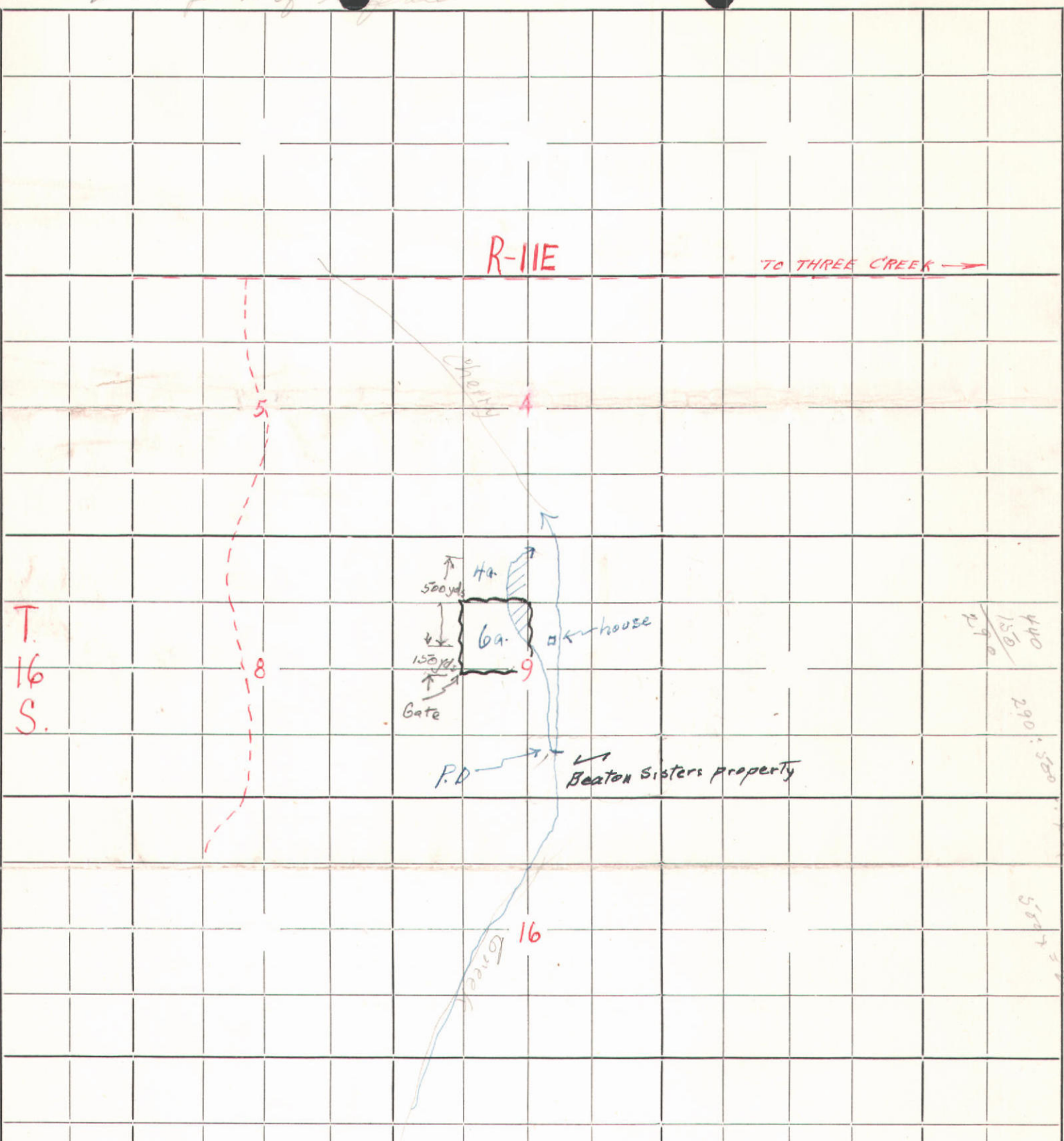


Heading 125 yds S of



Subdivisions = One
Area = 6 acres
Q = 6 inches.

RECEIVED
NOV 15 1956
Department of Reclamation

AFFIDAVIT OF PUBLICATION

ATTACH CLIPPING
HERE

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice NOTICE FOR PUBLICATION

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

August 23, 1956

August 30, 1956

September 6, 1956

September 13, 1956

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 14th day of September,

A. D., 195 6

Julian E. Schuman
Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires March 20, 1959

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 9th day of November, 1956, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, proof will be submitted of the application to beneficial use of 1.1 cubic feet per second of the waters of Cherry creek in accordance with the terms and conditions of Permit No. 19764 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Opal F. Dunn, Rogerson, Idaho.

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

The mount applied to beneficial use is 1.1 c. f.

The place where said water is used is E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, T 16 S - R 11 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 private ditch.

The right to take water from such works is based upon Permit No. 19764.

The source of supply from which such water is diverted is Cherry Creek and point of diversion is in the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 9, Township 16 South, Range 11 East.

