

Mitchell Lecertua
Box 427
Shoshone, Idaho

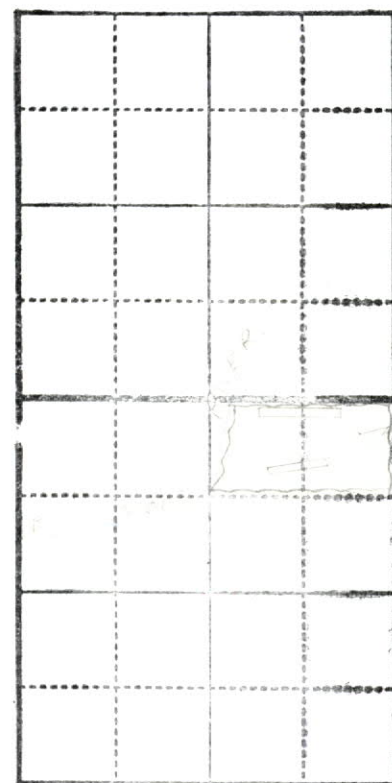
APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

37-2637

Application No. G- 36882
Permit No. G- 28895
District No.

1. Name of Applicant: Mitchell Lecertua
Postoffice address: 427, Shoshone County: Lincoln State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second $1\frac{1}{2}$ or Idaho
Miners' inches 75 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: 2 drain ditches
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32
Twp. 4 N, Rge. 19 E, B.M., County of Blaine
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.
7. Kind of works: Drain Ditch
8. Estimated cost of works: \$ 5000.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five years.
11. If applicant is a corporation, give:
 - I. (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 onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: High water runoff
in Cove Creek, not decreed
 - (a) 75" (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

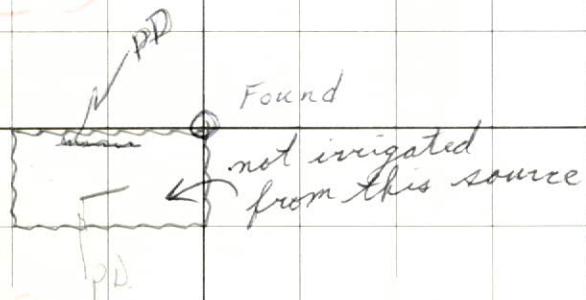


Rgs 17 E 11

North
to Hailey

Twp 4 N

32



Area 35A

Subd - 1

$Q = .7 cfs$

RECEIVED
NOV 10 1965

Department of Reclamation

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

Notice is hereby given that at 3 P. M., on the 14th day of October 1965, at Hailey, County of Blaine, State of Idaho, before Jack M. Murphy, Notary Public, at the Blaine County Court House, proof will be submitted of the completion of works for the diversion of $1\frac{1}{2}$ cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28895, 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 Mitchell Lecertua, P. O. Box 427, Shoshone, Lincoln County, 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 $1\frac{1}{2}$ 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 $1\frac{1}{2}$ cubic feet per second.

4. The point of diversion of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

6. The date of priority which said user is prepared to establish is July 26, 1960.

CARL E. TAPPAN
State Reclamation Engineer
Pub. 9/9 to 9/30.

Affidavit of Publication

STATE OF IDAHO, } ss.
County of Blaine,

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

ninth day of September, 1965 and ending with the last publication thereof on the

thirtieth day of September, 1965

Cost of this publication is \$ 24.20

Berwyn B. Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 1st day of October, 1965.

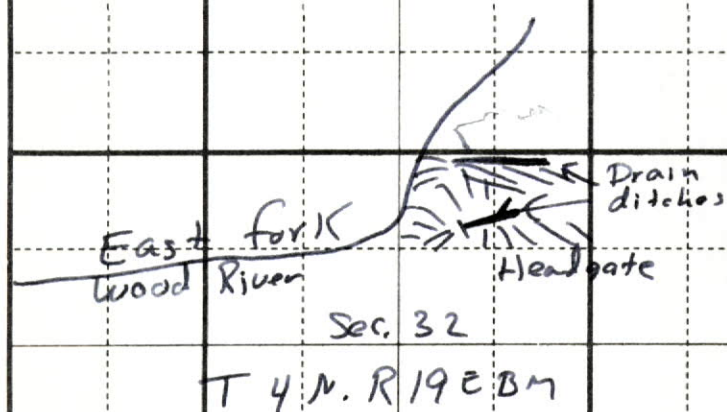
[Signature]
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

