

R-25E.

Travitation Disk
at fence is old natural drainage
point ground to
wastewater

Main drain
15" No. Side extension
No. 1 called A4
This project ends
all drain change
and control
wastewater

Main ditch

28

27

30

Minidoka Proj
Lateral #25

30" steel Culvert with screen gate
24" check board head wall
to 24" steel siphon under
lateral.

33

34

TO RUPERT

Subdivisions

2

Area

30 Acres

Allow @

.60 cfs. or 30 inches

William Bennett
Rt. #4, Rupert, Idaho

136-3620 Permit No. 27986
650E-500N

Examination for Beneficial Use

County Minidoka

Sec. 28 T. 8S R. 25E BM

Quantity: 0.6 c.f.s.

Source: Waste water

P.D.: NE, SE, Sec. 28, T. 8S. - R. 25E. B.M.

Use: Irrigation

Filed: June 16, 1959

Due: June 18, 1960

Extension: —

Delayed 1/2 proof

Completion of Works: 11-30-60

Other Rights: none

Drillers Name:

Protest:

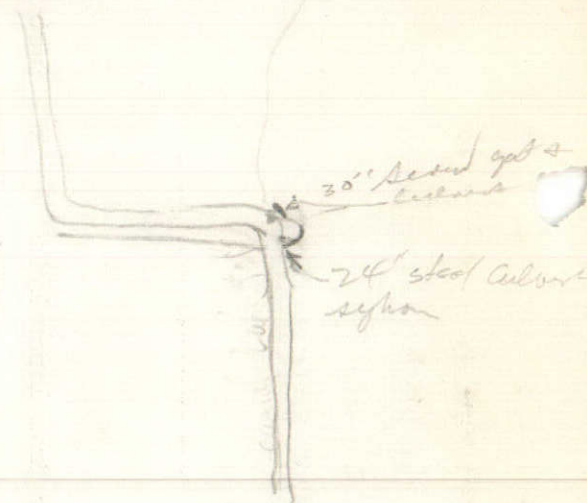
INSTRUCTIONS TO EXAMINERS

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
MAY 29 1962

Department of Reclamation

This channel follows old drain
alignment but is cleaned at least
year with dragline because it is filled
in with blow sand. with settling pond at
lower end. This is all drainage water
from new proj. that they didn't have any
plate reclaim.
Does approach 1/4 mile across Bennett
place.



The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka, }
STATE OF IDAHO, } ss.
Junior Ross

....., being first
duly sworn, deposes and says that he is the
Manager.....publisher 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 four.....consecutive weeks, commencing
with the issue date Sept. 29, 1960....., and
ending with the issue dated Oct. 20, 1960.....

Junior Ross
Subscribed and sworn to before me this
3rd day of Nov., 1960
Fern Hunter Notary Public

Cost of Publication

Notary Fee

Total Cost

Notice for Publication NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
10 o'clock A. M. on the 3rd day
of November 1960 at Rupert,
County of Minidoka, State of
Idaho, before Lois E. Stephen-
son, Notary Public, proof will
be submitted of the application
to beneficial use of 0.6 cubic
feet per second of the waters of
waste water from lands lying
north and east of permit holder's farm in accordance with
the terms and conditions of per-
mit No. 27986 heretofore issued
by the Department of Reclama-
tion of the State of Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are:
William Bennett, Route #4,
Rupert, Idaho.

The use to which said water
has been applied is irrigation;
The amount applied to benefi-
cial use is 0.6 cubic feet per
second.

The place where said water
is used, give full and accurate
legal description: The North
10 acres in the Northeast Quar-
ter (NE $\frac{1}{4}$) and the North 10
acres in the Northwest Quarter
of the Southwest Quarter of
Section Twenty - seven (27);
and the North 5 acres in the
Northeast Quarter (NE $\frac{1}{4}$) and
the North 5 acres in the North-
west quarter of the Southeast
Quarter of Section 28, all in
Township 8 South, Range 25
EBM.

The name of the canal or
ditch or other works by which
said water is conducted to
such place of use is No name.

The right to take water from
such works is based upon Per-
mit No. 27986.

The source of supply from
which such water is diverted is
waste water.

Point of Diversion (legal de-
scription) in the NW $\frac{1}{4}$ of the
SE $\frac{1}{4}$ of Sec. 28, Twp. 8 South,
Range 25 EBM.

The date of priority which
said user is prepared to estab-
lish is June 16, 1959.

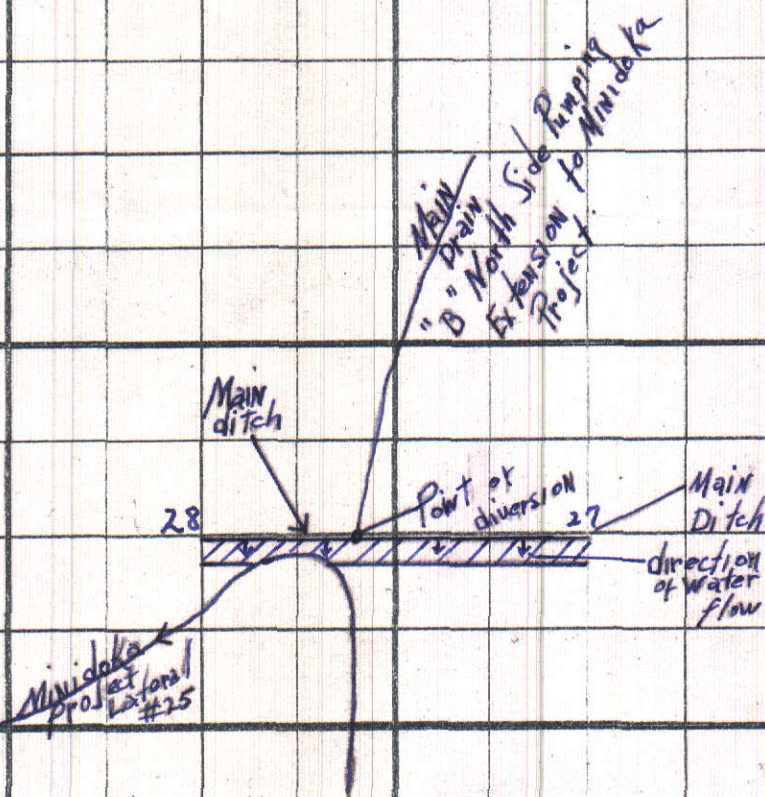
Geo. N. Carter
State Reclamation Engineer
#963 - Sept. 29 - Oct. 20.

27986

NAME OF APPLICANT

WILLIAM BENNETT

Form No. 0



Shaded area indicates land to be irrigated in Sections 27 and 28,

Township 8 South, Range 25 EBM

Permit Map No. 27986

As Approved JUN 18 1959

GEO. N. CARTER
Reclamation Engineer

Scale: 2 inches equal 1 Mile. Draw Plan in ink.