The date of priority which said user is prepared to establish is February 12, 1946.

MARK R. KULP,
State Reclamation Engineer.

3-23-4 19764

19764

5214

State of Idaho
License and Certificate of Water Right

Water License No. 19764

Amount .12 c.f.s.

Water District No.

Priority February 12, 1946

THIS IS TO CERTIFY that THOMAS ALVARO DUNN - OPAL F. DUNN, Assignee
of Three Creek, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 12, 1946; that Permit No. 19764
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.1 second feet, was issued thereunder on January 27, 1947, showing that said works
were completed on the 22nd day of January, 1947; and that on the 9th
day of November, 1956, OPAL F. DUNN

of Rogerson, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Cherry Creek
, a tributary of Bruneau River, for the purpose of Irrigation and domestic
use, under Use Permit No. 19764 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6214, on the 19th day of November, 1957;
The right hereby confirmed dates from February 12, 1946;

The Point of Diversion is located
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Tp. 16 S, R. 11 E., B. M. County Owyhee

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	11 E.	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	<u>6</u>
Total number of acres irrigated - - -					6

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
19th day of November, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

Application No. 27301
Permit No. 19764
District No.

Assigned to Opal F. Dunn
Rogerson
State: Idaho

1. Name of Applicant: THOMAS ALVARO DUNN

Postoffice address: Three Creek

County: Owyhee

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: 55 inches or 1.1

cubic feet per second.

3. Source of water supply: Cherry Creek

which is a tributary of Bruneau River

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 9 , T. 16 S. , R. 11 E. , B. M., County of Owyhee

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

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

(a) Point of use of water:

feet distant from

corner of Section

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

of Section

, T.

, R.

, B. M.

(b) Amount of power generated:

H. P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B. M., in the

of Section

, T.

, R.

. B. M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Ditch

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet;

11. Ditch: Width at bottom

3

feet; width at water line

3

feet; depth of water

2

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

1/2

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is One (1)

years.

13. The time required for the complete application of the water to the proposed use is One (1)

additional years.

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

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

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

THOMAS ALVARO DUNN

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 12:00 M. February 12, 1946

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **19764**

Recorded in Book 71 Page 19764 Approved February 15, 1946

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before **April 15, 1946** 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 **August 15, 1946**

The whole of said work to be completed on or before **February 15, 1947**

Beneficial use of water appropriated in accordance herewith, to be made on or before **February 15, 1948**

Witness my hand this 15th day of February, 1946

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ARNOLD WILLIAMS, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th

day of February, 1946

STATE OF IDAHO

Countersigned:

(SEAL)

By ARNOLD WILLIAMS

By IRA H. MASTERS

Secretary of State.

Governor

Remarks:

14.

[illegible]

A S S I G N M E N T

For value received I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 19764 to Opal F. Dunn, of Rogerson, Idaho

THOMAS ALVARO DUNN
Permit Holder.

Wife of Permit Holder.

State of Idaho)
County of Twin Falls,) ss

On this 16 day of March, 1950, before me, a Notary Public for the State of Idaho, residing at Twin Falls, Idaho, personally appeared Thomas Alvaro Dunn, known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

E. L. RAYBORN
Notary Public, residing at

(SEAL)

My commission expires March 5, 1952.

Received and filed for record in the Department
of Reclamation, August 17, 1956, at Boise, Idaho.

MARK R. KULP
State Reclamation Engineer

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

WHEREAS, Permit No. 19764, in the name of Opal F. Dunn, required proof of beneficial use to be made on or February 15, 1948; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry, Idaho Serial #Blackfoot 055274; and,

WHEREAS, applicant was prevented from proceeding with construction pending allowance of said Desert Land which was not allowed until October 21, 1952:

NOW, THEREFORE, AN Extension of Time is allowed for Beneficial Use on Permit No. 19764 to October 21, 1957, length of time applicant was prevented from proceeding pending allowance of said desert land entry and a extension is allowed for every other act required under the terms and conditions of Permit No. 19764.

Signed at Boise, Idaho, this 23rd day of August, 1956.

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 1/2 SEC. F
Page-6214

November 19, 1957

Re: Permit No. 19764
Opal F. Dunn

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed is the License and Certificate of Water Right issued under Permit No. 19764 to Opal F. Dunn, of Rogerson, Idaho, confirming the right with priority of February 12, 1946, to her use of .12 second foot of water from Cherry Creek, with the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, for irrigation of 6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 16 South, Range 11 East, B.M.

Enclosed also is departmental receipt # 28868 for \$2.00, issued as receipt of the fee for the License.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nlb
Enc.

19764

November 6, 1957

Re: Permit No. 19764
Opal F. Dunn

Mr. Harley N. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Our field engineer's report on the application of water to beneficial use under the terms of Permit No. 19764, Opal F. Dunn, Rogerson, Idaho, shows the works are capable of conveying 6 miner's inches (.12 c.f.s.) of water from Cherry Creek for irrigation of 6 acres.

