

R 25 E

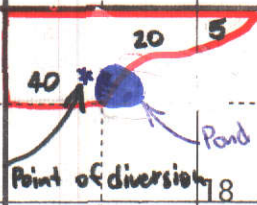


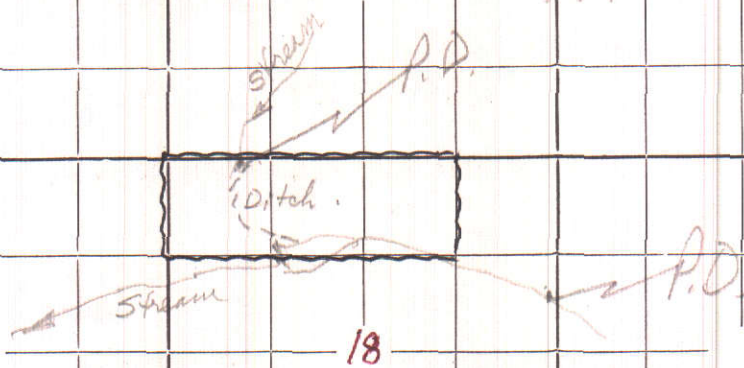
Diagram of System

RECEIVED
FEB 10 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

STANDARD

R-25E.

T.
7
S.



Max Herbold
Box 67
Rupert, Idaho
Permit No. 29972

Examination for Completion of Works & Beneficial Use

County Minidoka

Quantity 1,280 Acs. Sec. 18 T.7S R. 25 EBM

Source: 2 unnamed streams

P. D.: SENE, Sec. 18, T. 7S. R. 25 EBM
NW, NW.

Use: Irrigation

Filed: July 20, 1961

Due: July 25, 1963

Extension: —

Protest: —

Completion of Works: —

Other Rights: B-24078

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.

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Dean H. Judd, being first

duly sworn, deposes and says that he is the
Manager

of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News

for Five consecutive weeks, commencing

with the issue dated May 16, 1963, and

ending with the issue dated June 13, 1963

Dean H. Judd

Subscribed and sworn to before me this

14th day of June, 1963

[Signature] Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

30.74

NOTICE OF PROOF OF COMPLETION OF WORKS and

APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 A. M., on the 20th day of June 1963, at Rupert, County of Minidoka, State of Idaho, before H. V. Creason, Notary Public, at Idaho First National Bank Bldg. Rupert, Idaho, proof will be submitted of the completion of works for the diversion of 1.28 cubic feet per second of the waters of Waste water from adjoining lands which is tributary of 2 un-named drainage streams and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29972, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Max Herbold, P. O. Box 67, Rupert, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 1.28 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 1.28 cubic feet per second.

4. Robert Blomgren of said water is NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 7 South, Range 25 E., B. M., Minidoka County, Idaho.

5. The place where said water is used is NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 7 South, Range 25 E., B. M., Minidoka County, Idaho.

6. The date of priority which said user is prepared to establish is July 20, 1961.

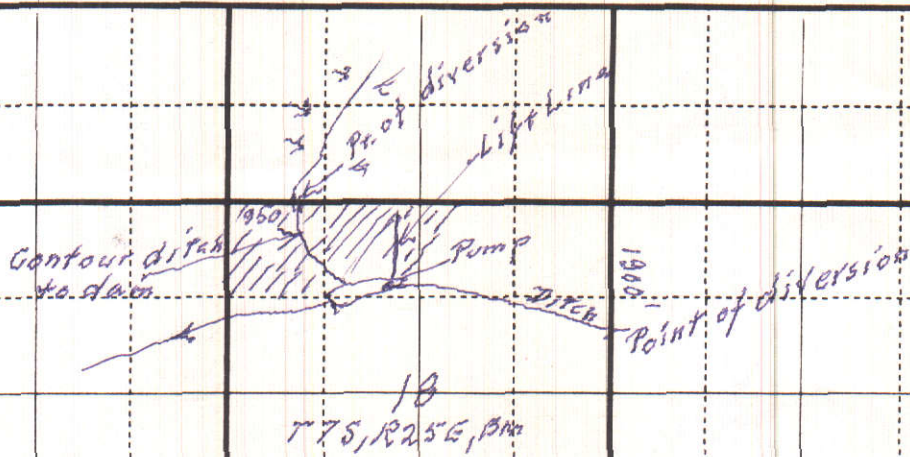
GEO. N. CARTER

State Reclamation Engineer

No. 735 May 16 - June 13 64

NAME OF APPLICANT Max Harbold*, Rupert, Idaho

Form No. 0



Permit Map No. 29972

As Approved

GEO. N. CARTER

State Reclamation Engineer

JUL 25 1961

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-2501 Priority July 25, 1961 Amount 0.80 cfs