28895

NAME OF APPLICANT Mitchell Lecentua

Mitteilung Lecertua

Form No. 0

Permit Map No. 28895

As Approved

GEORGE N. CARTER

~~Reclamation Engineer~~

JUL 26 1960

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

28895

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

Notice is hereby given that at 3 P. M., on the 14th day of October 1965, at Hailey, County of Blaine, State of Idaho, before Jack M. Murphy, Notary Public, at the Blaine County Court House, proof will be submitted of the completion of works for the diversion of $1\frac{1}{2}$ cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28895, 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 Mitchell Lecertua, P. O. Box 427, Shoshone, Lincoln County, 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 $1\frac{1}{2}$ 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 $1\frac{1}{2}$ cubic feet per second.

4. The point of diversion of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

6. The date of priority which said user is prepared to establish is July 26, 1960.

CARL E. TAPPAN

State Reclamation Engineer

Pub. 9/9 to 9/30. 28875

State of Idaho
License and Certificate of Water Right

Water License No. G-28895 Amount 0.7 c.f.s.
Water District No. Priority October 11, 1960

THIS IS TO CERTIFY that MITCHELL LECERTUA
of Shoshone, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 26, 1960; that Permit No. G-28895
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.7 second feet, was issued thereunder on October 18, 1966, showing that said works
were completed on the 14th day of October, 1965; and that on the 14th
day of October, 1965, MITCHELL LECERTUA

of Shoshone, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a horizontal
well, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28895 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
13 of Licenses at page 8569, on the 18 day of October, 1966;
The right hereby confirmed dates from October 14, 1960;

The Point of Diversion is located
in the NW 1/4 NE 1/4, Sec. 32, Tp. 4 N, R. 19 E, B. M. County Blaine
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 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	19 E	32	NW 1/4 NE 1/4	35	35
Note:	0.7 c.f.s., not to exceed actual seepage flow.				

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
18th day of October, 1966.
S/ R. Keith Higginson
State Reclamation Engineer.
(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-28848 Amount 2.5 c.f.s.
Water District No. Priority July 7, 1960

THIS IS TO CERTIFY that J. P. LANE
of Ketchum, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 7, 1960; that Permit No. G-28848
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.5 second feet, was issued thereunder on October 18, 1966, showing that said works
were completed on the 10th day of August, 1962; and that on the 10th
day of August, 1962, J. P. LANE
of Ketchum, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Horizontal well
Excavation, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28848 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
13 of Licenses at page 8570, on the 18 day of October, 1966;
The right hereby confirmed dates from July 7, 1960;
The Point of Diversion is located NW 1/4 SE 1/4
in the NE 1/4 SE 1/4, Sec. 20, Tp. 4 N, R. 18 E, B. M. County Blaine

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
4 N	18 E	19	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15	14	
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	37	
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	10	4	
		20	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5	3	
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	18	
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	20	18	
		30	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30	17	
			Total number of acres to be irrigated:			111
		Note: Flow varies seasonally. 2.5 c.f.s. not to exceed the actual amount derived from the excavation.				

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
18th day of October, 1966.

S/ R. Keith Higginson
State Reclamation Engineer.

(SEAL)

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. G-28895

To Mitchell Lecertua
Shoshone, Idaho

Source of Supply horizontal well

Blaine County

Amount 0.7 Sec. Ft.

Point of Diversion NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32,

T. 4 N., R. 19 E., B.M.

Place of Use NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T.

4 N., R. 19 E., B.M.

Purpose Irrigation

Date of Priority October 14, 1960

Recorded October 18, 1966

in Book 13 of Licenses, Page 8569

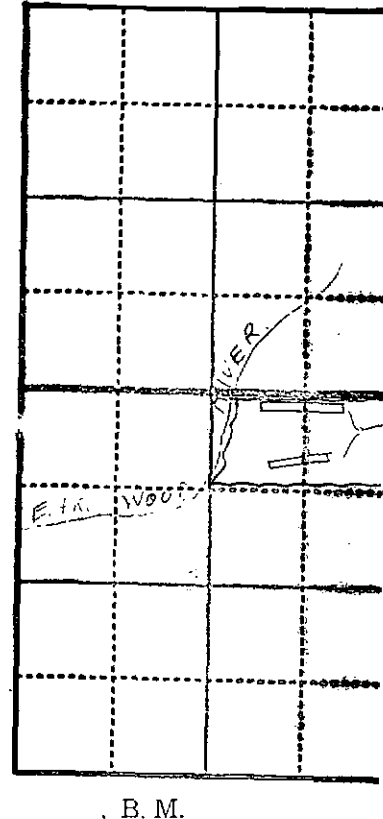
Mitchell Lecertua
Box 427
Shoshone, Idaho

APPLICATION FOR PERMIT 37-2637

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36882
Permit No. G- 28895
District No.