Upon receipt of the statutory fee of \$2.00, we will issue to Opal F. Dunn, the License and Certificate of Water Right under Permit No. 19764 confirming the right with priority of February 12, 1946, to her use of .12 second foot of water from Cherry Creek, with the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, for irrigation of 6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 16 South, Range 11 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

19764

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19764

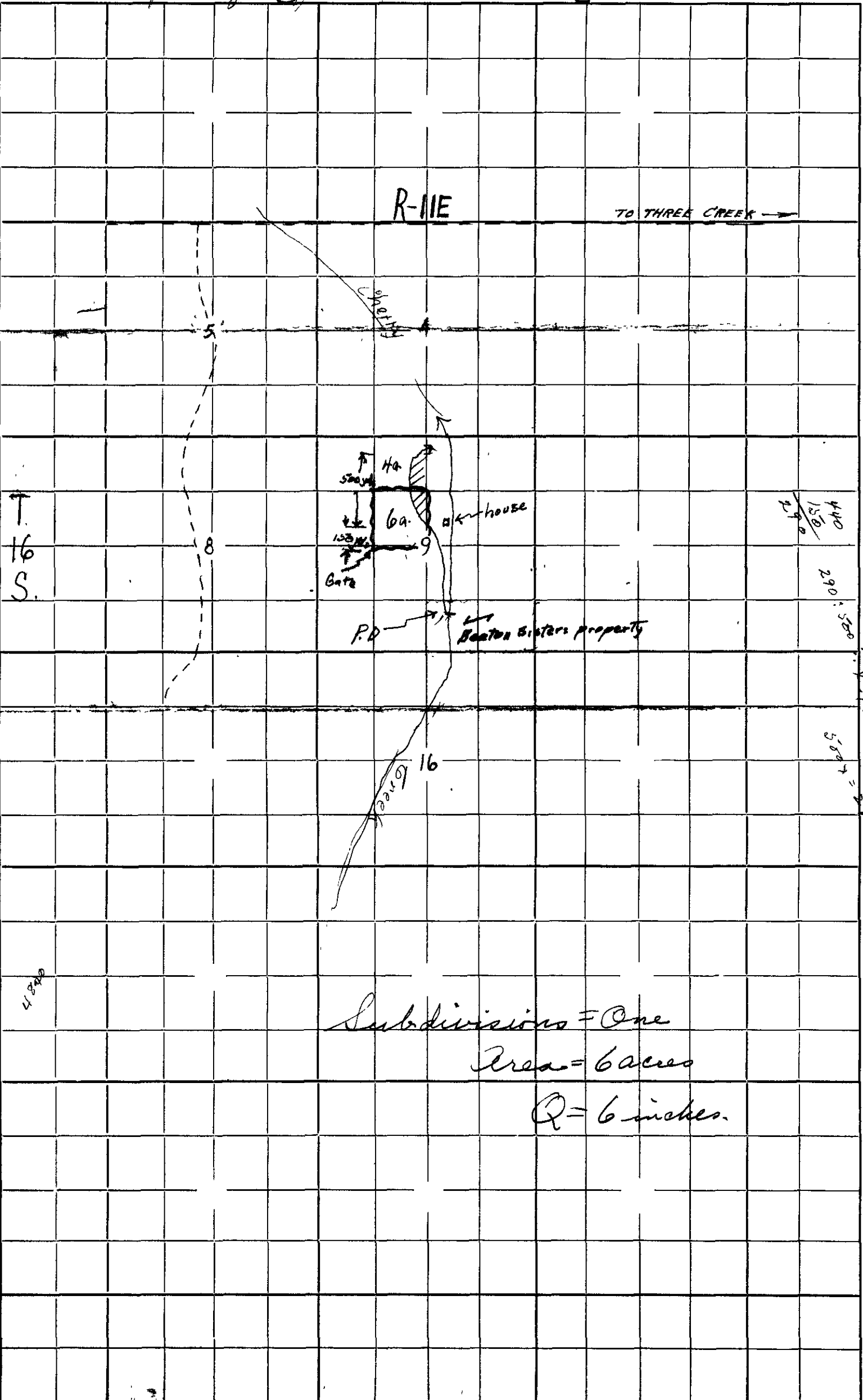
REPORT ON PROOF OF Beneficial Use

Opal F. Dunn, Rogerson, Idaho

*.12 cfs
max*

*app. 1.1 cfs
cfs - 1.1 cfs
sub 1
acres 6*

Heading 125 yds S of -



41 8000

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

Permit No. 19764

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Opal F. Dunn

2. Source of water supply: Cherry Creek

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9

T. 16 S R. 11 E., B.M. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: There is a small low dam of sod, rocks, manure, straw against a pole $h = 2'$ $w = 10'$. Large ditch takes out of creek. Ditch divides soon after it gets on Dunn's place

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9., Twp. 16 S., Rge. 11 E., B. M. Irrigating approximately 9 acres in this subdivision. On this land 8 acres of it has been plowed and seeded and 1 acre of it would be just natural pasture land.