THIS IS TO CERTIFY, that Max Herbold
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 36-2501 issued pursuant to Application for Permit dated July 25, 1961,
and has submitted proof to the Department of Water Resources on June 21, 1963,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.80 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.80</u> cfs and	<u>260 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.80 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
260 acre feet per year, said waters to be diverted within the NW¹/₄NW¹/₄, Sec. 18, Twp. 7S,
Rge. 25E, B. M. in the County of Minidoka

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7S	25E	18		5			20	40											65

Total number of acres irrigated 65

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 13 day of
January, 19 78.


Director

Application For Permit To Appropriate the Public Waters of the State of Idaho

Cresson & Cresson
Attorneys at Law
Box 335,
Rupert, Idaho

36-2501

APPLICATION No. 37921
PERMIT No. 29972
DISTRICT No.

1. Name of Applicant: Max Herbold

Postoffice address: Rupert County: Minidoka 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:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 2 Un-named Streams cubic feet per second.
32 miners inches from each. Total 1.28 /

3. Source of water supply: Waste water from adjoining lands which is a tributary of unnamed drainage

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$
of section 18 , T. 7 S , R. 25 E , B. M., County of Minidoka

5. Water is to be used for irrigation

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , 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: \$ 300.00

8. Kind of works: Simple diversions, contour ditches to reservoir

9. Height of dam 4 feet; length of dam at top 100 feet; length of dam at bottom 100
feet; material used in dam: dirt

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

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

Subterranean water by wells - Permit G-24078

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

By _____ Agent.

Corrected application received:

The number of this permit is 29972
Recorded in Book 105 Page 29972 Approved July 25, 1961
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 September 25, 1961 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 July 25, 1962
The whole of said work to be completed on or before July 25, 1963
Beneficial use of water appropriated in accordance herewith, to be made on or before July 25, 1963

s/ GEO. N. CARTER
State Reclamation Engineer.

Countersigned:

By s/ ROBERT E. SMYLLIE
Governor.

REMARKS: This is a small dirt reservoir for the collection of waste water that comes from adjoining land lying north and east of the applicant's property. The water arrives on the applicant's property through 2 or 3 natural drain water courses and after it is collected in this dirt dam by the applicant-the-lands below the point of diversion are in crops, and no natural flow goes beyond this point. The purpose of the dam constructed by the applicant is to utilize waste water that comes from various farms lying north and east, and some of which are adjacent to the lands where the water is being collected in the dam, and then applied to the to the adjoining lands as shown on the map. This is purely a conservation

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
7 S	25 E	18	5	20	40		65

January 16, 1978

Re: Permit No. 36-2501

Max Herbold
Box 67
Rupert, ID 83350

Dear Mr. Herbold:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kw
Enclosure

December 23, 1977

Re: Permit No. 36-2501

Max Herbold
Box 67
Rupert, ID 83350

Dear Mr. Herbold:

36-2501 August 12, 1976
A representative of this Department made an examination of the works covered by your Permit No. on , and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.80 cfs groundwater Source: 260

The maximum quantity diverted shall not exceed acre feet per year.

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 7S, Rge. 25E, B. M.

Point of diversion: Irrigation of 65 acres within N $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 18, Twp. 7S, Rge. 25E, B. M.
Beneficial use:

July 25, 1961

Priority date established:

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Max Herbold NOV 24 1975
Post office address Box 67 Rupert, ID Phone Department of Water Resources
Person to contact _____ Phone Southern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ (2) Unnamed streams
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:
Amount 1.28 c.f.s. for Irrigation
_____ AF/Annum (nature of use)
Period of Use: from March 15 to November 15
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Other uses: _____

Permit No. 29972/36-2501
Examination for b/u
Flow mark 6-20-1963

4. Total amount to be appropriated:
Max Rate of Diversion 1.28 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:
Township 7S N/S, Range 25E E/W, B.M., Section 18, Subdivision NW 1/4 NW 1/4, Minidoka County
Township 7S N/S, Range 25E E/W, B.M., Section 18, Subdivision SE 1/4 NE 1/4, Minidoka County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Other Points of Diversions: _____

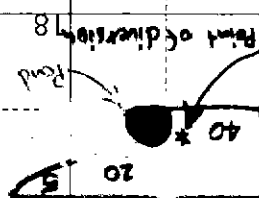
Description of diverting works: Small dirt dam making a diversion dam and water carried from small reservoir created by a dam into two small unnamed laterals carrying water to irrigated area.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	18		5			20	40											65

Diagram of System



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 8-5, 1976 **DISCHARGE MEASUREMENT NOTES**

Ditch below

Max Herbold

River at Minidoka Cont.