27986

State of Idaho

License and Certificate of Water Right

Water License No. _____

Amount......60 c.f.s.

Water District No. _____

Priority November 1, 1959

THIS IS TO CERTIFY

WILLIAM BENNETT

of Rupert, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 16, 19 59; that Permit No. 27986 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.6 second feet, was issued thereunder on November 30, 19 60, showing that said works were completed on the 15th day of November, 19 60; and that on the 3rd day of November, 19 60,

WILLIAM BENNETT

of Rupert, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of waste water from lands lying North and East of applicant's farm, a tributary of _____, for the purpose of irrigation, under Use Permit No. 27986 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 12 of Licenses at page 7289, on the 14th day of September, 19 62; The right hereby confirmed dates from November 1, 19 59;

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 28, Tp. 8 S., R. 25 E., B. M. Minidoka County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	25 E.	28	<u>NE 1/4 SE 1/4</u>	<u>5</u>	<u>20</u>
			<u>NW 1/4 SE 1/4</u>	<u>5</u>	<u>10</u>
			Total number of acres to be irrigated:		<u>30</u>

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 _____, this 4th day of September, 19 62.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

36 2394

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

36-2

APPLICATION No. 35944
PERMIT No. 27986
DISTRICT No.

~~Cancelled~~

1. Name of Applicant: William Bennett

Postoffice address: Route 4, 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:

CANCELLED pursuant to sec. 48-31
Idaho Code Annotated by order of
State Reclamation Engineer
dated Sept 25, 1966

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: 0.6

cubic feet per second.

and East of applicant's farm

3. Source of water supply: Waste water from lands lying North/which is a tributary of

4. Location of point of diversion:

feet distant from the

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

of section 28 , T. 8 So. , 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: \$ 1,000.00

8. Kind of works: Diversion 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 2 feet; width at water line 2 $\frac{1}{2}$ feet; depth of water 1 $\frac{1}{2}$ feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

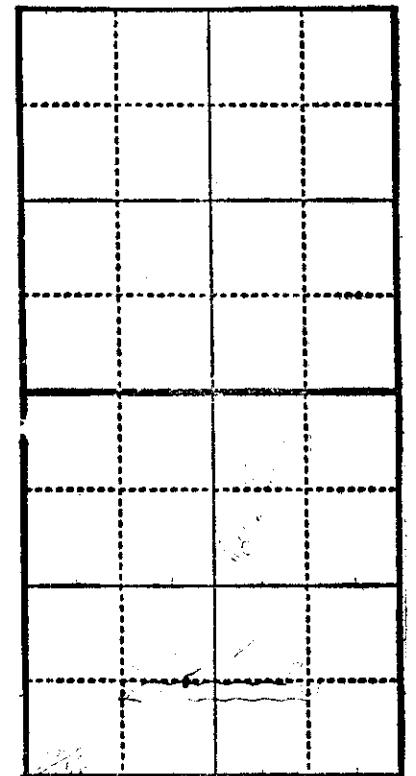
Average grade per mile 2 feet.

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

13. The time required for the complete application of the water to the proposed use is no additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none



16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

William Bennett *Applicant.*

By s/ Lawrence H. Duffin Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. June 16, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 27986
Recorded in Book 98 Page 27986 Approved June 18, 1959

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 August 18, 1959 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 December 18, 1959

The whole of said work to be completed on or before June 18, 1960

Beneficial use of water appropriated in accordance herewith, to be made on or before June 18, 1960

WITNESS My hand this 18th day of June, 1959.

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, _____ ROBERT E. SMYLLIE _____, Governor of the State of Idaho,
and _____ ARNOLD WILLIAMS _____, 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 18th day of June, 1959.

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

REMARKS: While completion of works proof can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water.

14.

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	
8 So.	25 E	28														5	5	10	
		27																20	
			STATE OF IDAHO DEPARTMENT OF RECLAMATION																
In the Matter of the Reinstatement of Permit No. 27986, Under the Provisions of Section 42-311, Idaho Code.			ORDER REINSTATING PERMIT																
WHEREAS, Permit No. 27986 lapsed through failure of the holder to make proof of completion of the works of diversion within time specified in the Permit, to-wit: June 18, 1960; and,			WHEREAS, On the 22 day of July, 1960, notice/show cause why said permit should not be cancelled, under the provisions of Section 42-311, Idaho Code, was duly served on the holder of said permit; and,																
WHEREAS, on the 25 day of August, 1960, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,			WHEREAS, on the 16th day of November, 1960, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,																
WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 27986, and that the holder has acted in good faith;			IT IS, THEREFORE, Hereby Ordered that said Permit No. 27986 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.																
IN WITNESS WHEREOF, I have hereunto set my hand and affixed this 30th day of November, 1960.			s. GEO. N. CARTER State Reclamation Engineer																
			30																

Application for Amendment
POINT OF DIVERSION ✓
Permit No. 27986

Comes now William Bennett and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 27986. That the point of diversion is described in said Permit as being located: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T8S, R25E B.M.

That he now requests that the point of diversion be changed to a point located: approx. 600 feet west of E $\frac{1}{4}$ corner of Sec. 28 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T8S, R25E BM. That the reason for desiring to make such change is as follows: correct error in description.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Rupert Idaho, this 7 day of Dec. 1960

/s/ William Bennett

Rupert Idaho #4

Date of Receipt at Department of Reclamation: December 12, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 27986. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ GEO. N. CARTER

State Reclamation Engineer

Recorded in Book 98 of
Permits, at Page 27986
December 13, 1960

Permit No. 27986

CERTIFICATE OF COMPLETION OF WORKS ✓

ALL WHOM IT MAY CONCERN:

This is to certify that WILLIAM BENNETT of Rupert, County of Minidoka, and State of Idaho, the holder of Permit No. 27986 issued upon Application No. 35944 bearing date of priority of June 16, 1959, authorizing the diversion of 0.6 second feet of waters of waste water from lands lying North and East of applicant's farm, County of Minidoka, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.6 second feet of the waters of waste water from lands lying North and East of applicant's farm; that the point of diversion of said waters is NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 8 S., R. 25 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 27; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T. 8 S., R. 25 E., B. M.

Witness my hand this 30th day of November, A. D. 1960.

/s/ GEO. N. CARTER

State Reclamation Engineer

Proof of Completion of Works Made: November 15, 1960

LICENSE ISSUED FOR 160 SEC. FT.

page 7289

Sept. 12, 1962

Re: Permit No. 27986

William Bennett
Route #4
Rupert, Idaho

Dear Mr. Bennett:

We enclose License and Certificate of Water Right
issued on Permit No. 27986.