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

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

Remarks:

This irrigates a desert entry 40
also some state land

This examination was made on the 7 day of Sept, 1957

(Signed) E. H. Humphreys Examiner.

19764

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
OCT 10 1957
Department of Reclamation

Opal F. Dunn
Hogerson, Idaho

Permit No. 19764

Examination for Beneficial Use

County Owyhee

9-16S-11E.

Q = 1.1 c.f.s

S = Cherry Cr.

P.D. = SW, SE, Sec. 9, T. 16 S, -R. 1 E

Use - Irrigation & Domestic

Filed = Feb. 12, 1946

Revised = Oct. 21, 1957 (Ext.)

W = 1-27-47

September 26, 1957

Re: Permit # 19764

Opal Dann
Rogerson, Idaho

Dear ~~Mr.~~ Miss. Dann:

Statutes requires a field inspection in connection with the proofs on Permit # 19764 before license and certificate of water right can be issued.

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

An inspecting Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on October 7, 1957

As soon as I can drive from Boise

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
E. N. Humphrey
Deputy

ENH:lw

November 28, 1956

RE: Permit No. 19764

Opal F. Dunn
Rogerson, Idaho

Dear Mrs. Dunn:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in The Owyhee Chronicle, all submitted in proof of beneficial use on Permit No. 19764.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

19764

RECEIVED
NOV 15 1956

AFFIDAVIT OF PUBLICATION of Reclamation

ATTACH CLIPPING
HERE

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice NOTICE FOR PUBLICATION

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

August 23, 1956

August 30, 1956

September 6, 1956

September 13, 1956

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 14th day of September,
A. D., 195 6.

James E. Schuman
Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires March 20, 1959

19764

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

Permit No. 19764

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. My name is Opal F. Dunn, residence 45 miles West of Rogerson, Idaho, occupation stock grower and P. O. Address Rogerson, Idaho.

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

Ans. Acting as an individual

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

Ans. The number of my permit is #19764, date of permit February 15th, 1946, date of priority I propose to establish is February 12th, 1946.

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

Ans. The source of water supply is from Cherry Creek and point of diversion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T 16 S - R 11 E.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. On the east side of the 40 right out of the old main ditch. This is the first ditch ever put in for Dunn's land. The old main ditch actually diverted out of Cherry Ck. 3' bottom, 4' top and would carry 200-300 miner's inches. Then I divert out of this into my ditch which has 18" bottom and about 2' deep and about 4' top and will carry more water than I need here. All these ditches are private ditches. The ditch is about 1/2 mile long. The diversion here is rock and sod dam. It is usually taken out each fall and then put back in in the spring for the diversion.

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 for irrigation and it is all used on SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T 16 S - R 11 E. and I irrigate approximately 9 acres in this subdivision. On this land 8 acres of it has been plowed up and seeded and 1 acre of it would be just natural pasture land. All the improvements have been made as a direct result of this permit and for this irrigation use. I have spent approximately \$500.00 in doing this work and getting this water used on the land.

19764

19764

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

Ans. I use this only for irrigation.

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

Ans. I need at least 1" to the acre here and in order to maintain a head of water big enough to irrigate through here I actually put more than that through the ditch and irrigate from other rights on the land next to it. 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. This was assigned to me from Thomas Alvora Dunn.

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

Ans. All this water (9" that I am using on this 9 acres of land) has been diverted from Cherry Creek and is used on this as applied for under this permit.

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. This water was first used from the permit back in 1953 and has been used continuously here ever since, although work was started considerably before that on the diversion. Actually the diversion and head works here were started back as far as 1946 and 1947. There have been no other water rights of any kind from any other permit used on this 9 acres of land.

(Sign)

Opal F. Dunn

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 Boise, County of Ada,

State of Idaho, on this 9th day of November, A. D. 1956.

Harley W. Smith

My commission expires 10-11-59

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19764

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 My name is Walter Parsons, age is 69, residence is 45 miles west of Rogerson, Idaho. Occupation is cattle growing, P. O. Address is Rogerson, Idaho.

Ques 2. Are you acquainted with Opal F. Dunn, the holder of Permit No 19764? How long have you known him and where does he reside?

Ans. I have known her for the last 27 years and know that she lives 45 miles west of Rogerson, Idaho on Flat Creek.

Ques 3 Have you read or heard read said Permit No 19764, 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. The source of this water is from Cherry Ck. and the place of diversion is out of their main ditch in SW $\frac{1}{4}$ SE $\frac{1}{4}$. These works consist of ditch with 18" bottom, 4' top, 2' deep and about 1/2 mile long.

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?

I know these works could carry as much as 1 second ft. water and in the spring
Ans. I have seen this much water conveyed.