1. Name of Applicant: Mitchell Lecertua
Postoffice address: 427, Shoshone County: Lincoln State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second $1\frac{1}{2}$ or Idaho
Miners' inches 75 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: 2 drain ditches
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32
Twp. 4 N, Rge. 19 E, B.M., County of Blaine
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.
7. Kind of works: Drain Ditch
8. Estimated cost of works: \$ 5000.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five years.
11. If applicant is a corporation, give:
 - I. (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) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: High water runoff in Cove Creek, not decreed
 - (a) 75" (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks:

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

s/ Mitchell Lecertua Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:30 A.M. July 26, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28895

Recorded in Book 101 Page 28895 Approved July 26, 1960

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 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 26, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 26, 1965

Witness my hand this 26th day of July, 1960 s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREVLLOW, Acting 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 26th day of July, 1960.

Countersigned:

STATE OF IDAHO

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

By s/ W. E. DREVLLOW
Acting Governor

12.

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	
4 N	19 E	32	40 35	Permit No. G-28895 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that MITCHELL LECERTUA of Shoshone, County of Lincoln, and State of Idaho, the holder of Permit No. G-28895, issued upon Application No. G-36882 bearing date of priority of October 14, 1960, authorizing the diversion of 1.5 second feet of waters of horizontal well, County of Blaine, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to 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 0.7 second feet of the waters of horizontal that the point of diversion of said waters NW ¹ / ₄ NE ¹ / ₄ , Sec. 32, Twp. 4 N., Rge. 19 E., B.M., and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: NW ¹ / ₄ NE ¹ / ₄ Sec. 32, Twp. 4 N., Rge. 19 E., B.M. 0.7 c.f.s, not to exceed actual seepage flow. Proof of Completion of Works Made: October 14, 1965 Witness my hand this 18th day of October, A.D. 1966 S/ R. Keith Higginson State Reclamation Engineer LICENSE ISSUED FOR 0.7 SEC. FT. LICENSE PAGE NO. 8569			75

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 28895 / 37-2637
Old No. New No.

Record

1. Original Owner: Mitchell Lecertua

Present Owner: _____

2. Address: P.O. Box 4273. City: Shoshone State: ID Zip: _____4. A. Source of Water: GW

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 10-14-60D. County: 13E. Total Diversion Rate: .7

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNE</u>	<u>32</u>	<u>4N</u>	<u>19E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount .7
(cfs or AG-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 28895

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

Permit No. G-28895

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that MITCHELL LECERTUA
 of Shoshone , County of Lincoln , and State of
 Idaho , the holder of Permit No. G-28895 , issued upon
 Application NoG-36882.. bearing date of priority of October 14, 1960 , authorizing the
 diversion of 1.5 second feet of waters of horizontal well

County of Blaine , 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 0.7 second feet of the waters of horizontal well

that the point of diversion of said waters NW¼NE¼, Sec. 32, T. 4 N., ...
 R. 19 E., B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: NW¼NE¼, Sec. 32, T. 4 N., R. 19 E., B.M.

0.7 c.f.s., not to exceed actual seepage flow.

Proof of Completion of Works Made: October 14, 1965

Witness my hand this 18th day of October , A. D. 1966...

Permit No. G-28895

**Certificate of Completion
of Works**

Dated October 18, 1966.

Stream horizontal well

County Blaine

Amount 0.7 c.f.s.

Date of Priority October 14, 1960

Recorded in Book 101

of Permits, page 28895.