Conc. standard

[illegible]

DATE OF EXAM 8-5-76

ACREAGE
Found 65
Recommended 65

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 0.80 c.f.s. V = 26 0.0 AF/Ann. from Mar. 15 to Nov. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
 $V = (65 \text{ Acres})(4.0 \text{ Ac. Ft./Ac.}) = 260 \text{ A.F./Ann.}$

$Q_{\text{max.}} = (65 \text{ Acres})(0.02 \text{ cfs/Acre}) = 1.30 \text{ cfs} \geq \underline{1.28 \text{ cfs applied for } Q_{\text{max.}}}$

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.80 cfs Method of measurement pygmy meter

Total Q recommended 0.80 cfs Meter No. _____ Type pygmy Condition good

Total V recommended 260 A.F./Ann.

Recommended Amendments:

P.D. NW 1/4 NW 1/4 Sec. 18, T.7S., R.25E., B.M.
Place of Use _____
Other _____
None ☒ One point of diversion
NW NW, Sec 18, 75, 25E within

MEASUREMENT CALCULATION:
See attached sheet.

Since $Q_{\text{meas.}} < Q_{\text{max.}}$ the $Q_{\text{meas.}} = Q_{\text{recommended}}$

SYSTEM DESCRIPTION:

A 10 H.P. Century Motor, serial 10A14255, with a Jacuzzi Pump, serial 10F114-T CWNE170 diverts from a collection pond into an underground pipe. The underground pipe has concrete risers from which the water is taken and put in open ditches which irrigates the described lands.

REMARKS:

It was noted during the exam that the underground pipe leaks in several areas. It was impossible to determine the amount of leakage.

Examiner's Signature Alan Merritt Date 8-12-76

Checked by Terry L. Blay Date 8-26-76

Approved by Michael L. Steele Date 9-15-76

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 29972

REPORT ON PROOF OF Completion of Works & Beneficial Use

Max Herbold, Box 67, Rupert, Idaho

R-25E.

T.
7
S.

18

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

Permit No. 29972

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

1. Name of applicant Max Herbold

2. Source of water supply: 2 unnamed streams

3. Location of point of diversion: Is in the NW¹/₄ NW¹/₄, SE¹/₄ NE¹/₄ of Section 18

T. 7 S R. 25 E.B.M. County of Minidoka

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

5. Water is used for: irrigation

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

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):

65 acres in NW¹/₄ NE¹/₄, N¹/₂ NW¹/₄ Sec. 18., Twp. 7 S., Rge. 25 E.B.M.

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

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

Remarks:

This examination was made on the day of, 19

(Signed)

Examiner.

29972

Max Herbold
Box 67
Rupert, Idaho
Permit No. 29972

Examination for Completion of Works & Beneficial Use

County	Minidoka
Quantity	Sec. 18 T. 7S R. 25 EBM
Source	
P.D.	
Use	
Filed	
Due	
Extension	
Protest	
Completion of Works	
Other Rights	

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.

1M April 1962

~~CONFIDENTIAL~~

June 26, 1963

Re: Permit No.
29972

Mr. Max Herbold
Box 67
Rupert, Idaho

Dear Mr. Herbold:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Minidoka County News, all submitted in proof of completion of works and beneficial use on Permit No. 29972.

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,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: H. V. Creason
Creason & Creason
Attorneys at Law
Rupert, Idaho

29972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 21 1961
Department of Reclamation

Permit No. 29972

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

Deposition of Holder

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

Ans. Max Herbold, Rupert, Idaho and I am a Farmer and Produce Dealer, Post Office Address: Box 60 Rupert, Idaho

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

Ans. ---

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

Ans. Permit No. 29972, dated July 20, 1961, and date of priority July 20, 1961

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

Ans. Waste water collected behind small dirt diversion dam; Point of diversion of said water is NW¹/₄NW¹/₄ and SE¹/₄NE¹/₄ of Section 18, Twp. 7 S., Rge. 25 E., B.M., Minidoka County, Idaho

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. Small dirt dam making a diversion dam and water carried from small res. created by a dam into two small un-named laterals carrying water to irrigated area and amount of water is 1.28 cubic feet per second.

