State of Idaho issued and approved the following water permit covering the appropriation of underground waters in Jefferson County, Idaho, said permit being issued to F. B. Jones, one of the parties of the first part hereto, to-wit: Permit No. 17640 for 50 cubic feet per second of underground water,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar, cash in hand paid to the parties of the first part by the party of the second part, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell, convey, assign and set over unto the party of the second part, its successors and assigns, forever that certain water permit above described, together with all rights, benefits and privileges connected therewith, and all the waters appropriated thereby.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

F. B. Jones

Oliver C. Jones

STATE OF IDAHO,)
) ss.
County of Ada.)

On this 4th day of April, 1932, before me, THOS. L. MARTIN, a Notary Public in and for said county and state personally appeared F. B. JONES and OLIVER C. JONES, wife and husband, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Thomas L. Martin
Notary Public for Idaho,
Residence: Boise, Idaho.

My Commission Expires
September 14, 1934.

Received and filed for record in the department of Reclamation at Boise, Idaho at 9:00 A. M., April 6, 1932.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

PERMIT NO. 17640
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Owsley Canal Co. by John L. Hutton, Secretary, of Terreton, County of Jefferson, and State of Idaho, the holder of Permit No. 17640, issued upon Application No. 24728, bearing date of priority of January 8, 1932, authorizing the diversion of 50 second feet of subterranean water, County of Jefferson, State of Idaho, for irrigation and domestic 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 50 second feet of subterranean water; that the points of diversion of said waters are: 1-Upon SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 7 N., R. 35 E. 15 Sec. Ft., 2-Upon SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 7 N., R. 35 E. 10 Sec. Ft., 3-Upon NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 7 N., R. 35 E. 25 Sec. Ft. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 15,480 acres,

E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ Sec. 16; all of Secs. 17, 18 & 19; NE $\frac{1}{4}$, NW $\frac{1}{4}$ & SW $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ Sec. 29; all of Sec. 30; all in T. 6 N., R. 35 E. SW $\frac{1}{4}$, Sec. 4; all of Sec. 5; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7; all of Sec. 8; NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 13; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; SW $\frac{1}{4}$, Sec. 15; all of Secs. 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, & SE $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$, Sec. 34; N $\frac{1}{2}$, Sec. 35; N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, all in T. 6 N., R. 34 E. SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 7 N., R. 35 E., B. M.

Witness my hand this 8th day of February, A. D. 1935.

LICENSE ISSUED FOR 50 SEC. FT.
K. 7, P 3893

Proof of Completion of Works made September 15, 1934.
Certificate issued February 8, 1935.

R. W. FARIS
Commissioner of Reclamation

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/
02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/
02344/02345/07005

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.

MICROFILMED
FEB 11 1999

MEMORANDUM

TO: FILE 31-00329

FROM: PAM SKAGGS *PS*

RE: TRANSFER # 5395

DATE: 11-5-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 31-00327.

MICROFILMED
FEB 11 1999

Water Right Number - 31-02252

Prefix Translation: WATER RIGHT

Old (D) Number - 17640

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

OWSELY CANAL CO.

1 -
2 -
3 -
City- TERRETON State- ID Zip- 83450
Phone -

*** D - ORIGINAL OWNER ***

JONES

F. B.

1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/08/1932 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

Point of Diversion						Diversion Name	Diversion Rate	Diversion No.
Twn	Rng	Sec	Tract	Lot	RFlg	County		
07N	35E	25	SE SW		(51)	JEFFERSON		
			NW SE		(51)	JEFFERSON		
			SW SE		(51)	JEFFERSON		

Water Use		Diversion Rate	Diversion Volume
Code	Description	Period From	Period To
01	IRRIGATION		50.000
43	DOMESTIC		

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
50.000 0.0

Place of Use								Description	County
Twn	Rng	Sec	Tract	Lot	Acres	Code			
06N	34E	4				01	IRRIGATION	(51) JEFFERSON	
06N	34E	5				01	IRRIGATION	(51) JEFFERSON	
06N	34E	7				01	IRRIGATION	(51) JEFFERSON	
06N	34E	8				01	IRRIGATION	(51) JEFFERSON	
06N	34E	9				01	IRRIGATION	(51) JEFFERSON	
06N	34E	10				01	IRRIGATION	(51) JEFFERSON	
06N	34E	13				01	IRRIGATION	(51) JEFFERSON	
06N	34E	14				01	IRRIGATION	(51) JEFFERSON	
06N	34E	15				01	IRRIGATION	(51) JEFFERSON	
06N	34E	16				01	IRRIGATION	(51) JEFFERSON	
06N	34E	17				01	IRRIGATION	(51) JEFFERSON	
06N	34E	20				01	IRRIGATION	(51) JEFFERSON	

See 31-00329
Superseded by Decree 10-14-1940 Owsley Canal Co vs Ernest Bawerle, et al.
Database updated 01-15-1999. 28

Water right number - 31-02252

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
06N	34E	21				01	IRRIGATION	(51)	JEFFERSON
06N	34E	22				01	IRRIGATION	(51)	JEFFERSON
06N	34E	23				01	IRRIGATION	(51)	JEFFERSON
06N	34E	24				01	IRRIGATION	(51)	JEFFERSON
06N	34E	25				01	IRRIGATION	(51)	JEFFERSON
06N	34E	26				01	IRRIGATION	(51)	JEFFERSON
06N	34E	27				01	IRRIGATION	(51)	JEFFERSON
06N	34E	28				01	IRRIGATION	(51)	JEFFERSON
06N	34E	29				01	IRRIGATION	(51)	JEFFERSON
06N	34E	34				01	IRRIGATION	(51)	JEFFERSON
06N	34E	35				01	IRRIGATION	(51)	JEFFERSON
06N	34E	36				01	IRRIGATION	(51)	JEFFERSON
06N	35E	8				01	IRRIGATION	(51)	JEFFERSON
06N	35E	16				01	IRRIGATION	(51)	JEFFERSON
06N	35E	17				01	IRRIGATION	(51)	JEFFERSON
06N	35E	18				01	IRRIGATION	(51)	JEFFERSON
06N	35E	19				01	IRRIGATION	(51)	JEFFERSON
06N	35E	20				01	IRRIGATION	(51)	JEFFERSON
06N	35E	29				01	IRRIGATION	(51)	JEFFERSON
06N	35E	30				01	IRRIGATION	(51)	JEFFERSON

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN P/U WITHIN LANDS OF OWSELY CANAL CO.
LAND IRRIGATED APPROX. 10,480 AC.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - -Comments- - - - - +
No Comments Found

+ - - Audit Fields - 03/26/85 05/22/88 CONVERT

Water right number - 31-02252

Prefix Translation: WATER RIGHT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 03/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- ~~04/16/1979~~	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	- ~~2-24-1936~~	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17640

This proof is for BENEFICIAL USE

In Water District No.

1. Name of applicant OWSLEY CANAL COMPANY

2. Source of water supply: Subterranean Waters

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25

T. 7 North R. 35 East County of Jefferson

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

wells of from 6" to 10" diameter and 50 to 60 ft deep. Canal to
Canal Creek is 20 ft wide and about 1000 ft long.

5. Water is used for: Irrigation & domestic

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 for other than irrigation):

E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, & S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 8; N $\frac{1}{2}$ Section 16;

all of Sections 17, 18 & 19; NE $\frac{1}{4}$, NW $\frac{1}{4}$, & SW $\frac{1}{4}$ of Section 20; W $\frac{1}{2}$ of Section 29;

all of Section 30; Township 6 North, Range 35 East; SW $\frac{1}{4}$ of Section 4; all of

Section 5; E $\frac{1}{2}$ NE $\frac{1}{4}$, & E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7; all of Section 8; NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ of Sec-

tion 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$ & S $\frac{1}{2}$ of Section 13; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$

of Section 14; SW $\frac{1}{4}$ of Section 15; all of Sections 16, 17, 20, 21, 22, 23, 24, 25,

26, 27, & 29; N $\frac{1}{2}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, & SE $\frac{1}{4}$ of Section 28; N $\frac{1}{2}$ of Section 34; N $\frac{1}{2}$ of

Section 35; N $\frac{1}{2}$ NE $\frac{1}{4}$, & N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36; all in Township 6 North, Range 34 East;
SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, & SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25; Township 7 North, Range 35 East.