XXXXXXXXXX

October 18, 1966

RE: Permit No. G_28895

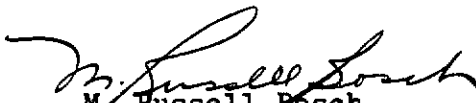
Mitchell Lecertua
Box 427
Shoshone, Idaho

Dear Mr. Lecertua:

Enclosed are the Certificate of Completion of Works and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. G-10929 in the amount of \$7.00 covering the fees.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:mr

Enc. certificates, receipt

28895

Oct. 3, 1966

The enclosed check in the amount of \$7.00
is for Permit No. G-28895

RECEIVED

OCT 5 1966

Department of Reclamation

28895

September 29, 1966

RE: Permit No. G-28895

Mitchell Lecertua
P.O. Box 427
Shoshone, Idaho

Dear Mr. Lecertua:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28895 shows the well ~~is~~ is ~~capable~~ capable of conveying 3.5 miner's inches, or 0.7 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 7.00 , we will issue the Certificate of Completion of Works for 0.7 c.f.s. and the License and Certificate of Water Right for 0.7 c.f.s. confirming the right, with priority of October 14, 1960 , to the use of subterranean water with the point of diversion in NW~~1~~NE~~1~~ for irrigation of 35 acres in NW~~1~~NE~~1~~, Sec. 32, T. 4 N, R. 19 E, B.M.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

28895

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-28895

REPORT ON PROOF OF Completion of Works & Beneficial Use

Reg 19 ECH

North
Star
RING

To Hniley

Twp 4N

32

PD

Found

not irrigated
from this source

PD

Area 35A

Subd - 1

$Q = 0.7 cfs$

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

Permit No. G-28895

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

1. Name of applicant Mitchell Lecertua

2. Source of water supply: 2 Horizontal well (drain ditches) ✓

3. Location of point of diversion: Is in the NW 1/4 NE 1/4 of Section 32

T. 4 N ✓ R. 19 E.B.M. ✓ County of Blaine

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

Drain ditches and diversion dams & ditches for
distribution

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):

75 acres in NW 1/4 NE 1/4 Sec. 32., Twp. 4 N., Rge. 19 E.B.M.

No more state 15 acres SW NE Sec 32 - from 1880s 1/26/66
notifying them that it should not be included in license

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

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

Remarks: It appears that this water is actually used

on 35 A NW NE & 15 A SW NE & not at all on NE NE

allow Q = 70 cfs not to exceed actual seepage flow -
which appears to be quite a small flow.

Water from East fork of Wood River mingles in drain
from surface runoff of higher lands and is also
used

Why should it be a 6" permit?

This examination was made on the 21st day of June, 1966

(Signed) Don Watto

Examiner.

012
Mitchell Lecertua
P. O. Box 427
Shoshone, Idaho
Permit No. G-28895 ✓

Examination for Completion of Works & Beneficial Use

County Blaine

Quantity: 1.5 cfs or 75 in. Sec. 32 T.4N R. 19 EBM

Source: 2- Drain Ditches

P.D.: NW 1/4 - NE 1/4 Section 32
Twp. 4N. Rge. 19E B.M.
Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Highway & Power
in Cove Creek 75" Not Incurred.

Filed: July 26, 1960

Due: July 26, 1965

Notice: October 14, 1965

Priority: October 14, 1960

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
JUN 28 1966

Department of Reclamation

January 26, 1966

Re: Permit No. G-28895

Mitchell Lacertua
P. O. Box 427
Shoshone, Idaho

Dear Mr. Lacertua:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the HAILEY TIMES, all submitted in proof of completion of works and beneficial use on Permit No. G-28895.

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,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

28895

RECEIVED
NOV 10 1965

Department of Reclamation

NOTICE OF PROOF OF
COMPLETION OF WORKS

and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that, at 3 P. M., on the 14th day of October 1965, at Hailey, County of Blaine, State of Idaho, before Jack M. Murphy, Notary Public, at the Blaine County Court House, proof will be submitted of the completion of works for the diversion of $1\frac{1}{2}$ cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28895, 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 Mitchell Lecertua, P. O. Box. 427, Shoshone, Lincoln County, 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 $1\frac{1}{2}$ 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 $1\frac{1}{2}$ cubic feet per second.

4. The point of diversion of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

6. The date of priority which said user is prepared to establish is July 26, 1960.

CARL E. TAPPAN
State Reclamation Engineer
Pub. 9/9 to 9/30.