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 water is used for irrigation of crops, 5 acres in NW¹/₄NE¹/₄, 20 acres in NE¹/₄NW¹/₄ and 40 acres in NW¹/₄NW¹/₄ all in Section 18 Township 7 S., Rge. 25 E., B.M., Minidoka County, Idaho. This is cultivated land for the growing of hay, grain and row crops.

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

Ans. ---

299721

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

Ans. -----

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

Ans. 1.28 Cubic 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. --

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

Ans. In July 1961 this water works was completed and put to beneficial use and has been used each year since for the irrigation of crops, and the sum of 1.28 cubic feet per second has been used.

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. The water from the dam and ditches herein described is used on this land only.

(Sign)

Max Herbold

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 Rupert, County of Minidoka, State of Idaho, on this 20th day of June, A. D. 1963.

Notary Public for Idaho

Residing at Rupert, Idaho

My commission expires Feb. 28, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 29972

**Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness**

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

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

Ans. Martin Dean, 53, Rt. 1, Rupert, Idaho, and my occupation is
Laborer and irrigator for Max Herbold

Ques. 2. Are you acquainted with Max Herbold, the holder of Permit No. 29972? How long have you known him and where does he reside?

Ans. I have known Max Herbold personally for five years and he
lives in Rupert, Idaho

Ques. 3. Have you read or heard read said Permit No. 29972, 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. This water is waste water from adjoining lands and is diverted
by a small dirt dam and is carried in two un-named laterals to
lands located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 18,
Township 7 S., Rge. 25 E., B.M., Minidoka County, Idaho, and
irrigating 65 acres.

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. 1.28 cubic feet per second

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 water is being used to irrigate cultivated lands and irrigates
40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 18, Township 7 S., Rge. 25 E., B.M., Minidoka County, Idaho
for raising of hay, grain and row crops and crops have been planted
and grown by reason thereof since July, 1961 to the present time.

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

Ans. ---

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. This was sagebrush land and was cleared and irrigation water placed thereon by Mr. Herbold by reason of the dirt dam and small ditches and the land was converted to irrigated land and the profitable cultivation requires 1.28 cubic feet per second of water

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

Ans. no

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

Ans. I have worked for Mr. Herbold as an irrigator and have applied this water to the crops for the past three years. I have seen this water applied to the lands about every day for the past three years during the irrigating season. All of the water has been applied to the land and it is 1.28 cubic feet per second.

(Signed) Martin Dean

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 Rupert, County of Minidoka, State of Idaho, on this 20 day of June, A. D. 19 63.

M. Pearson

Notary Public.

My commission expires Feb. 28, 1966

29972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 20 1961

Department of Reclamation

PERMIT NO. 29972

Proof of Application of Water to Beneficial Use
Deposition of Witness *and Completion of Works*

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. Rex D. Mathews, I am 65 years of age and I live and
my post office address is Rupert, Idaho. Potato Broker

Ques. 2. Are you acquainted with Max Herbold, the
holder of Permit No. 29972? How long have you known him and where does
he reside?

Ans. I have known Max Herbold for more than 20 years and he
resides in Rupert, Idaho

Ques. 3. Have you read or heard read said Permit No. 29972, and are you
familiar with its provisions and conditions?

Ans. Yes I am

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. It is a small dirt dam diverting the water and carrying it
in two un-named laterals to lands located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
and NW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 18, Township 7 S., Rge. 25 E., B.M.,
Minidoka County, Idaho and irrigating 65 acres. The water is
waste water from adjoining lands and is placed to irrigation of
said land.

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. 1.28 cubic feet per second

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 water is used for irrigation of cultivated lands and
irrigates 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40
acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ all in Section 18, Township 7 S., Rge. 25 E., B.M.,
Minidoka County, Idaho. Crops have been planted and irrigated
in said lands since July 1961.

29972

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

Ans. ---

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. Was arid sagebrush land, brush removed and irrigation water placed on said land by Mr. Herbold by reason of said dirt dam and ditches and converted to irrigated land and the amount of water needed is 1.28 cubic feet per second.

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

Ans. no

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

✓ Ans. I seen water being used on this land to irrigate potatoes last year or 1962 crop. This land is in potatoes and beets this year, and there is some pasture land.

(Signed)

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 Rupert, County of Minidoka, State of Idaho, on this 20 day of June, A.D. 1963.

Al Mason
Notary Public.