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

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

Remarks: The water developed under this permit
is used in addition to other supply for general
distribution over the project.
The present irrigated area is approximately
10480 acres

This examination was made on the 30th day of November, 1937

(Signed)

Edith A. Dolman
Examiner.

JOHN L. HUTTON, Secy.
Owley Canal Company
Terreton, Idaho

65

Permit No. 17640

Examination for Beneficial Use

County Jefferson

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 a 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.

Sec 13, T6-34 all in cult.

120
50
90
-240
300
140

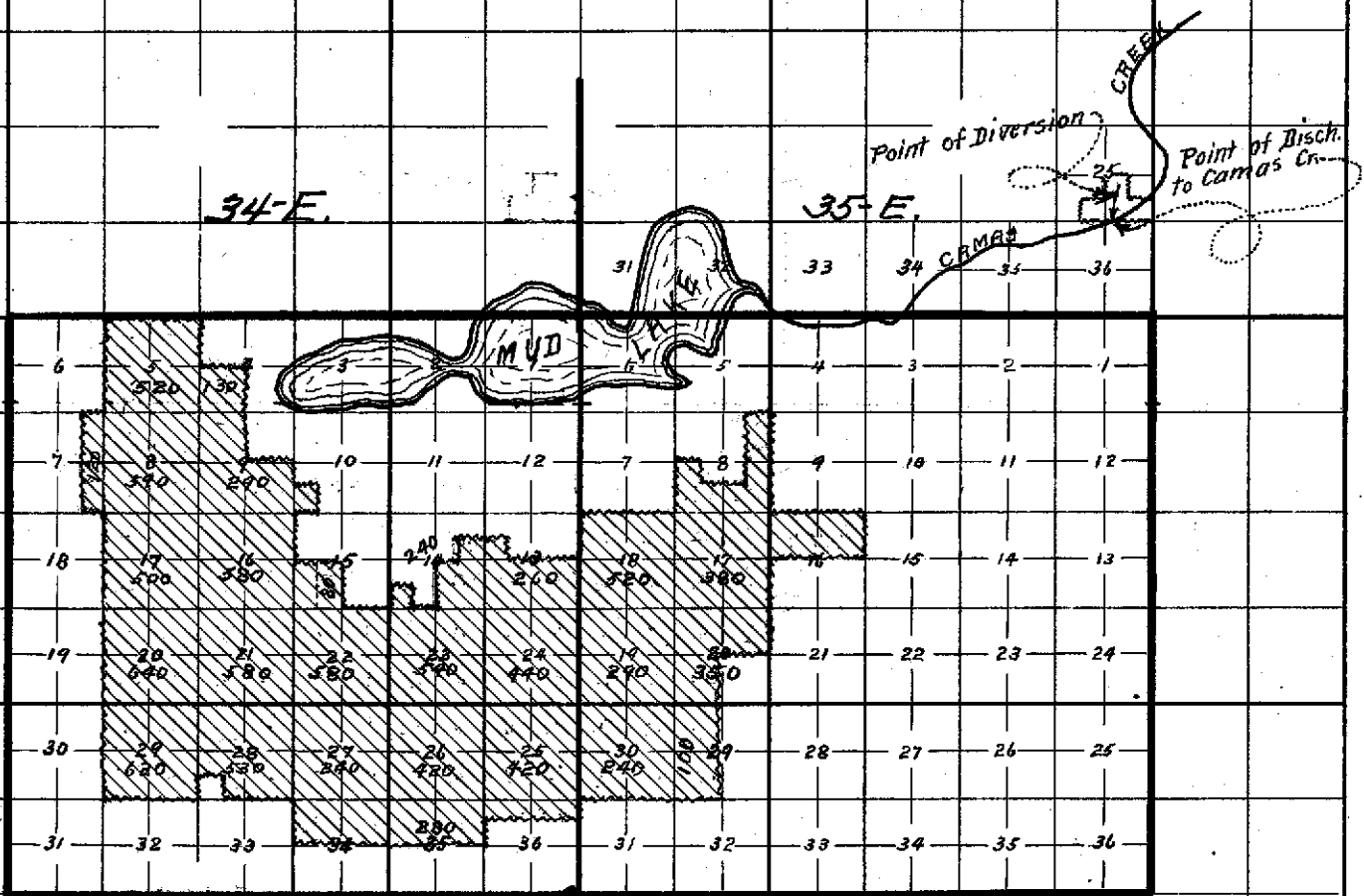
7-N

34-E

35-E

6-N

27-40



40/1440
27

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17640
31-00329

REPORT ON PROOF OF BENEFICIAL USE

OK RFB.

April 6, 1938

Re: Permit 17640 ✓

Sidney C. Fuld, Manager
Fidelity and Deposit Company of Maryland
Continental Bank Building
Salt Lake City, Utah

Dear Sir:

I have your letter of April 1, in which you request information concerning the certificate of completion of works on the above numbered permit. This certificate was issued February 8, 1935. Therefore the company is relieved of any liability as covered by the bond and the bond may forthwith be cancelled.

Very truly yours,

PAUL H. BERG
Deputy Commissioner of Reclamation

PHE:mb

17640

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

RECEIVED

APR 2 1938

HOME OFFICE - BALTIMORE

Feb. 8, '35

Department of Reclamation

FIDELITY AND SURETY
BONDS



BURGLARY AND GLASS
INSURANCE

SIDNEY C. FULD
MANAGER

RONALD D. MCGREGOR
ASSISTANT MANAGER

SALT LAKE CITY SERVICE OFFICE

CONTINENTAL BANK BUILDING

SALT LAKE CITY, UTAH

TELEPHONE
WASATCH 988

April 1, 1938

Mr. R. W. Faris, Commissioner
of Reclamation
Capitol Building
Boise, Idaho

Re: 3251876 - F. B. Jones, Water Permit No. 17640

Dear Sir:

We are advised that Certificate of Completion on the work covered by our bond was completed about two years ago and I would appreciate it if you would advise the date the certificate of completion was issued. I enclose stamped addressed envelope for reply.

Yours very truly,

Sidney C. Fuld, Manager

SCF/pes
Enc.

17640

February 2, 1938

Re: Permit No. 17640,
Owsley Canal Company.

Mr. John L. Hutton, Secy.
Owsley Canal Company
Terreton, Idaho

Dear Sir:

We now have our field engineer's report on the inspection he made last November in connection with your proof of beneficial use of water appropriated under the above permit. Therefore, upon receipt of a fee in the amount of \$387.00, the Department will issue you a license for 50 second feet of subterranean waters for irrigation and domestic purposes.

Very truly yours,

Deputy Commissioner of Reclamation

j1

17640

February 25, 1938

Re: Permit No. 17640,
Owaley Canal Company.

Mr. John L. Hutton, Secy.
Owaley Canal Company
Terreton, Idaho

Dear Sir:

We are herewith enclosing License and Certificate of
Water Right confirming the right of the Owaley Canal Company to
the use of fifty second feet of subterranean waters, with a date
of priority of January 8, 1938.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

JL
Encl.
cc to Edwin Snow.

17640

Edwin Snow
Lawyer
Boise, Idaho

RECEIVED

FEB 10 1938

February 9, 1938

Hon. R. W. Faris,
Commissioner of Reclamation,
State Capitol,
Boise, Idaho.

Dear Mr. Faris:

My client, Owsley Canal Company, has just sent me the enclosed communication of your office, dated February 2, 1938, addressed to John L. Hutton, Secretary, requesting remittance of \$387.00 in connection with beneficial proof on Permit No. 17640. This letter was doubtless sent out by inadvertence. You are familiar with this situation and know that the Owsley Canal Company project is a Carey Act project and was originally designed to be irrigated by water appropriated from Mud Lake under permit No. 4713, upon which permit two separate proofs of beneficial use were long ago made. Later, when this water supply proved inadequate, various permits were filed, designed to furnish a supplemental supply from artesian wells and adjacent sources. Among these was permit No. 17262, upon which I believe proof of beneficial use for a small quantity of water was made.