Affidavit of Publication

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

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

ninth day of September, 1965

and ending with the last publication thereof on the

thirtieth day of September, 1965

Cost of this publication is \$ 24.20

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 1st day
of October, 1965

[Signature]
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

28895-127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 628895

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

RECEIVED
OCT 19 1965

Department of Reclamation

RECEIVED
JAN 23 1966

Department of Reclamation

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

MITCHELL LECERTUA Shoshone, Ida., retired stockman, P.O. Box 427

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

Not applicable

Ques. 3. State number, approval date of permit, and date of priority: No. G 28895

July 26, 1960

July 26, 1960

Ques. 4. State source of water supply: two drain ditches with forks fed by
Give location of point of diversion, showing subdivision, section, township and range
underground seepage and underground springs. The same being located in
the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Twp. 4 N., R. 19 E.B.M.

Sec. 32

Ques. 5. Describe your works of diversion: two drain ditches, cement headgate,
wood headgate, and iron culvert.

_____ ; state amount of water they are capable of con-
veying from point of diversion to place of use: Large ditch - 2500 inches
sm ditch, 500 inches ; Give name of canal or ditch

or other works by which water is conducted to such place of use: waste ditch, drain
ditch, high water runoff of

Cove Creek ; if a well, state depth of well None ; depth and size of

casing None ; depth to water None ; if pump is used,

state discharge of pump: None ; tell how it was measured or determined None

_____ ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: None

Ques. 6. State for what purpose water is used: irrigation and stock water.

(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:)

40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 32,

Township 4 North, Range 19 East, Boise Meridian.

State nature of all improvements which have been made as a direct result of said use:

Drain marshy land converting same to usable pasture; applied drain water to other ground.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Not Applicable

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Not applicable

Ques. 8: 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:

Not applicable

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: July, 1960 75 inches - Time used since first use:

each irrigation season following 1961, 1962, 1963, and 1964 and 1965.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign) Mitchell Leconte

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 the Court House in

Hailey, County of Blaine.

State of Idaho, on this 14th day of October, A. D. 1965.

My commission expires: Dec. 31 - 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 28895

RECEIVED
JAN 19 1965

Department of Reclamation

RECEIVED
JAN 23 1966

Department of Reclamation

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:

Frank Knight age 75 P.O. Box 331, Hailey, Idaho

Retired Rancher

Ques. 2 Are you acquainted with Mitchell Lecertua, the holder of
Permit No. G 28895? How long have you known him and where does he reside?

known for 20 years, he resides at Shoshone, Idaho

Ques. 3. Have you read or heard said Permit No. G 28895 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: two drain ditches from subterranean water
and underground springs.

Give location of place of diversion, showing subdivision, section, township and range
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 4 N., R. 19 E.B.M., Blaine County, Idaho.

Describe works for conveying water to place of use: 2 drain ditches with forks,
one wooden headgate, one cement headgate, and one iron culvert.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
Large ditch - 50 sec. ft.

to place of use: Small ditch - 10 sec. ft. How much water have you seen being so
conveyed? Large ditch - 500 miner's inches; small ditch - 300 miner's inches.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32,

Township 4 North, Range 19 East, Boise Meridian.

28895

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

No 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.

Sandy shale loam, highly porous. Estimated number of 75
miner's inches for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? None ✓

Ques. 10. When did you first see this water used? July, 1960

Other times you have seen such use: In irrigation season - 1961, 1962, 1963,
1964 and 1965.

(Signed):

Frank Knight

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 Hailey

 , County of Blaine, State of Idaho, on
this 14th day of October, A. D. 1965

John W. Murphy
Notary Public for the State of Idaho
Residing Shoshone, Idaho

My commission expires Dec. 31 - 1967



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
OCT 19 1965
Department of Reclamation

Permit No. G 28895 ✓

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

RECEIVED
JAN 26 1966
Department of Reclamation

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:

William H. Uhrig 58 General Delivery Hailey, Idaho
Heavy Equipment Operator

Ques. 2 Are you acquainted with Mitchell Lecertua ✓, the holder of
Permit No. G 28895 ✓ How long have you known him and where does he reside?

Shoshone
known for 20 years -- he resides at ~~Boise~~, Idaho

Ques. 3. Have you read or heard said Permit No. G 28895 ✓ read, and are you familiar
with its provisions and conditions: Yes X ✓ No.

Ques. 4. State source of water supply: Two drain ditches from subterranean water
and underground springs.