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

Ans. This is for irrigation on 9 acres of SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T 16 S - R 11 E., and all 9 acres has been irrigated. She has made improvements here amounting to about \$800.00 and these have been as a direct result of this water development.

19764

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

Ans. Irrigation only.

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

Ans. The land is a sandy loam soil and it takes about 1" to the acre for profitable cultivation.

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

Ans I have no interest in it.

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

Ans. I have been out in this country since 1901 and I have been familiar with this land quite often ever since then. I have seen this entire development since it started and know the land real well and have seen this water diverted here.

(Signed) Walter Parsons

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 Boise,
County of Ada, State of Idaho, on this 9th day of November,
A D. 1956.

Harley W. W. Drury

Notary Public.

My commission expires 10-11-59.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19764

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 My name is Ray Blick, age is 48, residence is 33 miles West of Rogerson, occupation is stockman, P. O. Address is Rogerson, Idaho.

Ques. 2 Are you acquainted with Opal F. Dunn, the holder of Permit No 19764? How long have you known him and where does he reside?

Ans I have known her over 20 years and know that she resides some 45 miles West of Rogerson, Idaho on Flat Creek.

Ques. 3. Have you read or heard read said Permit No. 19764, and are you familiar with its provisions and conditions?

Ans I have read this.

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. I know that the water from this source comes out of Cherry Ck. and the place of diversion is out of their main ditch in the SW $\frac{1}{4}$ SE $\frac{1}{4}$. These works consist of a diversion works and a ditch with 18" bottom, 4' top, 2' deep and about 1/2 mile long.

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. I know that these works would carry as much as 1 second ft. water through this. They do sometimes in the spring when you need a good head to take it across the land, and the works are all safe.

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

Ans. I know from my own knowledge that they have irrigated at least 9 acres on this. (SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9 T 16 S - R 11 E). All of this except about 1 acre has been broken up and prepared for a seed bed and the other acre is irrigated natural pasture. They have put \$600.00 to \$700.00 to make this and all these improvements have been made as a direct result of this water development.

19764

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

Ans. For irrigation.

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

Ans The land here is a sandy loam soil, very productive when irrigated and I know that it takes at least 1" to the acre for profitable cultivation, and it takes more than that to take a head of water across the land.

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

Ans. I have no interest in any of the works, water or the land.

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

Ans. I live right adjacent this and have known the land for the last 20 or 25 years. I am a neighbor here and I have seen this water put on the land ever since it was first started.

(Signed) Ray B. Lick

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 Boise,
County of Ada, State of Idaho, on this 9th day of November,
A. D 19 56.

Harley M. McDonald

Notary Public.

My commission expires 10-11-59.

August 28, 1956

RE: Permit No. 19764

Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We enclose, herewith, Assignment of Permit No. 19764 from Thomas Alvare Dunn to Opal F. Dunn which has been recorded in this department, together with departmental receipt No. 28111 for the fifty cents assignment fee.

We also enclose Approval of the State Reclamation Engineer of Opal F. Dunn's Application for Extension of time for Beneficial Use proof on this Permit, which has been recorded in this department, to October 21, 1957.

This Assignment and Extension of time should be attached to the original permit of which they now form a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

19704

Homedale, Idaho
Aug. 23, 1956

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

RECEIVED
AUG 24 1956
Department of Reclamation

Dear Mr. Kulp,

This is to acknowledge receipt of Notice for Publication re Permit No. 19764, for Opal F. Dunn, Rogerson, Idaho. Publication of the Notice commenced with our issue of today and will be published four consecutive weeks in accordance with your instructions. The applicant will be billed for the cost of publication and upon completion of publication we shall mail the Affidavit of Publication to her.

Attached is a clipping of the Notice as it appeared in our newspaper this week--for your convenience in checking.

Sincerely,

THE OWYHEE CHRONICLE

By *Evelyn S. Colley*

19764

August 16, 1956

RE: Permit No. 19764

Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We have sent to the Owyhee Chronicle Notice of Beneficial Use proof to be made on Permit No. 19764 on November 9, 1956, with instructions to publish it once a week for four weeks prior to that date and to send Opal F. Dunn the Affidavit of Publication, together with statement of costs.

At the time set, Opal F. Dunn, should appear before you as Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:ou

Enc.

CC: Opal F. Dunn
Rogerson
Idaho

19764

RECEIVED
AUG 16 1956
Department of Reclamation

August 15, 1956

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

Re: Water Permit #19764

Dear Sir:

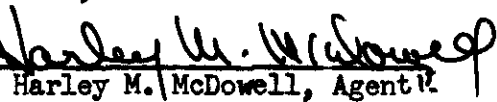
With regard to the above water permit, please be advised that this was applied for in connection with my desert land entry, Idaho Serial #Blackfoot 055274 which was not allowed in the Land Office until October 21, 1952.