Also enclosed is departmental receipt No. 31087
in the amount of \$4.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. license
receipt

27986

August 6, 1962

Re: Permit No. 27986
William Bennett

Minidoka Irrigation District
Rupert, Idaho

Gentlemen:

We wrote to you June 12, 1962, in regard to Mr. Bennett's permit to divert waste water from the A & B Irrigation District for irrigation of land in the N⁴SE⁴, Sec. 28, T. 8 S., R. 25 E., B. M. The point of diversion is outside of A & B Irrigation District.

To date we have not received a reply to that letter requesting permission for issuance of a certificate and license of water right for 0.6 c.f.s. to irrigation 30 acres of land. There were no protests received in regard to Mr. Bennett's proof of beneficial use of the water.

If we do not hear from you prior to August 20, 1962, we will consider you have given your consent and the Certificate will be issued to Mr. Bennett.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

June 12, 1962

Re: Permit No. 27986

Eldon J. Stephenson
Secretary-Treasurer
Minidoka Irrigation Dist.
Rupert, Idaho

Dear Mr. Stephenson:

Mr. William Bennett, Route #4, Rupert, Idaho, is holder of Permit No. 27986 which claims waste water from the terminal of Drain B of the A & B Irrigation District on the north side of the NE¹/₄SE¹/₄, Sec. 28, T. 8 S., R. 25 E. for irrigation of land in the NE¹/₄SE¹/₄, said Section 28, above your lateral No. 25. Our field examiner has inspected the works which are capable of diverting 0.6 c.f.s. of water for the irrigation of 30 acres of land.

This water is probably private water according to the contract between the Bureau of Reclamation and your District, signed August 24, 1961.

Will the District release 0.6 c.f.s of this water to Mr. Bennett in order that we may issue him a License and Certificate of Water Right to irrigate 30 acres of land in the NE¹/₄SE¹/₄, Sec. 28, T. 8 S., R. 25 E. above your lateral?

Thank you for an early reply

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

May 31, 1962

Re: Permit No. 27986

William Bennett
Route #14
Rupert, Idaho

Dear Mr. Bennett:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 27986 shows the waste water is capable of conveying 30 miner's inches, or .60 c.f.s. of water for the irrigation of 30 acres.

Upon receipt of the statutory fee of \$ 4.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of November 1, 1959 to the use of .60 second feet of surface water with the point of diversion in NE 1/4, Sec. 28, for irrigation of 30 acres in NE 1/4, Sec. 28, T. 8 S., R. 25 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

27986 41

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27986

REPORT ON PROOF OF Beneficial Use

William Bennett, Rt. #4, Rupert, Idaho

R-25E

Main ditch



Mindoka Project
Lateral #25

30" steel culvert with screen box
24" check board head wall
to 24" steel siphon under
lateral.

To R-25E

Subdivisions

2

Area

30 Acres

Allow @

.60 cfs or 30 inches

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

Permit No. 27986

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant William Bennett
2. Source of water supply: Waste Water from lands lying North & East of Applicant's Farm
3. Location of point of diversion: Is in the NE 1/4 of Section 28
T. 8S R. 25 ERM County of Minidoka

The "B" Main Drain of the North Side Extension is a dug ditch following a natural waterway. The drain ditch was dug and is maintained by the "B" North Side Extension - now called A & B Irrigation District to dispose of the waste water from the project. The project ends at the center of the SE 1/4 NE 1/4 on the south line. No attempt is made to reclaim any of the waste water.

Mr. Bennett has made a ditch to pick up the waste water from the A & B Irrigation District and uses it to irrigate ground not reached by Minidoka Project Lateral #25. When he doesn't need the water he has constructed a 30" culvert with a screw gate to divert excess water into Minidoka Project Lateral #25. When the Canal Company can't use the water it is syphoned under lateral and used on other ground owned by Mr. Bennett that is under the Minidoka Project.

No measuring device is used. Only controls are where water is diverted into Lateral #25 or syphoned under Later #25. Mr. Bennett said the amount of water varies from none to 200 inches through the season.

See Contract #14-06-100-2227 between A & B Irrigation District and Minidoka Project, Page 5

~~While completion of works proof can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water.~~ See Memo of 11-19-60 JME

Still check to see water is in natural channel

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

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

Remarks: Mr. William Bennett along

Discussed this use of water with the Minidoka Project Office and they have no objection to the way Mr. Bennett administers the regulation of the waste water.

No measurement made only an estimated 10 inches going through ditch capable of handling 250 inches or more.

This examination was made on the 23 day of May, 1962

(Signed) Larry Johnson

Examiner.

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):

N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 28; N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 27 all in Twp. 8 S., Rge. 25 E.B.M.

~~While completion of works proof can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water.~~

Still check to see water is in natural channel

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

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

Remarks: Mr. William Bennett along

Discussed this use of water with the Minidoka Project Office and they have no objection to the way Mr. Bennett administers the regulation of the waste water.

No measurement made only an estimated 10 inches going through ditch capable of handling 250 inches or more.

This examination was made on the

23rd

day of

May

, 1962

(Signed)

Lynn Johnson

Examiner.

William Bennett
Rt. #4, Rupert, Idaho

136-3620 Permit No. 27986

6502-5000

Examination for Beneficial Use

County Minidoka

Sec. 28 T. 8S. R. 25E.

Quantity: 0.6 c.f.s.

Source: Waste water

P.D.: NE. SE., Sec. 28, T. 8S. - R. 25E. B.M.

Use: Irrigation

Filed: June 16, 1959

Due: June 18, 1960

Extension: —

Delayed 1/4 proof

Completion of Works: 11-30-60

Other Rights: none

Drillers Name:

Protest:

INSTRUCTIONS TO EXAMINERS

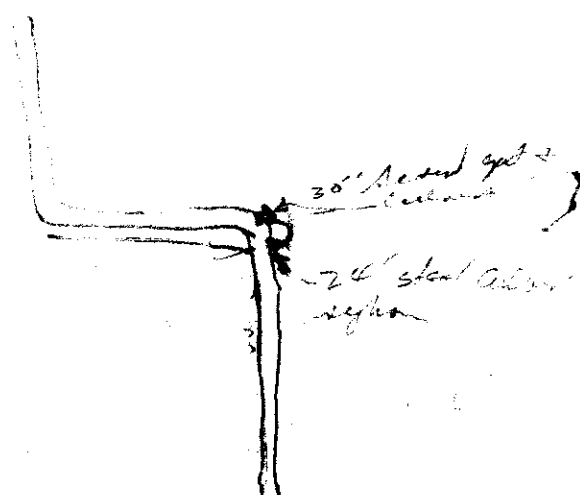
1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated 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

MAY 29 1962

Department of Reclamation

This channel follows old drain
enigmas but is cleared at least
year with dragline because it is filled
with blow sand. with shelling from
the lake. This is all drainage water
from new proj. that they didn't have any
plans to reclaim.
Does appear to be a good
place.