Give location of place of diversion, showing subdivision, section, township and range

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 4 N., R. 19 E.B.M. in the County of Blaine,
State of Idaho.

Describe works for conveying water to place of use: Two drain ditches with forks,
one wooden headgate, one cement headgate, one iron culvert.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
large ditch - 50 second feet.

to place of use: small ditch - 10 sec. ft. How much water have you seen being so
conveyed? Large ditch - 500 miner's inches; small ditch - 300 miner's inch.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres ~~SW $\frac{1}{4}$ NE $\frac{1}{4}$~~ , Section 32,

Township 4 North, Range 19 East, Boise Meridian.

D

28895

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

Sandy shale loam, highly porous. Estimated number of 75
miner's inches for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? None ✓

Ques. 10. When did you first see this water used? July, 1960

Other times you have seen such use: In irrigation season - 1961, 1962, 1963,
1964 and 1965.

(Signed):

William H. Shroyer

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 Hailey

 , County of Blaine, State of Idaho, on

this 14th day of October, A. D. 1965.

✓ John M. Shroyer

Notary Public for the State of Idaho

Residing Shoshone, Idaho

My commission expires Dec. 31-1967

January 26, 1966

RE: Permit No. G-28895, Mitchell Lecertua
Your file No. 1509-C

Murphy, Schwartz and Cunningham
Law Offices
Journal Building
Shoshone, Idaho

Dear Mr. Boller:

Receipt is hereby acknowledged for the depositions of holder
and witnesses on the above referenced permit.

As indicated in your letter of January 25, 1966, the discrepancies as to the point of diversion have been cleared up. We wish to inform you that 15 acres in the SW ¹/₄ NE ¹/₄, Section 32, T 4 N., R 19 E., B.M. which was included in the land list of the depositions does not show on the permit. Therefore, the license will not include this 15 acres of land.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRBtefw

28895

LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM
JOHN A. DOERR
LARRY D. HANSON

TWIN FALLS, IDAHO
1227 LYNWOOD MALL
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
886-2289

Shoshone, Idaho
January 25, 1966

RECEIVED
JAN 26 1966

Mr. Carl Tappan
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Department of Reclamation

Re: Permit No. G-28895
Mitchell Lecertua
Our File: 1509-C

Dear Mr. Tappan:

We are enclosing herewith
depositions of witnesses and permit holder, with
Notary Seal properly affixed.

There had been some discussion
with Mr. Thomas that the depositions were not
accurate because the diversion works did not
appear proper in the depositions, as were
indicated in the application. It would appear
that this matter has now been straightened out,
as of course the location of the diversion works
was included in the depositions.

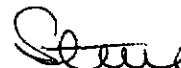
Would you be good enough to
advise if these alleged discrepancies are now
cleared up?

May we thank you for your many
courtesies?

Yours very truly,

MURPHY, SCHWARTZ & CUNNINGHAM

By



Stephen W. Boller

SWB/es

Encl.

28895

November 10, 1965

Re: Permit No. G-28895
Mitchell Lecerta

C
O
P
Y
Murphy, Schwartz & Cunningham
Attorneys at Law
Journal Building
Shoshone, Idaho

Attn: Steve Boller

Dear Mr. Boller:

Thank you for the affidavit of publication received with your letter of November 9th.

Our letter of November 3rd indicates that we returned the depositions for the Notary Public seal.

Upon return of the depositions, with seal, the Engineer's Report will be prepared and the works will be investigated in the field during the irrigation season.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

28895

LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM

TWIN FALLS, IDAHO
313 SHOSHONE STREET NORTH
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
886-2289

Shoshone, Idaho
November 9, 1965

Mr. Ralph Thomas
Deputy State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. G-28895
Mitchell Lecertua
Our File No. 1509-C

Dear Ralph:

Enclosed is the Affidavit of Publication
on this permit, which we neglected to send you.

In reviewing the file, I find some
question between Mr. Murphy and yourself as to
the points of diversion and source of the water.
However, your letter of November 3rd appears to
indicate that perhaps the matter is settled.
Would you kindly advise whether the proceedings
are in such shape, as to the license?