Permit No. 17640 is, therefore, strictly a supplemental water supply for the Owsley Canal Company's project which has been under irrigation (but with inadequate water) for nearly twenty years. Your attention is called to the following provisions of the statute, found in the last part of **Sec. 41-215**, Idaho Code Annotated, relating to the fees of your department:

"Provided further, that in the case of water used for irrigation, where the right sought is additional to an existing water right, and where the department of reclamation is not required to make an examination of the ditches or the lands of the user in order to determine that the water has been applied to a beneficial use, no fee for examining the ditches or lands of the user shall be paid to the department; and this proviso shall apply to rights already initiated, as well as rights to be hereafter acquired".

17640

R.W.F. #2.

It seems the clear intent of the law that a water user on receiving his license shall pay once to the department of reclamation a fee of \$2.00 for every 40-acre subdivision for which license has been issued; but that such fee shall not be required to be paid again for supplemental water for the same land. Your records will disclose that the Owsley Canal Company has already paid its license fees at least once and that the enclosed letter to Mr. Hutton was no doubt sent out through inadvertence.

Very truly yours,

Edwin Snow
FBJ

ES:FBJ

Enc.

17640

October 5, 1937

Re: Permit 17640,
Owsley Canal Co.

Mr. Edwin Snow
Attorney at Law
Boise, Idaho

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper, all in connection with beneficial use proof under the above permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your license.

Very truly yours,

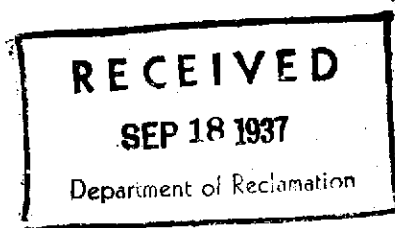
Deputy Commissioner of Reclamation

jl

17640

Edwin Snow
Lawyer
Boise, Idaho

September 18, 1937



Department of Reclamation,
State Capitol,
Boise, Idaho.

Gentlemen: Re: Proof of Beneficial Use -
 Owsley Canal Company - Permit
 No. 17640.

I am handing you herewith the following:

- of proof,
- (1) Affidavit of publication of notice
 - (2) Deposition of holder,
 - (3) Deposition of two witnesses.

Fees for the issuance of license will
be tendered as soon as it is found that these papers
are in order and field inspection satisfactorily
passed.

Very truly yours,

ES:FBJ

Enc.

Edwin Snow

17640

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Jefferson, } ss.

RECEIVED

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 16th day of September, 1937, at Rigby, County of Jefferson, State of Idaho, before Bash L. Bennett, Notary Public, proof will be submitted of the application to beneficial use of 50.0 cubic feet per second of the waters of subterranean waters in accordance with the terms and conditions of Permit No. 17640 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 Owsley Canal Company, a corporation, or Terreton, Idaho.

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

The amount applied to beneficial use is 50.0 cubic feet second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 15,480 acres, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ Sec. 16; all of Secs. 17, 18 and 19; NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ Sec. 29; all of Sec. 30; all in T. 6 N., R. 35 E.; SW $\frac{1}{4}$, Sec. 4; all of Sec. 5; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7; all of Sec. 8, NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 13; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; SW $\frac{1}{4}$, Sec. 15; all of Secs. 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$ Sec. 34; N $\frac{1}{2}$ Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, all in T. 6 N., R. 34 E.; SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 7 N., R. 35 E., B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Camas Creek, Camas Creek Diversion Canal and irrigation system of claimant.

The right to take water from such works is based upon Permit No. 17640.

The source of supply from which such water is diverted is subterranean waters.

The date of priority which said user is prepared to establish is January 8th, 1932.

R. W. FARIS,
Commissioner of Reclamation.
Aug. 12-19-26; Sept. 2.

I, M. A. Frissell, publisher, foreman, of the Gem State Sentinel, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the notice, copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for four consecutive issues, the first publication having been made on the 12th day of August, 1937, and the last publication appearing on the 2nd day of September, 1937.

Further that the said newspaper has a general publication in said county and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Subscribed and sworn to before me this 2nd day of Sept, 1937.

(SEAL)

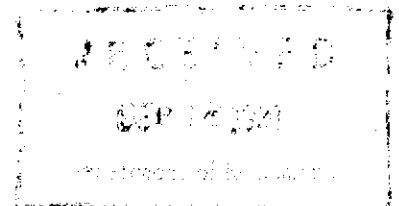
My commission expires

July 5, 1940
Residing at Rigby Idaho

Lillie M. Baudel
Notary Public

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17640

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Owsley Canal Company, by John L. Hutton, its Secretary.
Terreton, Jefferson County, Idaho. A Carey Act Project.

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. Owsley Canal Company, Hamer, Idaho. I am its Secretary and directed to act by the Board of Directors.

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

Ans. 17640. January 8th, 1932; and same as date of priority. Mar 16, 1932

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

Ans. Subterranean waters Wells and diversions points in the SE $\frac{1}{4}$ SW $\frac{1}{4}$;
SW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; section 25, township 7 North Range 35 East Boise Meridian.

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.

Ans. Wells and a canal 20 feet wide at bottom and 12 feet in depth,
and has a total length of 1800 feet. Flows into Camas Creek, thence from
Camas Creek through a diversion canal, thence into the Owsley Canal
Company's intake. For winter storage is allowed to flow into Mud Lake.

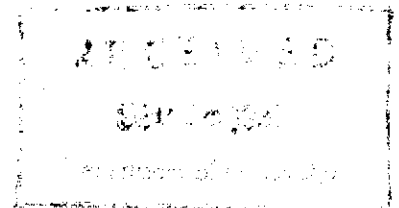
Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements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

Lands embraced in this application are as follows;

E $\frac{1}{2}$ NE $\frac{1}{4}$:W $\frac{1}{2}$ SW $\frac{1}{4}$;SE $\frac{1}{4}$ SW $\frac{1}{4}$:NE $\frac{1}{4}$ SE $\frac{1}{4}$:S $\frac{1}{2}$ SE $\frac{1}{4}$: section 8,N $\frac{1}{2}$; section 16 all of
sections 17,18 and 19NE $\frac{1}{4}$;NW $\frac{1}{4}$ and SW $\frac{1}{4}$; section 20,W $\frac{1}{2}$ Section 29, all
of section 30,all in township 6 North Range 35 E.B.M. and
SW $\frac{1}{4}$: section 4, all of section 5,E $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 7, all of section
8,N $\frac{1}{2}$ SW $\frac{1}{4}$;SW $\frac{1}{4}$;SE $\frac{1}{4}$: section 9,SW $\frac{1}{4}$ SW $\frac{1}{4}$; section 10,SW $\frac{1}{4}$ NW $\frac{1}{4}$:S $\frac{1}{2}$; section
13,SW $\frac{1}{4}$ SW $\frac{1}{4}$:SE $\frac{1}{4}$ NE $\frac{1}{4}$:SE $\frac{1}{4}$; section 14SW $\frac{1}{4}$; section 15,All of section 16,17,20,
21,22,23,24,25,26,27,29;N $\frac{1}{2}$,N $\frac{1}{2}$ SW $\frac{1}{4}$.SE $\frac{1}{4}$ SW $\frac{1}{4}$;and SE $\frac{1}{4}$: section 28,N $\frac{1}{2}$ Section 34,
N $\frac{1}{2}$ Section 35,N $\frac{1}{2}$ NE $\frac{1}{4}$;N $\frac{1}{2}$ NW $\frac{1}{4}$;section 36, all in township 6 North Range 34
East Boise Meridian, andSE $\frac{1}{4}$ SW $\frac{1}{4}$;W $\frac{1}{2}$ SE $\frac{1}{4}$;SE $\frac{1}{4}$ SE $\frac{1}{4}$;section 25, township 7
North Range 35 E.B.M. Containing 15,480 acres.

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17640

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Owsley Canal Company, by John L. Hutton, its Secretary.
Terreton, Jefferson County, Idaho. A Carey Act Project.

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. Owsley Canal Company, Hamer, Idaho. I am its Secretary and directed to act by the Board of Directors.

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

Ans. 17640. January 8th, 1932; ^{Mar 16, 1932} and same as date of priority.

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

Ans. Subterranean waters Wells and diversions points in the SE $\frac{1}{4}$ SW $\frac{1}{4}$;
SW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; section 25, township 7 North Range 35 East Boise Meridian.

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.