My commission expires Feb. 28, 1966

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Dean H. Judd, being first

duly sworn, deposes and says that he is the
Manager of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News

for Five consecutive weeks, commencing
with the issue dated May 16, 1963, and
ending with the issue dated June 13, 1963

Dean H. Judd

Subscribed and sworn to before me this

14th day of June, 1963

[Signature] Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

30.74

APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given
that at 10:00 A. M. on the 20th
day of June 1963, at Rupert,
County of Minidoka, State of
Idaho, before H. V. Hanson,
Notary Public for the State of
Idaho, proof will be submitted
of the completion of works for
the diversion of 1.28 cubic feet
per second of the waters of
Waste water from adjoining
lands which is tributary of 2
unnamed drainage streams
and of the application to bene-
ficial use of said water in ac-
cordance with the terms and
conditions of Permit No. 1000
heretofore issued by the De-
partment of Reclamation of the
State of Idaho.

1. The name and postoffice
address of the person or cor-
poration holding said permit
is: Max Herbold, P. O. Box 67,
Rupert, Idaho.

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

3. The use to which said wa-
ter will be applied for irriga-
tion purposes, and the amount
applied to beneficial use is 1.28
cubic feet per second.

4. The place where said wa-
ter is diverted is NW 1/4 of
SE 1/4 NE 1/4 of Section 16, Town-
ship 7 South, Range 25 E., B.
M., Minidoka County, Idaho.

5. The place where said wa-
ter is used is NW 1/4 NW 1/4 and
SE 1/4 NE 1/4 of Section 18, Town-
ship 7 South, Range 25 E., B.
M., Minidoka County, Idaho.

6. The date of priority which
said user is prepared to estab-
lish is July 20, 1961.

CH 1
S
No. 7
Engineer
13 69

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

BOX 335
436-4131

June 20, 1963

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 29972
Max Herbold

Gentlemen:

Enclosed herewith please find Deposition of Holder, Max Herbold; and Deposition of Witnesses Rex D. Mathews and Martin Dean, together with Affidavit of Publication in the above matter.

Yours very truly

CREASON & CREASON

H. V. Creason
H. V. Creason
c

HVC:hc

Encls.

29972

May 8, 1963

Re: Permit No. 29972
Max Herbold

Mr. H. V. Creason,
Attorney at Law,
Box 35,
Rupert, Idaho.

Dear Mr. Creason:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 29972, in the name of Max Herbold. Final Proof is to be made before you, as Notary on the 20th day of June, 19 63, at 10:00 o'clock A.M., at Idaho First National Bank Bldg. ~~Idaho~~ Rupert, Idaho.

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Enc.
cc: Applicant

29972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 29972
Max Herbold

Date: May 8, 1963

Minidoka County News,
Rupert, Idaho.

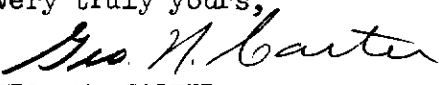
Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **June 20, 1963** the date set for proof; the expense of the publication is to be paid by the applicant's attorney

Creason and Creason of **Box 335, Rupert, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

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

Encl.

29972

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

NOTICE is hereby given that at 10:00 A. M., on the 20th day of June
1963, at Rupert, County of Minidoka, State of Idaho, before
H. V. Creason, Notary Public, at (address) Idaho First National Bank
Bldg. Rupert, Idaho,

proof will be submitted of the completion of works for the diversion of
1.28 cubic feet per second of the waters of Waste water from adjoining lands
which is tributary of 2 un-named drainage streams
and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 29972, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Max Herbold, P. O. Box 67, Rupert, Idaho

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

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is 1.28 cubic
feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18,
Township 7 South, Range 25 E., B.M., Minidoka County, Idaho.

5. The place where said water is used is NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18,
Township 7 South, Range 25 E., B.M., Minidoka County, Idaho.

Total _____ acres
6. The date of priority which said user is prepared to establish is July 25, 1961

Lia H. Carter
State Reclamation Engineer

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 7, 1963

(P. O.) Rupert, 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 Minidoka County News of
Rupert, Idaho published in the
county in which the works are situated.

Max Herbold

(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

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

BOX 335
436-4131

May 7, 1963

State of Idaho
Department of Reclamation
Boise, Idaho

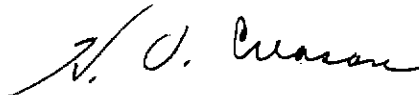
Re: Permit No. 29972
Max Herbold

Gentlemen:

Enclosed herewith please find Notice of Proof of Completion of Works and Application of Water to Beneficial Use in duplicate, together with letter of Authorization signed by Max Herbold.