27986

December 16, 1960

RE: Permit No. 27986

Mr. William Bennett
Route #4
Rupert, Idaho

Dear Mr. Bennett:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in The Minidoka County News, all submitted in proof of beneficial use on Permit No. 27986.

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: Lawrence H. Duffin
Lawyer
Corner Fremont & "C" Streets
Rupert, Idaho

Application for Amendment

POINT OF DIVERSION

Permit No. 27986

RECEIVED
DEC 1 21960
Department of Reclamation

Comes now William Bennett and
represents to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to Appropriate the Public
Waters of the State of Idaho, No. 27986.

That the point of diversion is described in said Permit as being located:

NW 1/4 Sec. 28, T8S, R25E BM

That he now requests that the point of diversion be changed to a point
located: approx. 600 feet west of E 1/4 corner of Sec. 28 in the NE 1/4 Sec. 28, T8S,
R25E BM ✓

That the reason for desiring to make such change is as follows:

to correct error in description

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Asper, Idaho, this 7 day of Dec. 1960

William Bennett

Asper, Idaho 12/4

Date of Receipt at Department Of Reclamation: Dec. 12, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to Appropriate the Public
Waters of the State of Idaho, No. 27986. This approval constitutes a new
permit and is issued as an amendment to the original permit, to which it refers and of
which it becomes a part, and said application is approved only insofar as the rights of
others will not be adversely affected thereby.

Recorded in Book 98 of
Permits, at Page Permits
December 13, 1960

G. N. Carter
State Reclamation Engineer

27986 RT

12th Carter

December 1, 1960

RE: Permit No. 27986

William Bennett
Rt 4
Rupert, Idaho

Dear Mr. Bennett:

Your permit to appropriate water from the Main Drain from the Minidoka Project has been in trouble from the time the application was filed.

Now in checking the Certificate of Completion of Works we find our record of the permit shows the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28 whereas the map accompanying the application and your depositions show the diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28. Our small scale map of the project shows the line to be about $\frac{1}{4}$ mile west of the E $\frac{1}{4}$ corner of Sec. 28. Many of the property lines were revised in the project and that may have been one changed.

Kindly sign the enclosed amendment to the point of diversion if you are sure it is correct and return to this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer
point of diversion,

Also enclosed is amendment to the

RET:mr
Enc. amendment

77986

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 27986 Under the)
Provisions of Section 42-311 Idaho)
Code _____)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 27986 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 18, 1960; and,

WHEREAS, On the 22 day of July, 1960 notice to show cause why said permit should not be cancelled, under the provisions of Section 42-311, Idaho Code, was duly served on the holder of said permit; and,

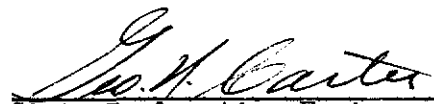
WHEREAS, On the 25 day of August, 1960 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 16th day of November, 1960 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 27986, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 27986 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 30th day of November, 1960,


State Reclamation Engineer

November 30, 1960

RE: Permit No. 27986

William Bennett
Rt 4
Rupert, Idaho

Dear Mr. Bennett:

Enclosed is Certificate of Completion of Works on Permit No. 27986.

Also enclosed is departmental receipt No. 30361 in the amount of \$5.00 for the fee for the Certificate.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. Certificate
Receipt

cc Lawrence H. Duffin

27986 RT

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Junior Ross

Department of

being first

duly sworn, deposes and says that he is the
Manager.....publisher 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 **four**..... consecutive weeks, commencing
with the issue date **Sept. 29, 60**..... 19..... and
ending with the issue dated **Oct. 20, 1960**.....

Subscribed and sworn to before me this

3rd day of **Nov.**....., 19**60**.....

Lern Hunter Notary Public

Cost of Publication

Notary Fee

Total Cost

Notice is hereby given that at
10 o'clock A. M. on the 1st day
of November 1960 at Rupert,
County of Minidoka, State of
Idaho, before **Lern D. Stephen-**
son, Notary Public, proof will
be submitted of the application
to beneficial use of 0.6 cubic
feet per second of the waters of
waste water from lands lying
north and east of permit hold-
er's farm in accordance with
terms and conditions of per-
mit No. 27986 heretofore issued
by the Department of Reclama-
tion of the State of Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are:
William Bennett, Route #4,
Rupert, Idaho.

The use to which said water
has been applied is irrigation;
The amount applied to bene-
ficial use is 0.6 cubic feet per
second.

The place where said water
is used, give full and accurate
legal description: The North
10 acres in the Northeast Quar-
ter (NE1/4) and the North 10
acres in the Northwest Quarter
of the Southwest Quarter of
Section Twenty - seven (27);
and the North 5 acres in the
Northeast Quarter (NE1/4) and
the North 5 acres in the North-
west quarter of the Southeast
Quarter of Section 28, all in
Township 8, South, Range 25
EBM.

The name of the canal or
ditch or other works by which
said water is conducted to
such place of use is No name.

The right to take water from
such works is based upon Per-
mit No. 27986.

The source of supply from
which such water is diverted is
waste water.

Point of Diversion (legal de-
scription) in the NW1/4 of the

Wash is June 16, 1958.
Geo. N. Carter
State Reclamation Engineer
#963 - Sept. 29 - Oct. 20.

27986

PERMIT No. 27986

RECEIVED
NOV 1 6 1960
Department of Conservation

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. WILLIAM BENNETT, Rt.#4, Rupert, Idaho; farmer; Rt.#4, Rupert, Idaho.

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

Ans. Not applicable.

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

Ans. 27986; June 18, 1959; 0.6 cubic feet per second; waste water from adjacent farms to the north; point of diversion, 600' west of the east one-quarter mark of Section 28, Twp. 8 South, Range 25 EBM.

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

Ans. Irrigation; 20 acres; N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 28, Twp. 8 South, Range 25 EBM.

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

Ans. Water was turned on beginning with the crop year of 1958 and all of the land has been irrigated since that time.

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

Ans. Fully completed on the 15th day of June, 1958.

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

Ans. Works of diversion do comply with permit.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on June 15, 1958, and give cost of same.

Ans. Works of diversion consisted of outlet from natural drain into corrugates that water these lands by gravity flow.

(Sign here.)

William Bennett

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 15th day of November

A. D. 1960

My Commission expires 12/1/61

L. B. Stephens

Notary Public.



The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 27986.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. C. C. CLARK, Rt.#4, Rupert, Idaho; farmer; Rt.#4, Rupert, Idaho.

Ques. 2. Are you acquainted with William Bennett, the

holder of Permit No. 27986 ... authorizing the diversion of 0.6 ... second-feet of the waters of waste waters from adjacent farms ..., at Rt.#4, Rupert, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes... I have known him for twenty years; he resides at Rt.#4, Rupert, Idaho.

Ques. 3. Have you read or heard read said Permit No. 27986 ..., and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans. Yes... The land is flat and level and is of a sandy loam character and will require approximately one inch per acre for irrigation.