Yours very truly,

MURPHY, SCHWARTZ & CUNNINGHAM

By Steve
Stephen W. Boller

SWB/em

Enclosure

28895

November 3, 1965

RE: Permit No. G-28895
Mitchell Lecertua

C
O
P
Y
Murphy, Schwartz & Cunningham
Attorneys at Law
Journal Building
Shoshone, Idaho

Attn: Jack H. Murphy

Dear Mr. Murphy:

We received your letter of October 30 in regard to our letter of October 20, 1965 which refers to the Deposition of Holder of the above noted permit.

Your letter refers to the deposition of each witness which shows one point of diversion so we assume you mean that the holder did not answer the question properly in not giving the true point of diversion requested on the form. Further check of the answer to question 4 "State source of water" seems to have taken so much room you did not attempt to answer the second question as to the location of the point of diversion, whereas your letter of October 30 indicates that the size or branches of the drain is of no consequence. If that is true we apologize for not requesting that the point of diversion be shown. Our file shows several points where the permit record was not followed in this case.

The last paragraph of our letter you refer to noted that the depositions would be accepted, however we are returning them so that you may show the imprint of your Notary Public.

We are still waiting for the Affidavit of Publication.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. depositions 3

28825

LAW OFFICES OF

MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM
JOHN A. DOERR
LARRY D. HANSON

Shoshone, Idaho
October 30, 1965

TWIN FALLS, IDAHO
1227 LYNWOOD MALL
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
886-2289

RECEIVED
NOV 3 1965

Department of Reclamation
State of Idaho
Statehouse
Boise, Idaho

Department of Reclamation

Re: Permit No. G-28895
Mitchell Lecertua
Our File #1509-C

Attention: M. Russell Bosch
State Water Rights & Records Clerk

Dear Sir:

We have for acknowledgment your letter of October 20, 1965. In your first paragraph you suggest that the returns are incorrect.

In your second paragraph you suggest that the permit and advertising have only one point of diversion. In reviewing our copies of the deposition of witnesses, we find one point of diversion, to wit: the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 32, T. 4 N., Range 19 E.B.M., Blaine County, Idaho. This was the location applied for as the point of diversion as found in application No. G-36882 resulting in the above mentioned permit. We are unable to comprehend your curt statement as to one point of diversion. Should your quarrel be that a drain ditch is involved together with its attending forks and hence a multiplicity of points of diversion, we still are at loss as to how this is inconsistent with the application and the advertisements.

The fact that the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 32 is not mentioned on the application neither adds nor subtracts from the original application. Would you kindly advise us what section of the code you premise your statements under that the application is incorrect, and the fact that additional lands, as well as the lands included in the application, are in any way suggestive of a defective proof of completion. We await your advice with interest.

Very truly yours,

MURPHY, SCHWARTZ & CUNNINGHAM

JM:vs

[Handwritten signature]
2889

October 20, 1965

RE: Permit No. G-28895
Mitchell Lecertua

Mr. Jack H. Murphy
Attorney at Law
Journal Building
Shoshone, Idaho

Dear Mr. Murphy:

Receipt is acknowledged for the depositions taken in connection with the above numbered permit. However, they are incorrect like the ones returned on May 4, 1965.

Since the permit and the advertisement only have one point of diversion, this is all that can be accepted. Also, the land list included an additional tract of ground in the SW 1/4, Section 32, that is not listed on the permit.

Upon receipt of the affidavit of publication we will have the works inspected and if it differs from the permit or the advertisement it will have to be readvertised and new proofs taken at the owners expense, prior to issuing of the license for this permit if you want the extra well and/or additional land included in the Certificate.

Very truly yours,

M. RUSSELL BOSCH
State Water Rights
and Records Clerk

MRB:ejw

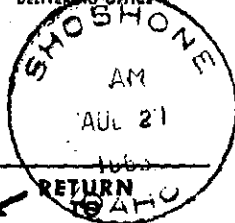
Encl: Depositions

28895

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 instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER

CERTIFIED NO.

Department of Reclamation

STREET AND NO. OR P. O. BOX

INSURED NO.