I hereby respectfully request that an extension of time be granted allowing five years from the date of allowance or until October 21, 1957.

Very truly yours,

Opal F. Dunn
Rogerson, Idaho

By


Harley M. McDowell, Agent

19764

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 19764

Date: August 16, 1956

Gayhee Chronicle
Homedale
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **November 9, 1956** the date set for proof, the expense of the publication to be paid by the applicant, **Opal F. Dunn** of **Regerson, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

19764

RECEIVED
AUG 13 1956

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

Office of Reclamation

(Date) August 8, 1956

(P. O.) Rogerson, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Boise Chronicle
THE HOMEDALE NEWS of HOMEDALE, IDAHO published in

the county in which the works are situated.

Opal F. Dunn
Opal F. Dunn

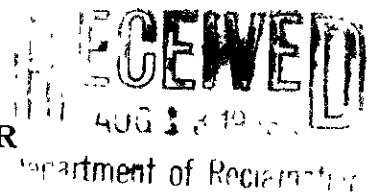
(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

19764

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



Notice is hereby given that at 10 A. M. on the 9th day of November, 1956,
at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
application to beneficial use of 1.1 cubic feet per second of the waters of Cherry Creek
in accordance with the terms and conditions of Permit No. 19764
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Opal F. Dunn, Rogersen, Idaho

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

The amount applied to beneficial use is 1.1 c.f.

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

Section 9, T. 16 S. - R. 11 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

private ditch

The right to take water from such works is based upon Permit No. 19764

The source of supply from which such water is diverted is Cherry Creek which is a tributary

of the Bruneau River

Sec 9, T. 16 S. - R. 11 E.

The date of priority which said user is prepared to establish is February 12, 1956

State Reclamation Engineer.

19764

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

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

Boise, Idaho

December 1, 1947

Mr. Thomas Alvaro Dunn

Three Creek, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19784. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than February 15, 1948, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK H. KULP

State Reclamation Engineer

19764

C. A. Robins

January 27, 1947

Re: Permit No. 19764

Mr. Ray D. Agee
Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Agee:

We enclose herewith Certificate of Completion of Works issued under the above numbered permit in the name of Thomas Alvares Dunn, of Three Creek, Idaho, to appropriate 1.1 second feet of water from Cherry Creek, with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, Twp. 16 South, Range 11 East, B.M., for irrigation and domestic use on the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, Township 16 South, Range 11 East, B.M., Owyhee County.

We also enclose Departmental Receipt No. 19779 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19764

RAY D. AGEE
ATTORNEY AT LAW
BANK & TRUST BUILDING
TWIN FALLS, IDAHO

January 23, 1947.

State of Idaho,
Department of Reclamation,
State House,
Boise, Idaho.

Gentlemen:

Re:- Permit No. 19764.
Thomas Alvaro Dunn.

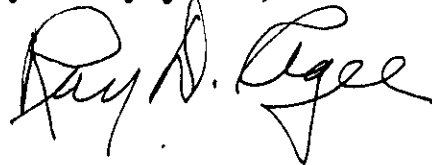
I am enclosing herein Proof of Completion
of Works in the matter, together with the check
of Mr. Dunn for the sum of \$5.00.

If anything further is required by your
office, please advise me and I will have it
attended to at once.

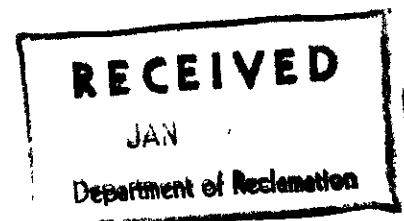
When the certificate is issued, kindly
send it to me.

Thanking you in advance for your early
attention to this matter, I am

Very truly yours,



RDA/R.



19764

Permit No. 19764

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Twin Falls,

} ss.

Thomas Alvaro Dunn, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 19764, and that his postoffice address is Three Creek, State of Idaho.

Second: That the name of the stream from which said water is to be directed is Cherry Creek

Third: That the point of diversion of said water is in the Southwest quarter of the Southeast quarter of section 9, township 16 South, range 13 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 15, 1947.

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

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(as was)~~ fully completed and consisted of the following:I. Kind of works: Ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

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

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

Seventh: That said works are capable of conducting to the place of intended use 1.1 second feet of water.

Eighth: That water appropriated under said permit is available for eighty acres of land described as follows: Northeast quarter of the Northwest quarter and Southeast quarter of the Northwest quarter of section nine, township sixteen South, range eleven East of the Boise Meridian.

Ninth: Remarks: That

Thomas Alvaro Dunn
(Sign here)

Subscribed and sworn to before me this 22nd day of January, 1947

My commission expires October 23, 1949.

Notary Public.

19764

SXX

C. A. Robins

January 20, 1947

Re: Permit No. 19764

Mr. Ray E. Agee
Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Agee:

Complying with your request of January 18th,
we enclose herewith a certified copy of Permit
No. 19764, in the name of Thomas Alvaro Dunn.