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

Ans. Yes... Approximately June 15, 1958.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Works of diversion consisted of an outlet from the main drain into corrugates that water the land described in the Water Permit by natural flow.

(Sign here.)

C C Clark

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Rupert, County of

Minidoka, State of Idaho, on this 15th day of

November, A. D. 1960.

My Commission expires 12/1/61

Lair E. Stephenson

Notary Public.

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 27986.

RECEIVED
NOV 1 1960
Department of Reclamation

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. MILLARD R. BALL, Route #4, Rupert, Idaho; farmer; Route #4, Rupert, Idaho.

Ques. 2. Are you acquainted with William Bennett, the

holder of Permit No. 27986 authorizing the diversion of 0.6 second-feet of the waters of waste waters from adjacent farms at Rt. 4, Rupert, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes. I have known Mr. Bennett for three years; he lives at Route #4, Rupert, Idaho.

Ques. 3. Have you read or heard read said Permit No. 27986, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans. Yes. The soil is sandy loam; land flat and level. I estimate that it will require one inch per acre water for profitable cultivation.

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

Ans. Yes. Works of diversion were completed about June 15, 1958.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Works of diversion consisted of an outlet from main drain into corrugates on the land irrigated.

(Sign here.)

Millard R. Ball

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rupert, County of

Minidoka

State of Idaho, on this 15th day of

November

A. D. 1960.

My Commission expires 12/1/61

Louis B. Stephens
Notary Public.

LAW OFFICES
LAWRENCE H. DUFFIN
Corner Fremont & "G" Streets
RUPERT, IDAHO

November 15, 1960

of Encl. \$5.00
RECEIVED
NOV 1 6 1960
Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
Capitol Building
Boise, Idaho

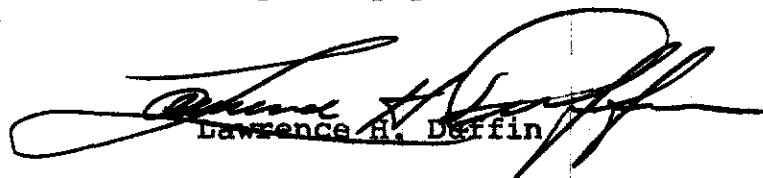
In re: Proof of Completion of Works - Permit 27986

Dear Sir:

Please find enclosed herewith deposition of holder and two witnesses in connection with Proof of Completion of Works for Mr. William Bennett's Water Permit 27986.

Also enclosed is Mr. Bennett's check in the amount of \$5.00 for Certificate of Completion of Works.

Very truly yours,


Lawrence H. Duffin

LHD:LS
Encl.

27986

November 4, 1960

Re: Permit No. 27986
William Bennett

Mr. Lawrence R. Duffin
Attorney at Law
Rupert, Idaho

Dear Mr. Duffin:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Minidoka County News in proof of beneficial use under Permit No. 27986.

On August 26, 1960 we sent you Forms 28 and 29 for proof of completion of works along with Forms 10 and 11 for legal notice of beneficial use of the water.

You submitted the Forms 10 and 11 however we have not received the proof of completion of works.

Kindly see that Mr. Bennett and two witnesses complete the enclosed forms 28 and 29 promptly and correctly and submit them to this office with the \$5.00 fee for Certificate of Completion of Works.

By copy of this letter we are notifying Mr. Bennett to come to your office with two witnesses to complete the forms at the earliest possible date.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:GW

Enc. Forms 28 - 29

cc: Wm. Bennett
Route #4
Rupert, Idaho

RECEIVED
NOV 4 1960

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 27986.....

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. WILLIAM BENNETT; Route #4, Rupert, Idaho; farmer; Route #4, 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. Not applicable.

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

Ans. 27986; June 18, 1959; date of priority, June 18, 1958.

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

Ans. Waste water from lands lying north and east of point of diversion, 600 feet west of the east corner marker of Sec. 28, Twp 8 South, R. 25 EBM, NW. SE.

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. Works of diversion consist of an irrigation ditch extending from the main drain in a north and south direction and corrugate openings in the field from the irrigation ditch.

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. 1.6 Water is used for irrigating crops in the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 28 South, Range 25 EBM; 20 acres have been irrigated with this water, beginning with the crop year of 1958 and hay has been grown each year.

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

Ans. Not applicable.

27986

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

Ans. Not applicable.

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

Ans. 20 inches.

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. Not applicable.

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

Ans. 20 inches of water has been used, beginning the 15th day of June, 1958 to irrigate this land and produce a successful crop of alfalfa each year.

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. Other water has not been diverted on this land.

(Sign)

William Bennett

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 3rd day of November, A. D. 1960,

Lin E. Stephenson
Notary Public

My commission expires 12/1/61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 14 1960
Department of Reclamation

PERMIT NO. 27986

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. C. C. CLARK, age 55; Rt.#4, Rupert, Idaho; farmer; Rt.#4, Rupert, Idaho.

Ques. 2. Are you acquainted with WILLIAM BENNETT, the holder of Permit No. 27986? How long have you known him and where does he reside?

Ans. Yes; 20 years; he resides at Rt.#4, Rupert, Idaho

Ques. 3. Have you read or heard read said Permit No. 27986, and are you familiar with its provisions and conditions?

Ans. Yes. 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. Waste water from lands lying north and east of point of diversion and the point of diversion is 600 feet west of the east corner marker of Section 28, Township 8 South, Range 25 EBM and the works for conveying water consist of a ditch, together with corrugates on the land irrigated.

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. .3 of one second foot.

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. The water is used for irrigating alfalfa on the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 28, Twp. 8 South, Range 25 EBM and the water irrigates 20 acres of cultivated land and there are no improvements except the ditch.

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

Ans. Not applicable.

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. Level Portneuf silt loam; 20 miners inches of water required.

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 observed the water being used to irrigate this land beginning in the crop year of 1958.

(Signed) C C Clark

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 3rd day of November,

A. D. 1960.

Levi C. Stephenson

Notary Public.

My commission expires 12/1/61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 27986

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. MILLARD R. BALL, age 39; Route #4, Rupert, Idaho; farmer,
Route #4, Rupert, Idaho

Ques. 2. Are you acquainted with WILLIAM BENNETT, the holder of Permit No. 27986? How long have you known him and where does he reside?

Ans. Yes; I have known Mr. Bennett for approximately three years.
He resides at Route 4, Rupert, Idaho.

Ques. 3. Have you read or heard read said Permit No. 27986, and are you familiar with its provisions and conditions?

Ans. Yes to both questions.

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. Water supply is waste water from lands north and east of the point of diversion which is 600 feet west of the east corner marker of Sec. 28, Twp 8 South, Range 25 EBM; works consist of a ditch and corrugates on the land irrigated.

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. 3 tenths of one second foot.