Ans. Wells and a canal 20 feet wide at bottom and 12 feet in depth,
and has a total length of 1800 feet. Flows into Camas Creek, thence from
Camas Creek through a diversion canal, thence into the Owsley Canal
Company's intake. For winter storage is allowed to flow into Mud Lake.

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. This is used as a supplemental supply to water already used upon
the lands hereinafter described on the attached slip, there being
15,480 acres described and is used on something over 11,000 acres.
This is distributed in stated intervals but would be on various parts
of the lands cultivated, being impossible to determine exactly on what
particular lands.

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

Ans. no.

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

Ans. 50 cu bic feet per second.

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

Ans. I am the person mentioned in original application.

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

Ans. Water has been diverted ever since January 1932 in storage or directly upon this land each year in the amount of the 50 second feet.

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. Others are diverted that have been decreed to this land by the U.S. District Court for Idaho, in the case of Sauve, vs Abbott et al.

(Sign)

John E. Hunter

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 Rigby, County of Jefferson, State of Idaho, on this 17th day of September, A. D. 1937.

Rash L. Bennett

Notary Public for Idaho,
Residing at Rigby, Idaho.

My commission expires Nov. 9th, 1938.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17640

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. Thomas Waggoner, age 48, farmer, Montevieu, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 17640? How long have you known him and where does he reside?

Ans. Yes, known the company for about 20 years or ever since it started.

Ques. 3. Have you read or heard read said Permit No. 17640, 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 waters, and point of diversions are all in the S $\frac{1}{2}$; section 25, in township 7 North Range 35 E.B.M. There are wells, and a ditch about 1800 feet long 20 feet at bottom and 12 feet deep that conveys the water to Camas Creek, that a diversion canal that carries it from Camas Creek to the intake of the Owsley Canal Company. Winter the water is allowed to flow into Mud Lake.

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. Over 50 cubic feet per second. Have seen that much.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadowland and the nature of all improvements.

Lands embraced in this application are as follows;

E $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$: sections 8, N $\frac{1}{2}$; section 16 all of sections 17, 18 and 19 NE $\frac{1}{4}$; NW $\frac{1}{4}$ and SW $\frac{1}{4}$; section 20, W $\frac{1}{2}$ Section 29, all of section 30, all in township 6 North Range 35 E.B.M. and SW $\frac{1}{4}$: section 4, all of section 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$; Section 7, all of section 8, ~~NW $\frac{1}{4}$ SW $\frac{1}{4}$~~ NW $\frac{1}{4}$; SW $\frac{1}{4}$; SE $\frac{1}{4}$: section 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$; section 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$; section 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; section 14, SW $\frac{1}{4}$; section 15, All of section 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; and SE $\frac{1}{4}$: section 28, N $\frac{1}{2}$ Section 34, N $\frac{1}{2}$ Section 35, N $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$; section 36, all in township 6 North Range 34 East Boise Meridian, and SE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; section 25, township 7 North Range 35 E.B.M. Containing 15,480 acres.

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17640

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. Thomas Waggoner, age 48, farmer, Montevue, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 17640? How long have you known him and where does he reside?

Ans. Yes, known the company for about 20 years or ever since it started.

Ques. 3. Have you read or heard read said Permit No. 17640, 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 waters, and point of diversions are all in the S $\frac{1}{2}$ section 25, in township 7 North Range 35 E.B.M. There are wells, and a ditch about 1800 feet long 20 feet at bottom and 12 feet deep that conveys the water to Camas Creek, that a diversion canal that carries it from Camas Creek to the intake of the Owsley Canal Company. Winter the water is allowed to flow into Mud Lake.

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. Over 50 cubic feet per second. Have seen that much.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. This is used as a supplemental water supply for other lands embraced in the Owsley Canal Project, and is used in various amounts on different pieces of land during the irrigation season, it being impossible to determine upon what particular lands the waters were used as they are commingled with other waters.

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

Ans. no

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

Ans. Land is generally level, sandy soil, and about 11,500 acres of the 15,480 acres described are irrigated, will take at least 2 acre feet per acre.

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 of any kind.

Ans. Water has been diverted every year since in January, 1932.

All the amount claimed has been diverted.

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

Ans. Have witnessed this water being diverted in the amount of 50 cu. ft per second every year since January, 1932.

(Signed)

Thomas 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 Rigby, County of Jefferson, State of Idaho, on this ~~xxxxx~~ 17th day of September, A. D. 19 37.

Basil Bennett

Notary Public.

My commission expires Nov. 9th, 1938.

Rigby, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17640

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. Grace A. Hutton, age 50 years, housewife, bookkeeper, Terreton, I
Idaho

Ques. 2. Are you acquainted with Owsley Canal Company, the
holder of Permit No. 17640? How long have you known him and where does he reside?

Ans. H_amer, Idaho. Yes ever since water was diverted, west
of H_amer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17640, 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 waters, diversion is in the south half of section 25,
township 7 North Range 35 E.B.M. There are well which flow thorough a
canal 1800 feet long, 12 feet deep, and about 20 feet wide on bottom.
This leads to Camas Creek, and is then diverted into diversion
canal to the intake of the Owsley Canal pumps.

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. Over 50 cu.ft. per second. Have seen that much.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each

Lands embraced in this application are as follows;

E₁NE₁:W₁SW₁;SE₁SW₁:NE₁SE₁:S₁SE₁: section 8, N₁; section 16 all of
sections 17, 18 and 19 NE₁; NW₁ and SW₁; section 20, W₁; Section 29, all
of section 30, all in township 6 North Range 35 E.B.M. and
SW₁; section 4, all of section 5, E₁NE₁:E₁SE₁; Section 7, all of section
8, NE₁SW₁:NW₁;SW₁;SE₁: section 9, SW₁SW₁; section 10, SW₁NW₁:S₁; section
13, SW₁SW₁:SE₁NE₁:SE₁; section 14 SW₁; section 15, All of section 16, 17, 20,
21, 22, 23, 24, 25, 26, 27, 29, N₁, N₁SW₁:SE₁SW₁; and SE₁: section 28, N₁; Section 34,
N₁; Section 35, N₁NE₁:N₁NW₁; section 36, all in township 6 North Range 34
East Boise Meridian, and SE₁SW₁:W₁SE₁:SE₁SE₁; section 25, township 7
North Range 35 E.B.M. Containing 15,480 acres.

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17640

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. Grace A. Hutton, age 50 years, housewife, bookkeeper, Terreton, I
Idaho

Ques. 2. Are you acquainted with Owsley Canal Company, the
holder of Permit No. 17640? How long have you known him and where does he reside?

Ans. Hamer, Idaho. Yes ever since water was diverted, west
of Hamer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17640, 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 waters, diversion is in the south half of section 25,
township 7 North Range 35 E.B.M. There are well which flow through a
canal 1800 feet long, 12 feet deep, and about 20 feet wide on bottom.
This leads to Camas Creek, and is then diverted into diversion
canal. to the intake of the Owsley Canal pumps.

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. Over 50 cu.ft. per second. Have seen that much.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each
sub-division 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 improvement which have
been made as a direct result of said use.

Ans. is used as a supplemental water right to the lands hereinafter
described on about 11,500 acres of the 15,480 described, used in
various parts of this land, being commingled with other waters it
is impossible to determine just upon what part of any subdivision
this occurs. All is cultivated No natural meadow lands.

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

Ans. no

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

Ans. Desert land, sandy loam in character, would require anyway 2
acre feet per acre.

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

Ans. Yes, I own 160 acres of land with water under this project.

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

Ans. Every year since in January. 1932, used over 50 cu.ft. per second.

(Signed)

George A. Hutton

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 Rigby, County of Jefferson, State of Idaho, on this ~~16th~~ 17th day of September, 1937. A. D. 1937.

Bash L. Ramsey

Notary Public.

My commission expires Nov. 9th, 1938.

Rigby, Idaho.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,
Sept. 10, 1937

Mr. Bash L. Bennett
Notary Public
Rigby, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17640

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On Sept. 16, 1937, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Rigby, Idaho before Bash L. Bennett, Notary Public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

R. W. FARIS

Commissioner of Reclamation.

17640

September 8, 1937

Re: Permit 17640,
Owsley Canal Co.