Yours very truly

CREASON & CREASON



H. V. Creason
c

HVC:hc

Encl (3)

29972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 29972
Max Herbold

Date:
May 1, 1963

Croason & Croason
Attorneys at Law
Napert, Idaho

Dear Sirs:

Under the terms of your Permit No. 29972 you are required to make proofs of completion of works and application of water to beneficial use on or before July 25, 1963.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper in the county.

We enclose Form 36-A in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point of points of diversion and the location of use or lands which are irrigated - - by legal description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 36-A.

At the time we send the notice to the newspaper we will send you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by the field inspection to have been irrigated at the time of proof.

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

Enc. Form 3 A-11

cc: Max Herbold
Napert, Idaho

29972

August 2, 1961

Re: Permit No. 29972
Max Herbold

Dreaseon & Creason,
Attorneys at Law,
Box 98,
Rupert, Idaho.

Attention: H. V. Creason

Gentlemen:

We enclose Permit No. 29972 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30661, which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

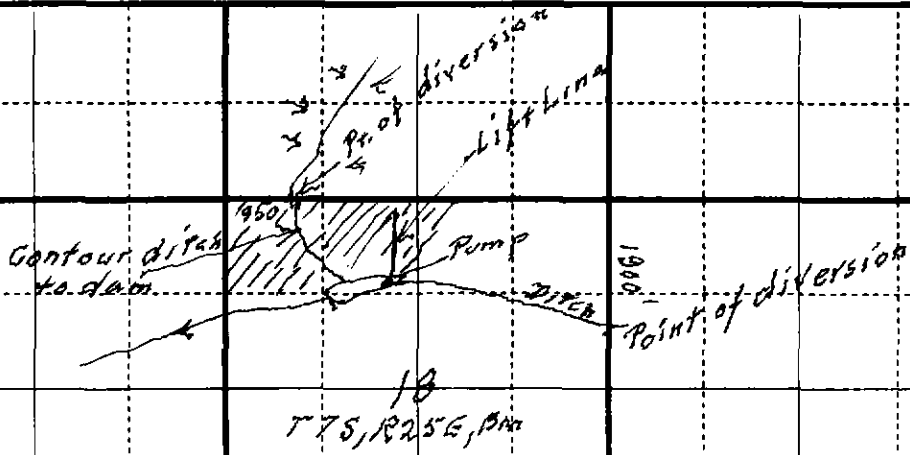
Encl.
EPR:pmk
cc: Max Herbold
Rupert, Idaho

2907

NAME OF APPLICANT

Max H. boldt, Rupert, Idaho

Form No. 0



Permit Map No. 29972

As Approved

GEO. N. CARTER

State Reclamation Engineer

JUL 25 1961

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

29972

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

BOX 98
HE 6-4131

July 19, 1961

RECEIVED
JUL 20 1961

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Max Herbold

Gentlemen:

Enclosed herewith please find Application for Permit to appropriate the public waters of the State of Idaho for Mr. Herbold, together with our check in the sum of \$5.25.

We trust you will find everything in order.

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

Encl.

29972

May 22, 1961

Re: Applications for Permit
Max Herbold

Creason and Creason
Attorneys at Law
Rupert, Idaho

Attn: L. V. Creason

Dear Mr. Creason:

Returned herewith are the two applications for permit you submitted to this office with attached check for \$10.00 filing fee.

The application with the check attached - 4. location of the point of diversion 1900 ft south feet distant from the NE corner of Sec. 18, T. 7 S., R. 25 E., B. M.; and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 7 S., R. 25 E. is in error. The map shows a mark on the section line south of the of the NE corner of Section 18 with a dashed line to the reservoir.

The map should show the natural waste way in which the water naturally flows and the ditch from the point of diversion to the land.

The maps show land in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18 which are not included under 14 of the application.

You can do this with one application similar to the second application, as marked in pencil.

Applications cannot be approved for over one miners inch per acre without full justification for additional water.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. applications with
attached check

29972

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

RECEIVED

MAY 19 1961

Department of Reclamation
HE 6-4131

H. V. CREASON
C. H. CREASON

May 18, 1961

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Max Herbold

Gentlemen:

Enclosed herewith please find two original Applications for Permit to appropriate the public waters of the State of Idaho, together with two maps attached to each application, and our check in the sum of \$10.00 for filing fee.

Trusting you find everything in order, I beg to remain,

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

Ecnls.

29972