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. The water is used for irrigating alfalfa on the North Half of the North Half of the North Half of the Southeast Quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 28, Twp. 8 South, Range 25 EBM. 20 acres of cultivated land are irrigated; no improvements except for ditch.

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

Ans. Not applicable.

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. Level, Portneuf silt loam; 20 miners inches of water required.

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 observed the water being used to irrigate this land since June of 1958.

(Signed) Willard R Ball

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 3rd day of November,

A. D. 19 60.

Leis E. Stephenson

Notary Public.

My commission expires 12/1/61.

LAW OFFICES
LAWRENCE H. DUFFIN
Corner Fremont & "G" Streets
RUPERT, IDAHO

November 3, 1960

RECEIVED
NOV 4 1960
Department of Reclamation

George N. Carter
State Reclamation Engineer
Capitol Building
Boise, Idaho

In re: Permit No. 27986 - Proof of Application of
Water to Beneficial Use

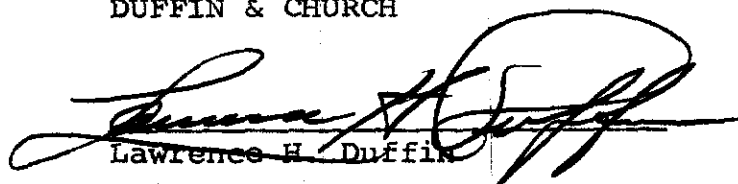
Dear Sir:

Please find enclosed herewith depositions of Holder and
two witnesses in connection with Proof of Application
of Water to Beneficial Use.

Also enclosed is Affidavit of Publication as required

Very truly yours,

DUFFIN & CHURCH


Lawrence H. Duffin

LHD:LS
Encl.

September 30, 1960

Re: Permit No. 27986
William Bennett

Minidoka County News
Rupert, Idaho

Gentlemen:

On September 21, 1960, notice of publication was mailed to you on the above numbered permit. Upon checking proof of publication we find the following correction

In the paragraph "Point of Diversion (legal description) the description should read in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 28, Twp. 8 South, Range 25 E2M, instead of Twp. 3 South as shown.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to
addressee

☐ Show address where
delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

W M Bennett

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Mrs W M Bennett

DATE DELIVERED

ADDRESS WHERE DELIVERED *(only if requested in item # 1)*

7-25-60

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

← RETURN
TO

REGISTERED NO.

NAME OF SENDER

Department of Reclamation

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

Room 107, State House

INSURED NO.

CITY, ZONE AND STATE

Boise Idaho

POD Form 3811 Jan. 1956

C55-16-71548-6

77986

LAW OFFICES
LAWRENCE H. DUFFIN
Corner Fremont & "G" Streets
RUPERT, IDAHO

September 20, 1960

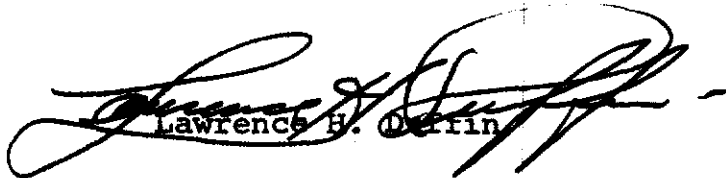
Mr. George N. Carter
State Reclamation Engineer
Capitol Building
Boise, Idaho

In re: Permit No. 27986 - William Bennett

Dear Sir:

Please find enclosed herewith Notice for Publication
of Proof of Application of Water to Beneficial Use
and Form No. 11 in the above-entitled matter.

Very truly yours,


Lawrence H. Duffin

LHD:LS
Encl.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE
September 21, 1960

Re: Permit No. 27986

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Mr. Lawrence H. Duffin,
Attorney at Law,
Fremont & "G" Sts.,
Rupert, Idaho.

Dear Mr. Duffin:

This acknowledges the Notice of Proof of ~~Completion of Works and~~ Application
of Water to Beneficial Use under Permit No. 27986, in the name of William Bennett
William Bennett. Final Proof is to be made before/you, as Lois E. Stephenson
Notary on the 3rd day of November, 1960, ~~1960~~ at 10:00 o'clock
A.M., at Rupert, Idaho.

As of this date we have mailed the Notice to the Minidoka County News
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:

Rule
(Mrs.) Edna P. ~~Rutledge~~
Chief Clerk

Encl.

EPR:Pk

cc: Applicant

cc: Lois E. Stephenson

27986

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 27986
William Bennett

Date: September 21, 1960

Minidoka County News,
Rupert, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **November 3, 1960** the date set for proof; the expense of the publication is to be paid by the applicant

William Bennett of **Route #1, 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.

SEP 2 1960

Notice for Publication
NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at **10 o'clock** . A. M. on the **3rd** . . day of
November **60** ~~1959~~, at **Rupert**, County of
Minidoka, State of Idaho, before **Lois E. Stephenson**
Notary Public, proof will be submitted of the application to beneficial use of
0.6 cubic feet per second of the waters of **waste water from lands lying**
north and east of permit holder's farm,
in accordance with the terms and conditions of Permit No. **27986**
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are:
WILLIAM BENNETT, ROUTE #4, Rupert, Idaho

The use to which said water has been applied is **irrigation;**
0.6 cubic feet per second.
The amount applied to beneficial use is

The place where said water is used, give full and accurate legal description:
The North 10 acres in the Northeast Quarter (NE $\frac{1}{4}$) and the North 10 acres
in the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$) of Section
Twenty-seven (27); and the North 5 acres in the Northeast Quarter (NE $\frac{1}{4}$) and
the North 5 acres in the Northwest quarter of the Southeast Quarter (SE $\frac{1}{4}$)
of Section 28, all in Township 8 South, Range 25 EBM

The name of the canal or ditch or other works by which said water is conducted to such
place of use is **No name**

The right to take water from such works is based upon Permit No. **27986**

The source of supply from which such water is diverted is **waste water**

Point of Diversion (legal description) **in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 28, Twp.**
8 South, Range 25 EBM

The date of priority which said user is prepared to establish is **June 18, 1959.** ¹⁶

Geo. H. Carter

State Reclamation Engineer

27986

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 20, 1960

(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.

Minidoka Co.

William Bennett

(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.

August 26, 1960

RE: Permit No. 27986
William Bennett

Lawrence H. Duffin
Attorney at Law
Rupert, Idaho

Dear Mr. Duffin:

Enclosed are Forms 28 and 29, depositions for proof of completion of works to be completed by the holder and two witnesses; Forms 10 and 11, preliminary notice for making proof of beneficial use of the water.

The forms for the proofs were sent you April 1 and a second set sent you May 18, 1960. If the permit holder and the witnesses were not notified to submit the evidence required by such forms it must have been your fault. Possibly you would prefer that all letters in regard to applications you submit should be sent directly to applicants.

The permit holder is going to lose a few months priority on account of the delay in making the proof of beneficial use of the water.