Mr. O. A. Johannessen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannessen:

In answer to your letter of recent date, I wish to advise you that the priority date which the holder of the above permit is claiming, and in behalf of which it expects to submit proof of beneficial use on the 16th day of September, is January 8, 1932.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By

Chief Clerk

11

17640

Jan 8, 1932

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

September 2, 1937

Hoh. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

In re: #17640, Owsley Canal Co.

Dear Mr. Faris,

Will you be kind enough to inform me as to the date of priority which the holder of this permit is claiming, and in behalf of which it expects to submit proof of beneficial use on the 16th day of September.

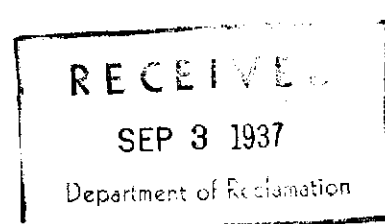
Thanking you for this information, I am

Yours very truly,

O. A. Johannesen

O. A. Johannesen

oaj.r



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date August 4, 1937

Re: Permit 17640.

THE GEM STATE SENTINEL
Rigby, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 16th, 1937, the date set for proof, the expense of the publication to be paid by the applicant, Owaley Canal Co., John L. Hutton, Secy., Terreton, 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.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17640

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

July 10, 1937

John L. Hutton, Agent
Owsley Canal Co.
Terreton, Idaho

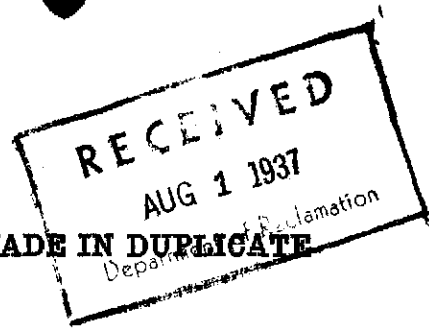
Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 17640, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is Sept. 16, 1937, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS
~~REGISTERED~~
Commissioner of Reclamation.

17640



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 14, 1937

(P. O.) Terreton, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Dwight Daniel
By John P. Hutton

(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.

John P. Hutton

Engineer.

17640

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

Notice is hereby given that at 10:00 A. M. on the 16th day of September, 1937,
 at Rigby, County of Jefferson, State of Idaho, before
Bash L. Bennett, Notary Public, proof will be submitted of the
 application to beneficial use of 50.0 cubic feet per second of the waters of Subterra-
nean waters in accordance with the terms and conditions of Permit No. 17640
 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

Cwsley Canal Company, a corporation, of Terreton, Idaho

The use to which said water has been applied is Irrigation and Domestic

The amount applied to beneficial use is 50.0 cu. ft. sec.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) 15,480 acres, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ Sec. 16;
all of Secs. 17, 18 & 19; NE $\frac{1}{4}$, NW $\frac{1}{4}$ & SW $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ Sec. 29; all of Sec. 30;
all in T. 6 N., R. 35 E. SW $\frac{1}{4}$, Sec. 4; all of Sec. 5; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7; all
of Sec. 8, NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 13; SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; SW $\frac{1}{4}$, Sec. 15; all of Secs. 16, 17, 20, 21, 22, 23, 24, 25,
26, 27, 29; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, & SE $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$ Sec. 34; N $\frac{1}{2}$ Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, all in T. 6 N., R. 34 E. SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 7
N., R. 35 E., B. N.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is Camas Creek, Camas Creek Diversion Canal and irrigation system of
claimant.

The right to take water from such works is based upon Permit No. 17640

The source of supply from which such water is diverted is subterranean waters

The date of priority which said user is prepared to establish is January 8th, 1932

R. W. Faris
 Commissioner of Reclamation.

17640

February 18, 1935

Re: Permit No. 17640

MR. JOHN L. HUTTON, Secretary
Owley Canal Co.,
Teton, Idaho

Dear Sir:

We are enclosing herewith Certificate of Completion of Works, issued under the above numbered permit, together with our office receipt in the amount of \$17.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17640

17640

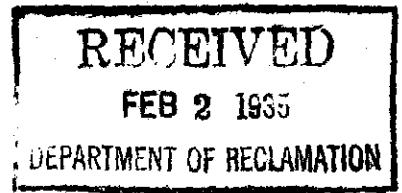
OFFICERS
J. B. ADAMSON, PRESIDENT
H. A. ENGLUND, VICE-PRESIDENT
JOHN L. BUTTON, MANAGER, SECRETARY

THE OWSLEY CANAL COMPANY
TERRETON, IDAHO

DIRECTORS
J. B. ADAMSON L. M. SHULBERG
H. A. ENGLUND LESLIE QUAYLE
C. B. WATTS

January 30, 1935.

Department of Reclamation,
Boise, Idaho.



Gentlemen:

Enclosed find check in amount of \$ 17.00,
in payment of fees on Completion of Works un-
der Permit No. 17640.

Very truly yours,

John L. Button

Manager.

17640

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice is hereby given that at 3:00 P. M., on the 15th day of September 1934, at Righy, County of Jefferson, State of Idaho, before Bash L. Bennett, proof will be submitted of the completion of works for the diversion of 50 cubic feet per second of the waters of Underground waters in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Owsley Canal Company.

2. The postoffice address of such person or principal place of business of such corporation is Terreton, County of Jefferson, State of Idaho.

3. The number of such Permit is 17640, and the date set for the completion of such work is September 16, 1934.

4. Said water is to be used for Irrigation and Domestic purposes.

5. 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 conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 50 cubic feet per second.

6. The amount of lands for which said water is available is 15480 acres, particularly described as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Twp 7 N. R. 35 EBM, and lands susceptible of irrigation from existing system of Owsley Canal Company.

R. W. FARIS,

Commissioner of Reclamation.

Pub. Aug. 2-9-16-23.

STATE OF IDAHO,

County of Jefferson.

ss.

Affidavit of Publication:

I, M. A. Frissell, publisher, foreman, of the Roberts Sentinel, published weekly at Roberts, Jefferson County, Idaho, do solemnly swear that the notice, copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive issues, the first publication having been made on the 2nd day of August, 1934, and the last publication appearing on the 23 day of August, 1934.

Further that the said newspaper has a general publication in said county and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Subscribed and sworn to before me this 15th day of Sept, 1934.

(SEAL)

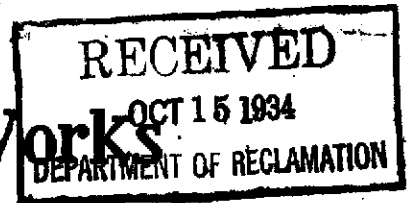
My commission expires

Jan 7, 1936
Residing at Roberts Idaho

17640

PERMIT NO. 17640

Proof of Completion of Works



DEPOSITION OF HOLDER

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

Ans. Owsley Canal Company, a corporation, Hamer, Idaho.
By John L. Hutton, its Secretary of Hamer, Idaho.

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. Owsley Canal Company, Hamer, Idaho, I am the
Secretary and Manager.

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

Ans. 17640 March 6, 1932. 50.00 cubic feet per second. ✓

Subterraenan water 42*30' E. 3935 feet from N. quarter corner

section 14 Twp. 6 North Range 34 E. 3. M.

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. Irrigation. ^{& domestic use} Supplemental to lands under Owsley Canal Company
being about 15,000 acres under above system.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, for full amount of permit, during the past year.

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. yes. Comply fully with 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.

Ans. no

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

Ans. 12- wells from 6 to 10 inches im diameter Ditch 20 feet wide at
bottom and 9 1/2 feet deep.

(Sign here)

Owsley Canal Co.
John L. Hutton
Secretary

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 Rigby,

County of Jefferson, State of Idaho, on this 15th
day of September A. D. 1934.

Wash R. Bennett
Notary Public.

My Commission expires Nov. 9th, 1934.

Rigby, Idaho.

17640

Permit No. 17640

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

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

Ans. Thomas Wagoner, Terreton, Idaho, farmer, Terreton, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 17640, authorizing the diversion of fifty second-feet of the waters of underground waters, at Mud Lake for irrigation purposes? How long have you known him, and where does he reside?

Ans. Office near Terreton, Idaho, known canal for over 20 years.

Ques. 3. Have you read or heard read said Permit No. 17640, 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. Yes, land is sandy, nearly level (some sand ridges)

~~will require from a half to one miners inch per acre.~~

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. 12 wells from 6 to 10 inches across, and a ditch that is

about 20 feet wide and 7 1/2 feet in depth.