The fee for this is only \$1.50, for which we
enclose Departmental receipt No. 19768, and
50 cents in stamps by way of refund.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A
Encl.

Chief Clerk

19764

RAY D. AGEE
ATTORNEY AT LAW
BANK & TRUST BUILDING
TWIN FALLS, IDAHO

January 18, 1947.

State of Idaho,
Department of Reclamation,
State House,
Boise, Idaho.

Gentlemen:

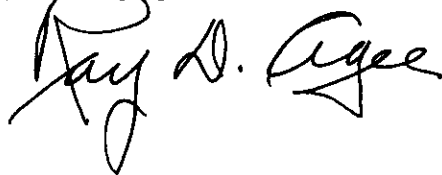
Re:- Permit No. 19764.
Thomas Alvaro Dunn.

Some time ago, your department issued this permit to said Thomas Alvaro Dunn, of Three Creek, Idaho. He now badly needs a copy of it.

Will appreciate it if you will send me a copy of this permit by return mail. It is not necessary that it be certified, but we would prefer a certified copy. Am enclosing my check for the sum of \$2.00 as your estimated fee. If my estimate is too low, I will remit the balance upon receiving a statement for it.

Thanking you in advance for this favor, I am

Very truly yours,



RDA/R.



19764

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Thomas Alvaro Dunn

Boise, Idaho **December 2, 1946**

Three Creek, Idaho

Dear Sir:-

Under the terms of your permit No. ~~19744~~ you are required to complete your diversion works on or before ~~February 15, 1947~~. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

MARK R. KULP

State Reclamation Engineer

19764

February 19, 1946

Re: Permit No. 19764

Mr. Thomas Alvare Dunn
Three Creek, Idaho

Dear Mr. Dunn:

We enclose herewith the above numbered permit, and call attention to the limitations and conditions of same, as shown on the fourth page thereof.

We also enclose a certified copy of this permit, for you to forward to the Register of the U. S. Land Office, Blackfoot, Idaho, in connection with your desert entry- in accordance with the letter received from that office, which you showed us when here a few days ago.

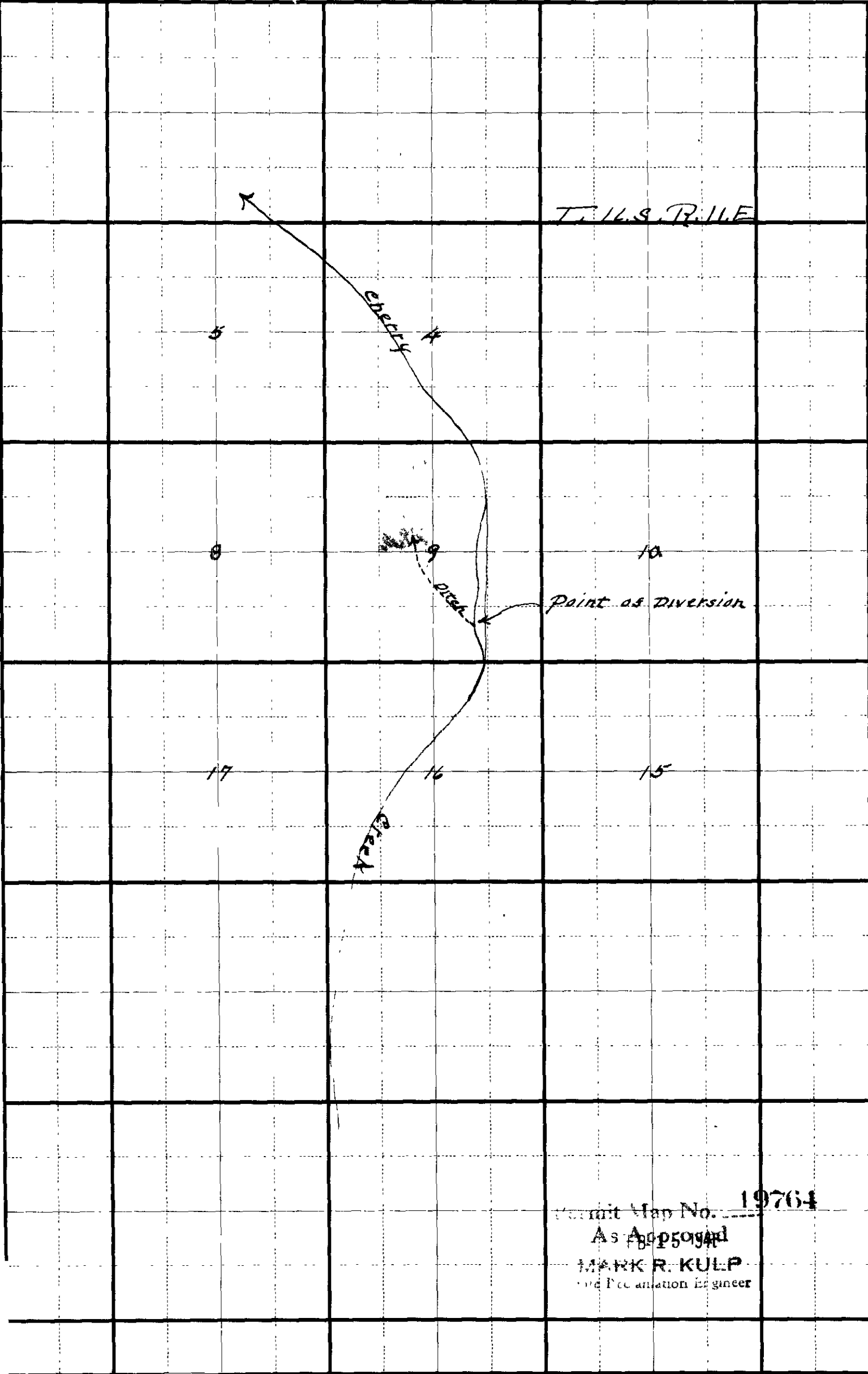
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A
Encls.