Please do not write in and say you never received this letter and forms enclosed.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Office Engineer

RWT:mr
Enc. Form 28
29 2
10 2
11

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 27986)

ORDER OF CANCELLATION

WHEREAS, Permit No. 27986 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit:
...Completion of Works & Beneficial Use Proofs which were due June 18, 1960....., and

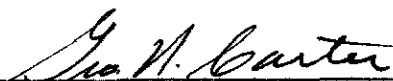
WHEREAS, due notice was given the holder of said Permit that such proof would be due on the date above mentioned, and

WHEREAS, on July 22, 1960..... notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before 40 days to show cause why such Permit should not be cancelled, and

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and that no showing has been made as to completion of the works under said Permit:

IT IS THEREFORE, hereby ordered that Permit No. 27986..... be and the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department, at Boise, Idaho, this ..22nd..... day of ..September....., 1960..



State Reclamation Engineer

LAW OFFICES
LAWRENCE H. DUFFIN
Corner Fremont & "G" Streets
RUPERT, IDAHO

RECEIVED
AUG 26 1960
Department of Reclamation

August 25, 1960

Mr. Geo. N. Carter
State Reclamation Engineer
State of Idaho Department of Reclamation
Capitol Building
Boise, Idaho

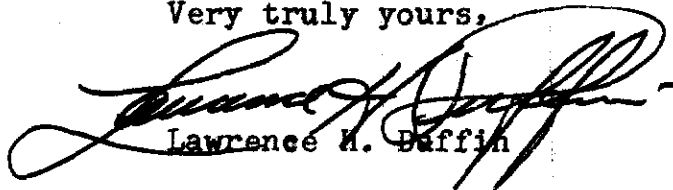
In re: Permit No. 27986 - William Bennett

Dear Sir:

Pursuant to your request of July 22, 1960, regarding the above-numbered Permit, we hereby submit that said Permit should not be cancelled for the reason that the terms and conditions of said permit were complied with prior to the date of June 18, 1960 but that the proof that such terms and conditions had been complied with was not furnished your office.

To the knowledge of the undersigned, the Permit Holder, William Bennett, and two witnesses, were ready and willing to testify prior to the expiration date of June 18, 1960 but the proper forms for the completion of said proof were mislaid by ~~the undersigned attorney~~ and the said Permit Holder and the witnesses were not notified to submit the evidence required by such forms.

Very truly yours,


Lawrence H. Duffin

LHD:LS

Forms sent April 1

" " May 18

Applicant was notified by letter dated July 22

27986

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 22, 1960

Re: Permit No. **27986**

To **William Bennett**
Route #1
Rupert, Idaho

27986

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. **27986** to appropriate the Public Waters of the State of Idaho, have not been complied with as to **Completion of Works & Beneficial Use Proofs which were due June 18, 1960**

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. **27986**

is hereby held for cancellation.

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

Said Permit No. **27986** claims the use of **0.6** cubic feet per second of the waters of **an unnamed stream (waste water)** with point of diversion located **NW 1/4 Sec. 28., Twp. 8 S., R. 25 E.B.M.**, and was approved **June 18, 1959**

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

22nd day of **July**, 19**60**

State Reclamation Engineer.

By _____ Assistant.

27986

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. ~~27986~~ William Bennett

Date _____

27979 - John Trenino

Lawrence H. Duffin
Attorney at Law
Boise, Idaho

Dear Sir:

Under the terms of your Permit No. ~~27986~~ **27979** you are required to make proofs of completion of works and application of water to beneficial use on or before **June 18, 1960**.

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of 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 or points of diversion and the location of use or lands which are irrigated—by 40-acre legal land 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 10.

At the time we send the notice to the newspaper will will send to 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.

Very truly yours,

GEO. N. CARTER
 State Reclamation Engineer

two sets Form 6-11-10
 Enc. **instructions**
 cc: **John Trenino**
Mr. Bennett

27986

LAW OFFICES
LAWRENCE H. DUFFIN
Corner Fremont & "G" Streets
RUPERT, IDAHO

May 17, 1960

RECEIVED
MAY 18 1960
Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

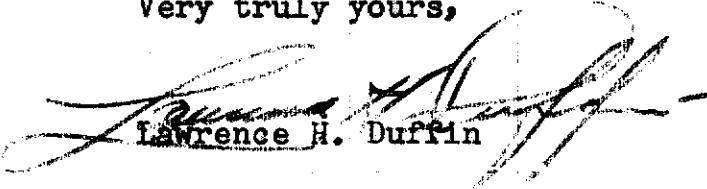
In re: Permit No. 27986 - William Bennett
Permit No. 27979 - John Trevino

Dear Sir:

We are unable to locate the two sets of forms that were marked as enclosed in your letter of April 1, 1960 in regard to the above-mentioned permits.

Would you please forward to us these sets immediately so that we may complete them in accordance with your request.

Very truly yours,


Lawrence H. Duffin

LHD:LS

May 18, 1960

Re: Permit No. 27986 - William Bennett
27979 - John Trevino

C
O
P
Y

Lawrence H. Duffin
Attorney at Law
Fremont & G Street
Rupert, Idaho

Dear Mr. Duffin:

Enclosed are two sets of Form 6 and Form 10 in regard to proofs on the above permits.

We suggest that forms should be left stapled to the form letter until you are ready to use the forms.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Kule
Chief Clerk

RT:
EPR:ew

Enc. Form 6 and 10 (2 sets)

27986 RT

June 26, 1959

Re: Permit No. 27986
William Bennett

Mr. Lawrence H. Duffin
Attorney at Law,
Box 61,
Rupert, Idaho.

Dear Mr. Duffin:

We enclose Permit No. 27986 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. 29644 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