(Sign here.)

Thomas Wagoner

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 Rigby, County of Jefferson, State of Idaho, on this 15th day of September, A. D. 1934.

Bash L. Bennett

Notary Public, Rigby, Idaho.

17640

Permit No. 17640.

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

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

Ans. Grace A. Hutton, housewife, Hamer, Idaho.

Ques. 2. Are you acquainted with Owsley Canal Company, the holder of Permit No. 17640, authorizing the diversion of fifty second-feet of the waters of Underground waters, at S for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, office on system near Hamer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17640, 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. yes, land is sandy soil, nearly level, will require from one half to one miners inch per acre.

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. 12 wells from 6 to 10 inches across, and a ditch that is 20 feet wide and 7½ feet deep.

(Sign here.) Grace A. Hutton

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 Rigby, County of Jefferson, State of Idaho, on this 15th day of October, A. D. 1934.

Bash L. Bennett

Notary Public, Rigby, Idaho.

My commission expires Nov. 9th, 1934

17640

January 23, 1935

Re: Permit No. 17640
Owsey Canal Co.

MR. JOHN HUTTON
Terreton,
Idaho

Dear Sir:

This is to inform you that we are now in receipt of Mr. Tolman's report showing his examination of the works constructed under the above permit. This examination was made on the 14th day of November, 1934, and he states that 12 wells ranging in diameter from 6" to 10" have been drilled from 50' to 60' in depth, from the original ground level. He also states that the total flow of these wells has a seasonal fluctuation from a maximum of 66.4 second feet down to a minimum of 32 second feet.

The fee in connection with proof of completion of works is fixed by statute at the following rate, \$5.00 for the first 10 second feet, or less, and \$0.30 per each additional second feet or fraction thereof. Your certificate cannot be issued for more than the total capacity of the wells which is 66.4 second feet. The fee due in connection with this matter amounts to \$32.10 and upon receipt of this sum we shall issue the certificate of completion of works to the Owsey Canal Company.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17640

January 24, 1935

Re: Permit No. 17640
Owsley Canal Co.

MR. JOHN L. HUTTON, Manager
Terreton,
Idaho

Dear Sir:

Under date of January 23rd we wrote to you advising that we were now in receipt of the engineer's report covering his examination made in connection with proof of completion of works under the above permit. We further stated that the report shows that the works have been completed to a maximum capacity of 68.4 second feet and that upon receipt of a fee in the amount of \$22.10 a certificate would be issued for this amount. We were in error in this statement since the permit authorizes only 50 second feet and the certificate could not be issued for more than this amount. The correct fee is \$17.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17640

January 11, 1935

Re: Permit No. 17640
Owaley Canal Company

MR. BASH L. BENNETT,
Attorney at Law,
Rigby, Idaho

Dear Sir:

Under date of December 26th we received your letter, of December 22nd, accompanied by a fee of \$3.50 which you stated was for completion of works under the above permit.

As you no doubt know, the fee in connection with this matter is fixed by statute at the following rate: where the quantity of water claimed is 10 second foot or less, it shall be \$5.00; where the quantity of water claimed is more than 10 second foot, it shall be determined at the rate of 30¢ for each second foot. This office, to the best of our knowledge, has always interpreted this section as meaning \$5.00 for the first 10 second foot or less and 30¢ for each additional second foot or fraction thereof. No doubt this was the intent of the legislature since otherwise the fee for 11 second foot would be less than the amount for 1 second foot.

However, the office does not accept any fees in cases where an examination is required until we are in receipt of the engineer's report, for the reason that no certificate can be issued until the field engineer has determined the capacity of the works. We are unable to say, at this time, just when the examination will be made but it will probably not be before April or May.

We are, therefore, returning your check until such time as we are in receipt of the field engineer's report.

Very truly yours,

R. T. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17640

17640

BASH L. BENNETT

ATTORNEY AT LAW
UNITED STATES COMMISSIONER

RIGBY, IDAHO

December 22, 1934.

RECEIVED

DEC 26 1934

DEPARTMENT OF RECLAMATION

Commissioner of Reclamation

Boise, Idaho.

Dear Sir:

I enclose you herewith my check for \$3.50 for completion of works fees in the case of the Owsley Canal Company. You may mail your receipt of same to me at your convenience and oblige.

Yours very truly,

Bash L. Bennett

Enc.
BLB/mh

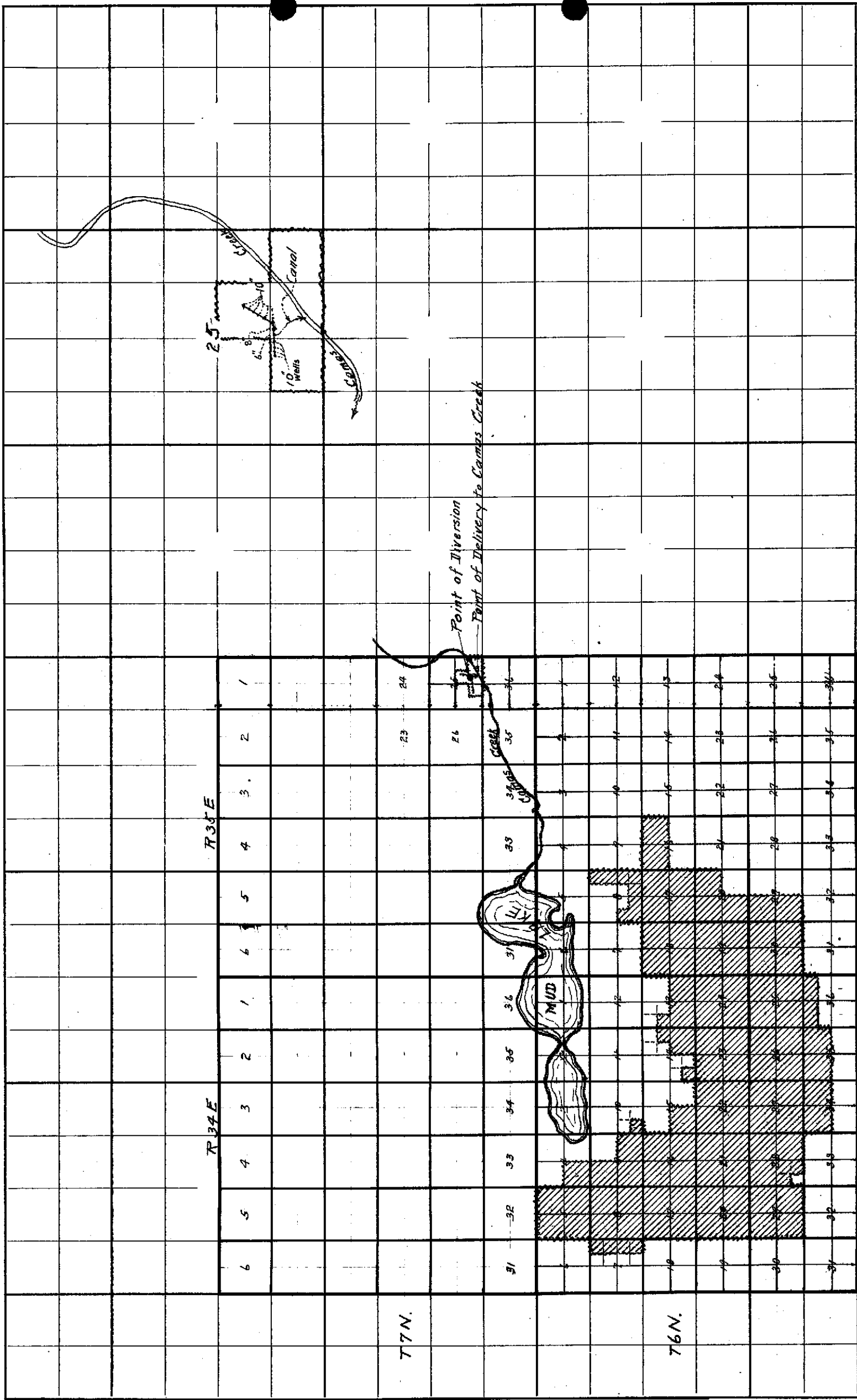
17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17640