Chief Clerk

19764



Permit Map No. 19764
As Approved
MARK R. KULP
Professional Engineer

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A M on the 9th day of November, 1956, at Boise, County of Ada, State of Idaho, before Harley M McDowell, Notary Public, proof will be submitted of the application to beneficial use of 11 cubic feet per second of the waters of Cherry creek in accordance with the terms and conditions of Permit No. 19764 heretofore issued by the Idaho Department of Reclamation of the State of Idaho

The name and postoffice address of the person or corporation holding said permit are Opal F Dunn, Rogerson, Idaho

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

The amount applied to beneficial use is 11 c f

The place where said water is used is E¹₂NW¹₄, Section 9, T 16 S - R 11 E, 3 M

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

The right to take water from such works is based upon Permit No 19764

The source of supply from which such water is diverted is Cherry Creek and point of diversion is in the SW¹₄-SE¹₄, Section 9, Township 16 South, Range 11 East

The date of priority which said user is prepared to establish is February 12, 1946 19/64

MARK R KULP,

State Reclamation Engineer
8-23-4

NOTICE FOR PUBLICATION

NOTICE OF PROPOSED APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A M on the 9th day of November, 1956, at Boise, County of Ada, State of Idaho, before Harley M McDowell, Notary Public, proof will be submitted of the application to beneficial use of 1.1 cubic feet per second of the waters of Cherry creek in accordance with the terms and conditions of Permit No. 19764 heretofore issued by the Idaho Department of Reclamation of the State of Idaho

The name and postoffice address of the person or corporation holding said permit are Opal F Dunn, Rogerson, Idaho

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

The amount applied to beneficial use is 1.1 c f

The place where said water is used is E¹/₂NW¹/₄, Section 9, T 16 S - R 11 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 private ditch

The right to take water from such works is based upon Permit No. 19764

The source of supply from which such water is diverted is Cherry Creek and point of diversion is in the SW¹/₄, SE¹/₄, Section 9, Township 16 South, Range 11 East

The date of priority which said user is prepared to establish is February 12, 1946 19764

MARK R. KULP,

State Reclamation Engineer

NOTICE FOR PUBLICATION

NOTICE OF PROPOSED APPLICATION FOR BENEFICIAL USE OF WATER TO BENE- FICIAL USE

Notice is hereby given that at 10 A M on the 14th day of November, 1956, at Boise, County of Ada, State of Idaho, before Stanley M. McDowell, Notary Public, proof will be submitted of the application to beneficial use of 11 cubic feet per second of the waters of Cherry Creek in accordance with the terms and conditions of Permit No. 19764 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Opal F. Dunn, Rogerson, Idaho.

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

The amount applied to beneficial use is 11 c f.

The place where said water is used is E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, T 16 S - R 11 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 private ditch.

The right to take water from such works is based upon Permit No. 19764.

The source of supply from which such water is diverted is Cherry Creek and point of diversion is in the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 3, Township 16 South, Range 11 East.

The date of priority which said user is prepared to establish is February 12, 1946.

MARK R. KULP,

State Reclamation Engineer.

8-23-4

19764

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 9th day of November, 1956, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, proof will be submitted of the application to beneficial use of 1.1 cubic feet per second of the waters of Cherry Creek in accordance with the terms and conditions of Permit No. 19764 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Opal F. Dunn, Rogerson, Idaho.

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

The amount applied to beneficial use is 1.1 c.f.

The place where said water is used is E1/2NW1/4, Section 9, T16S - R11E, B.M.

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

The right to take water from such works is based upon Permit No. 19764.

The source of supply from which such water is diverted is Cherry Creek and point of diversion is in the SW1/4-SE1/4, Section 9, Township 16 South, Range 11 East.

The date of priority which said user is prepared to establish is February 12, 1946.

MARK R. KULP,

State Reclamation Engineer.