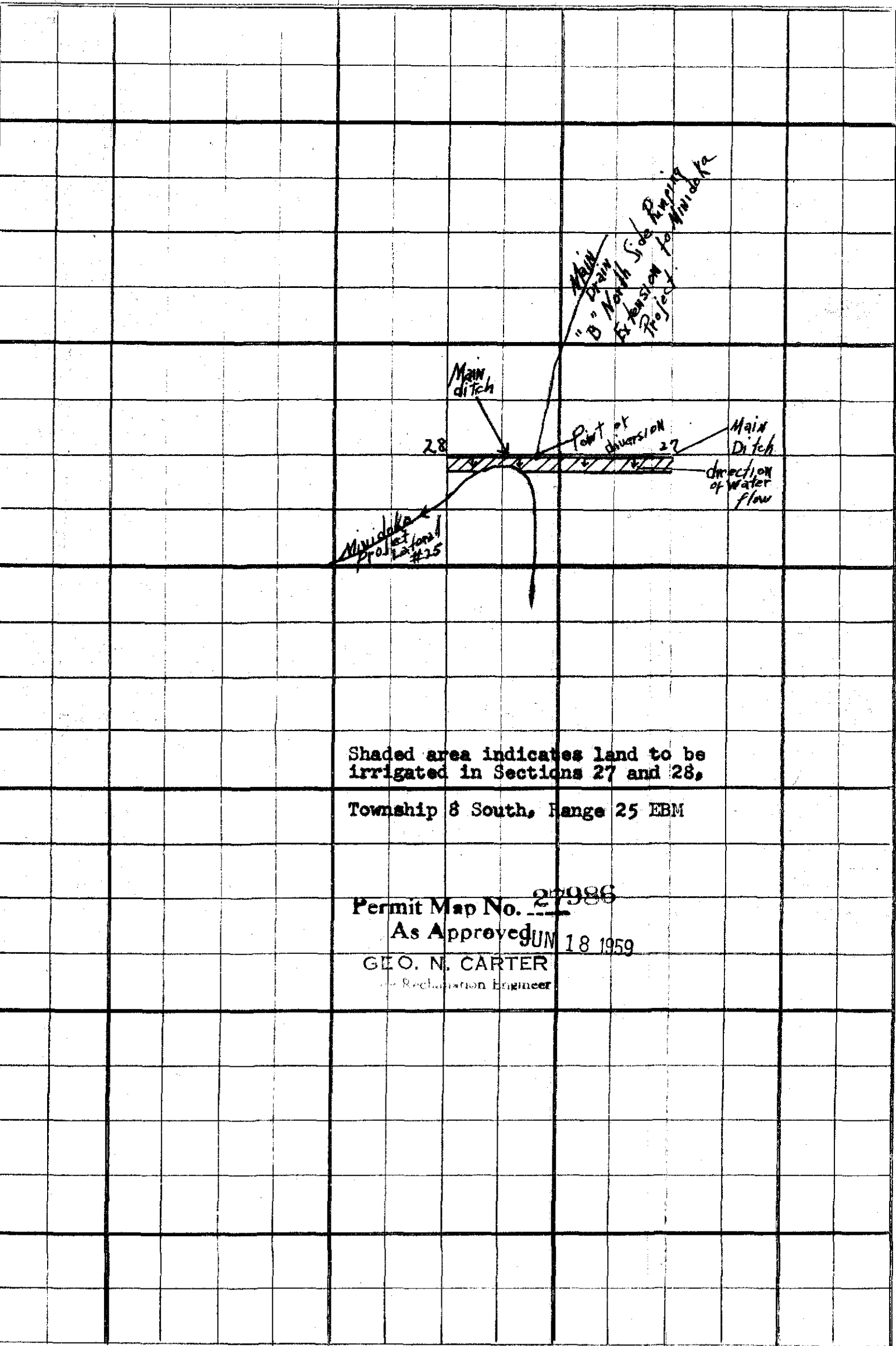
Encl.
EPR/pmk

cc: William Bennett

NAME OF APPLICANT

WILLIAM BENNETT

Form No. 0



Shaded area indicates land to be irrigated in Sections 27 and 28,

Township 8 South, Range 25 EBM

Permit Map No. 27986

As Approved JUN 18 1959

GEO. N. CARTER
Reclamation Engineer

Scale: 2 inches equal 1 Mile. Draw Plan in ink.

27986

LAW OFFICES

LAWRENCE H. DUFFIN

Corner Fremont & "G" Streets

RUPERT, IDAHO

June 15, 1959

RECEIVED
JUN 16 1959

Department of Reclamation

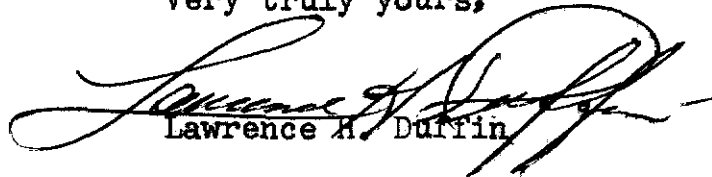
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Sir:

Please find enclosed with Application for Permit
to appropriate the public waters of the State of
Idaho, for William Bennett of Rupert, Idaho.

My check in the amount of \$5.00 is also enclosed.

Very truly yours,


Lawrence H. Duffin

LHD:LS

Encl.

27986

**Notice for Publication
OFFICE OF PROOF OF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10 o'clock A. M. on the 3rd day of November 1960 at Rupert, County of Minidoka, State of Idaho, before Lois E. Stephenson, Notary Public, proof will be submitted of the application to beneficial use of 0.6 cubic feet per second of the waters of waste water from lands lying north and east of permit holder's farm, in accordance with the terms and conditions of permit No. 27986 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: William Bennett, Route #4, Rupert, Idaho.

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

The amount applied to beneficial use is 0.6 cubic feet per second.

The place where said water is used, give full and accurate legal description: The North 10 acres in the Northeast Quarter (NE $\frac{1}{4}$) and the North 10 acres in the Northwest Quarter of the Southwest Quarter of Section Twenty - seven (27); and the North 5 acres in the Northeast Quarter (NE $\frac{1}{4}$) and the North 5 acres in the Northwest quarter of the Southeast Quarter of Section 28, all in Township 8 South, Range 25 EBM.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name.

The right to take water from such works is based upon Permit No. 27986.

The source of supply from which such water is diverted is waste water.

Point of Diversion (legal description) in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 28, Twp. 8 South, Range 25 EBM.

The date of priority which said user is prepared to establish is June 16, 1959.

Geo. N. Carter
State Reclamation Engineer
#963 - Sept. 29 - Oct. 20

27986

Notice for Publication
NOTICE OF PROOF OF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 o'clock A. M. on the 3rd day of November 1960 at Rupert, County of Minidoka, State of Idaho, before Lois E. Stephenson, Notary Public, proof will be submitted of the application to beneficial use of 0.6 cubic feet per second of the waters of waste water from lands lying north and east of permit holder's farm, in accordance with the terms and conditions of permit No. 27986 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: William Bennett, Route #4, Rupert, Idaho.

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

The amount applied to beneficial use is 0.6 cubic feet per second.

The place where said water is used, give full and accurate legal description: The North 10 acres in the Northeast Quarter (NE $\frac{1}{4}$) and the North 10 acres in the Northwest Quarter of the Southwest Quarter of Section Twenty - seven (27); and the North 5 acres in the Northeast Quarter (NE $\frac{1}{4}$) and the North 5 acres in the Northwest quarter of the Southeast Quarter of Section 28; all in Township 8 South, Range 25 EBM.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name.

The right to take water from such works is based upon Permit No. 27986.

The source of supply from which such water is diverted is waste water.

Point of Diversion (legal description) in the NW $\frac{1}{4}$ of the SE $\frac{1}{2}$ of Sec. 28, Twp., 3 South, Range 25 EBM.

The date of priority which said user is prepared to establish is June 16, 1959.

Geo. N. Carter
State Reclamation Engineer
#963 - Sept. 29 - Oct. 20.

NOTICE
27986