REPORT ON PROOF OF COMPLETION OF WORKS



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17640

This proof is for Completion of Works

In Water District No. _____

1. Name of applicant OWSLEY CANAL CO.
2. Source of water supply: Subterranean water
3. Location of point of diversion: Is ~~from~~ ^{from} several wells located in the following subdivisions
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, T. 7 N., R. 35 E.
~~XXXXXXXXXXXX~~ County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: Twelve wells, 1-6", 1-8"
and 10-10" respective diameters, drilled from 50 to 60 ft in depth from
original ground level. Wells are located in main canal bed which
is 12 ft below ground level and 20 ft wide at water level.
Wells are cased 12 to 15 ft below canal grade and located an average
distance of 1000 ft from Camas Creek
5. Water is used for: irrigation and domestic
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 for other than irriga-

tion): 15,480 acres: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 16,
all of Secs. 17, 18, 19, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 20, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 29, all of Sec. 30,
T. 6 N., R. 35 E.; SW $\frac{1}{4}$ Sec. 4, all of Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7, all of Sec. 8,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, & SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
& SE $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ Sec. 15, all of Secs. 16, 17, 20, 21, 22, 23, 24, 25, 26, & 27,
NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 28, all of Sec. 29, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 34, NE $\frac{1}{4}$, NW $\frac{1}{4}$,
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T. 6 N., R. 34 E.; SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 25, T. 7 N., R. 35 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? Unknown

Remarks This development affects the flow of Camas Creek and is
operated upon a compromise arrangement with other
Wind Lake interests. The flow of these wells has a
seasonal fluctuation from a maximum of 66.4 cu ft
down to a minimum of 32 cu ft

This examination was made on the 14th day of Nov, 1934

(Signed)

Edw. J. Dolman
Examiner.

JOHN L. HUTTON, Secretary 58
Owley Canal Co.
Hammer, Idaho
Permit No. 17640

Examination for COMPLETION OF WORKS

County Jefferson

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 a 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.

October 10, 1934

Re: Permit No. 17640
Owaley Canal Company

MR. BASH L. BENNETT
Attorney at Law,
Rigby, Idaho

Dear Mr. Bennett:

Under date of September 21, 1934, we received deposition of the holder, depositions consisting of one each for two witnesses and also the affidavit of publication, which had been executed on the 15th day of September under the terms of the above permit.

In checking over these papers, I find that depositions in support of application of water to beneficial use have been executed, whereas, the depositions should have been for proof of completion of works. The publication was made in due order and the reason for this mistake was, apparently, due to an inadvertency on the part of this office in that we very likely mailed you the wrong set of depositions. In view of the fact that the publication was properly completed and especially since no protests were filed contesting the proof, I believe that it is in order for you to take new depositions from the same persons who executed the present ones and date them as of September 15th. This certainly cannot injure the right of any one else and I am sure that it will be in order since it will be largely a matter of transferring the information given in the depositions which were acknowledged before you under the above date.

We are, therefore enclosing the proper depositions with the request that you have Mr. Hutton and his witnesses appear before you and execute them in the manner suggested. This will not impair the rights of the applicant in any way nor will there be any additional expense connected with the matter.

We are also enclosing these papers and when the depositions are mailed to this office the affidavit of publication should be attached to them.

Trusting that this will not greatly inconvenience you or Mr. Hutton, we await your reply.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

17640
PLH:RG
Encl. cc Mr. John L. Hutton, Hamer, Idaho

October 17, 1934

Re: Permit No. 17640
Owsley Canal Co.

MR. JOHN L. HUTTON, Secretary
Hammer,
Idaho

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper all in connection with proof of completion of works under the above permit.

Before any action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state. However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your Certificate of Completion of Works.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

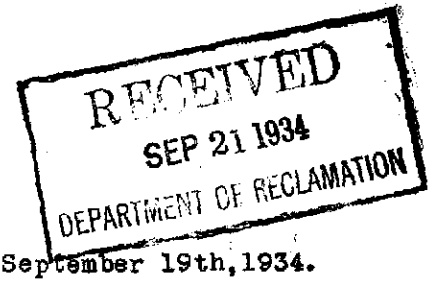
PLH:RG

C.C. Mr. Bash L. Bennett, Attorney at Law, Rigby, Idaho.

17640

BASH L. BENNETT

ATTORNEY AT LAW
UNITED STATES COMMISSIONER
RIGBY, IDAHO



September 19th, 1934.

Hon. R.W. Faris, Commissioner.

Boise, Idaho.

Re; Permit # 17 640.

Dear Mr. Faris;

I enclose you proof of publication, and affidavits
of holder and two witnesses in the above numbered permit, and trust
same will be found in order.

Very truly,

Bash L. Bennett
Oct 13th, 1934

I am returning aherewith proof of completion of works
also under terms of above permit, having dated the proof of
same date as the proof of beneficial use.

Trus ing this will meet your approval, I am,

Very truly

Bash L. Bennett

17640

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

September 7, 1934

Re: Permit No. 17640

MR. BASH L. BENNETT
Rigby,
Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17640

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On September 15, 1934, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Rigby, Idaho before Bash L. Bennett

2. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

17640

July 21, 1934

Re: Permit No. 17640
Owsley Canal Co.

MR. JOHN S. HUTTON, Secretary
Terreton,
Idaho

Dear Sir:

Under date of July 17, we received your notice for publication in re beneficial use proof under the above permit and also your authorization to have this notice published in the Roberts Sentinel of Roberts, Idaho. You have designated Mr. G. A. Bandel as the person before whom proof will be offered. The statute which specifies the various persons who are empowered to administer oaths does not include County Attorney's unless they are also Notary Public's. We find that upon making inquiry at the Secretary of State's office that Mr. Bandel is not a Notary Public, therefore, it will be necessary for you to designate some one else for this purpose. If there is not a Notary Public available the Probate Judge or Justice of the Peace may act in this capacity.

We are returning these papers and after you have supplied the name of some person who is qualified to take this proof, kindly return them and the proof will go forward in the usual manner.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17640

OFFICERS

J. B. ADAMSON, PRESIDENT
H. A. ENGLUND, VICE-PRESIDENT
JOHN L. HUTTON, MANAGER, SECRETARY

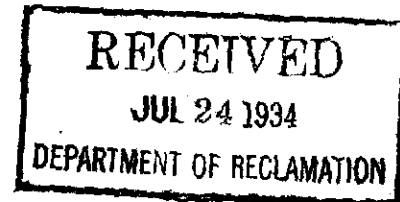
THE OWSLEY CANAL COMPANY

TERRETON, IDAHO

July 23, 1934.

DIRECTORS

J. B. ADAMSON L. H. SHULBERG
H. A. ENGLUND LESLIE QUAYLE
C. B. WATTS



Mr. R. W. Faris, Commissioner,
Department of Reclamation,
State of Idaho,
Boise, Idaho.

Re: Permit # 17640.

Dear Mr. Faris:

Enclosed please find corrected notice of publica-
tion under above Permit.

I was under the impression that Mr. Bandel is a No-
tary, as I have had some work done in his office.

I have named Mr. Bennett as Notary in notice.

Respectfully yours,

John L. Hutton

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date July 23, 1934

EDITOR, ROBERTS SENTINEL
Roberts,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 15, 1934, the date set for proof, the expense of the publication to be paid by the applicant,

Owsey Canal Company, Terreton, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

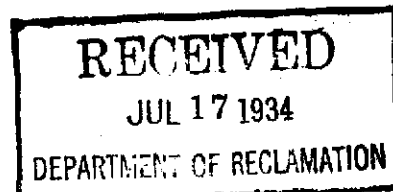
Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17640



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 12, 1934

(P. O.) Terreton, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Owsley Canal Company.

By

John B. Hunt

Secretary

(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.

17640

Notice for Publication

Notice is hereby given that at 2:00 P.M., on the 15th day of September, 19234, at Rigby, County of Jefferson, State of Idaho, before C. H. Bash L. Bennett, proof will be submitted of the completion of works for the diversion of 50 cubic feet per second of the waters of Underground waters.

in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Owsley Canal Company.
2. The postoffice address of such person or principal place of business of such corporation is Terracon, County of Jefferson, State of Idaho.
3. The number of such Permit is 17640, and the date set for the completion of such work is September 16, 1934.
4. Said water is to be used for Irrigation and Domestic purposes.
5. 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 conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 50 cubic feet per second.
6. The amount of lands for which said water is available is 15,480 acres, particularly described as follows: SE 1/4 SW 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 25, Twp. 7 N, R. 35 EBM, and lands susceptible of irrigation from existing system of Owsley Canal Company.

R. W. FARIS

Commissioner of Reclamation.

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

OWSLEY CANAL CO.
Terryton,
Idaho

Boise, Idaho

July 9, 1934

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 17640

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before September 16, 1934. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation.

17640

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

May 23, 1933

RE: PERMITS NOS. 17610, 17611, 17612, 17640, 17763
Owsley Canal Company

MR. O. A. JOHANNESSEN
Attorney at Law
Idaho Falls, Idaho

Dear Sir:

Receipt is acknowledged of your letter of May 17 in which you request to be advised as to the number and the date of the permit issued to the OWSLEY CANAL COMPANY permitting the diversion of underground waters through the wells which they have developed and which are situated some distance east of Mud Lake in what is probably Section 25, T. 7 N., R. 35 E. B. M., or Section 30, T. 7 N., R. 36 E. B. M.

In checking over the records we find that four permits have been issued for subterranean waters which will be developed in T. 7 N., R. 35 E. B. M., and one permit for subterranean waters with source in T. 7 N., R. 36 E. B. M., which are held by the Owsley Canal Company. Since we do not know to which particular permit you refer we will list the numbers and dates of all the above permits.

Permit No. 17610 for 40 second feet was granted to F. B. Jones of Boise on December 2, 1931. The permit was assigned by F. B. Jones to the Owsley Canal Company on the 17th day of December, 1931. Permit No. 17611 for 110 second feet was issued to R. E. Knapp of Terreton, Idaho, on December 2, 1931, who in turn assigned the permit to the Owsley Canal Company on the 14th day of December, 1931. Permit No. 17612 for 100 second feet was issued to F. B. Jones on December 2, 1931. This permit was assigned to the Owsley Canal Company on December 17, 1931. Permit No. 17640 for 50 second feet was also issued to F. B. Jones of Boise on March 16, 1932, who on April 2, 1932, assigned the permit to the Owsley Canal Company. Permit No. 17763 for 50 second feet was issued to Merritt W. Owsley on February 23, 1933.

If you care to have more specific information on any one of these permits, or all of them for that matter, we would be glad to furnish it upon being advised to that effect.

Very truly yours,
R. W. FARIS
Commissioner of Reclamation

17640
By _____
Chief Clerk & Office Engineer

PLH:MC

17640

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Boise, Idaho, February 8, 1932

Application No. 24728

MR. EDWIN SNOW
Idaho Building
Boise, Idaho
SIR:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

Blue-pring and tracing

You are allowed 60 days from date of first return for correction, as stamped in second line on back of application, to file completed application. If received after that date application can be refiled under a new number with later priority, requiring additional fee.

Yours truly,

R. W. PARIS
COMMISSIONER OF RECLAMATION.

17640

By.....

Encl: App.....

Edwin Snow
Lawyer
Boise, Idaho

April 5, 1932

Mr. R. W. Faris,
Commissioner of Reclamation,
State Capitol,
Boise, Idaho.

Dear Mr. Faris: Re: Water Permit No. 17640.

I herewith enclose assignment of the above
permit, duly executed by F. B. Jones and Oliver C.
Jones, to Owsley Canal Company. Please record this
~~permit~~ and return it to me.

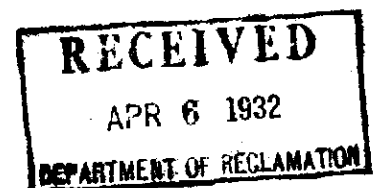
Very truly yours,

FBJ

Edwin Snow

Enc.

17640



ASSIGNMENT

THIS INDENTURE, made this 2d day of April, 1932, between F. B. JONES and OLIVER C. JONES, her husband, of Boise, Idaho, parties of the first part, and OWSLEY CANAL COMPANY, an Idaho corporation, party of the second part,

WITNESSETH: Whereas, on March 16, 1932, the Commissioner of Reclamation of the State of Idaho issued and approved the following water permit covering the appropriation of underground waters in Jefferson County, Idaho, said permit being issued to F. B. Jones, one of the parties of the first part hereto, to-wit: Permit No. 17640 for 50 cubic feet per second of underground water,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar, cash in hand paid to the parties of the first part by the party of the second part, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell, convey, assign and set over unto the party of the second part, its successors and assigns, forever that certain water permit above described, together with all rights, benefits and privileges connected therewith, and all the waters appropriated thereby.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

F. B. Jones
Oliver C. Jones

17640

STATE OF IDAHO,)
)
County of Ada.) ss.

On this 4th day of April, 1932, before me,
THOS. L. MARTIN, a Notary Public in and for said
county and state, personally appeared F. B. JONES and OLIVER
C. JONES, wife and husband, known to me to be the persons
whose names are subscribed to the foregoing instrument and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Thos. L. Martin

Notary Public for Idaho,
Residence: Boise, Idaho.

My Commission Expires
Sept. 14-1934

Received and filed for record in the Department
of Reclamation at Boise, Idaho, at
9:00 A. M. April 6, 1932
[Signature]
Commissioner of Reclamation

17640

Edwin Snow
Lawyer
Boise, Idaho

March 28, 1932

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

I am handing you herewith bond in the
amount of \$1000.00 of Fidelity & Deposit Company of
Maryland to accompany water permit No. 17640.

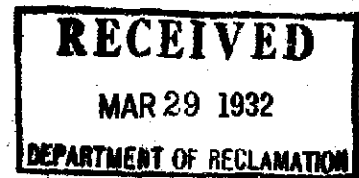
Very truly yours,

Edwin Snow

ES:FBJ

Enc.

17640



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Permit No. 17640

March 17, 1932

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$ **1000.00** must be filed in the office of the Commissioner of Reclamation on or before May 15th 19 32 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

F. B. Jones
Boise, Idaho

E. W. FARIS
Commissioner of Reclamation

17640

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17640

March 17, 1932

Boise, Idaho,

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

F. B. JONES
Boise, Idaho, Box 515

17640

R. W. FARIS
Commissioner of Reclamation.

Fidelity and Deposit Company of Maryland.

HOME OFFICE, BALTIMORE, MARYLAND.

Know all Men by these Presents:

THAT WE F. B. JONES, of Boise, Idaho,

as principal

and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation created, organized and existing under and by virtue of the laws of the State of Maryland, as Surety, are held and firmly bound to

The State of Idaho,

in the sum of One Thousand and 00/100 - - - - - Dollars

(\$ 1000.00), lawful money of the United States of America, to be paid to the said

State of Idaho

for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally, firmly by these presents.

The Condition of the above obligation is such, that Whereas, said principal, on the 8th day of January, 1932, filed in the office of the State Reclamation Commissioner in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 24728, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. 17640, a full, true and complete copy of which application No. 24728 and permit No. 17640 is of record in the office of the Commissioner of Reclamation in Book 64, at page 17640,

Now, Therefore, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 24728 and permit No. 17640, in the manner and form prescribed therein and within the time allowed, then the above obligation to be void, otherwise to remain in full force and effect.

In Witness Whereof, the seal and signature of the said Principal is hereto affixed and the corporate seal and name of the said Surety is hereto affixed and attested by its duly authorized Attorneys-in-fact at

Boise, Idaho this 26th day of

March 19 32

F. B. Jones

Fidelity and Deposit Company of Maryland.

By *G. C. Walker*
Attorney-in-fact.

17640

Attest

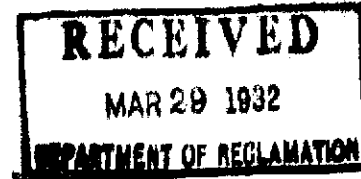
By *Walter S. Bruce*
Agent

Countersigned:

Walter S. Bruce
Resident Agent, Boise, Idaho

No.

**Fidelity and Deposit Company
of Maryland**



BOND OF

TO

AS

Approved this day of 192

Filed, ... 192

SUDLER, EPPERSON, GRUBB & CO., INC.
FIRST NATIONAL BANK BLDG.
BOISE, IDAHO
SUCCESSORS TO
WALTER S. BRUCE & CO., INC.