Room 107 Statehouse

CITY, STATE, AND ZIP CODE

Boise, Idaho 83701

C53-16-71548-6-F

POD Form 3811 Sep. 1963

628895 male

28885

INSTRUCTIONS TO DELIVERING EMPLOYEE

- ☐ Deliver *ONLY* to ☐ Show address where
addressee delivered
(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

AUG 21 1965

CSS-18-71528-55-670
288X

LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM
JOHN A. DOERR
LARRY D. HANSON

TWIN FALLS, IDAHO
1227 LYNWOOD MALL
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
886-2289

Shoshone, Idaho
October 18, 1965

RECEIVED
OCT 19 1965

Department of Reclamation

Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Mitchell Lecertua
P.O. Box 427 Shoshone, Idaho
Permit No. G 28895

Gentlemen:

Please find enclosed herewith Proof of Application of Water to Beneficial Use and Completion of Works by Mr. Mitchell Lecertua, together with Deposition of Witnesses, Frank Knight and William H. Uhrig.

These Affidavits were concluded on October 14 at the Court House at Hailey, Blaine County, State of Idaho. We have requested the Affidavit of Publication from the Hailey Times and will transmit same upon receipt of same.

Should there be any further information desired or needed or any additional requirements of this office other than indicated, please advise.

Very truly yours,

Jack M. Murphy
JACK M. MURPHY

JMM:ch

Encls.

28895

Re: Permit No. G-28895
Mitchell Lecertua

September 1, 1965

Mr. Jack M. Murphy,
Attorney at Law,
Journal Bldg.,
Shoshone, Idaho.

Dear Mr. Murphy:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28895, in the name of Mitchell Lecertua. Final Proof is to be made before you, as Notary on the 14th day of October, 19 65, at 3:00 o'clock P.M., at Blaine County Court House, Hailey, Idaho.

As of this date, we have mailed the Notice to the Hailey Times Hailey, 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

28895

August 25, 1965

RE: Permit No. G-28895
Mitchell Lecerta

Murphy, Schwartz & Cunningham
Attorneys at Law
Shoshone, Idaho

Attn: Jack M. Murphy

Dear Mr. Murphy:

We received your letter of August 24 in regard to proofs of use of water under the above noted permit; also your affidavit of reason for not completing the matter.

Your affidavit shows that the legal notice was published with proofs to be made June 17, 1965.

Our file shows that Forms 36 and 11 were returned to you May 4, 1965 noting a discrepancy in the description of place of use of the water. We maintain a calendar of times when proofs will be made which does not show any for June 17. Our files have been searched and we cannot find that the Forms 36 and 11 were returned.

I suggest you obtain the affidavit of publication, affidavit of the person in the office where the hearing was to have been made that no one appeared to protest said proofs, the depositions of the holder and two witnesses, and file the documents in this office at your earliest convenience. I see no reason for this office to set a date for delayed proofs.

Our notice dated August 20, 1965 will not be cancelled. The notice allows 60 days within which to file the necessary documents.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

28895

1 Honorable Carl E. Tappan
2 State Reclamation Engineer
3 Department of Reclamation
4 Boise, Idaho

Re: Application of Mitchell Lecertua
Permit No. G-28895

6 A F F I D A V I T

7 STATE OF IDAHO)
8) ss.
9 County of Lincoln)

10 COMES NOW, Jack M. Murphy, attorney-at-law, after
11 first being duly sworn, deposes and says:

12 I.

13 That he is now and for some time last past a duly
14 qualified attorney at law authorized to practice in the State
15 of Idaho.

16 II.

17 That Mitchell Lecertua is now and for some time last
18 past a client of the affiant herein.

19 III.

20 That in the ordinary course of business and prior to
21 the expiration date, this affiant did cause to be set for hearing
22 the Notice of Intent to prove completion of works and application
23 of water for beneficial use under the terms and provisions of
24 the above captioned permit.

25 IV.

26 That all publication was concluded in a proper and
27 timely manner; that the matter was set down for hearing at
28 3 o'clock on June 17, 1965, at the Court House in the City of
29 Hailey, County of Blaine, State of Idaho.

30 V.

31 That in the month of May, 1965, this affiant was injured
32 in an accident. That as a result of said injury the left leg

1 of the affiant was crushed. That temporary healing in the
2 latter part of May and the first week of June indicated
3 progressive recovery of this affiant, hence many matters were
4 set down for hearing and trial for the last half of June and the
5 early part of July.

6 After the first week of June, the condition of this
7 affiant became progressively worse, not permitting or allowing
8 this affiant to carry out his duties in the regular course of
9 business.

10 That in the latter part of June this affiant was
11 hospitalized for a period of eight (8) days and required to be
12 at home with maximum inactivity for a considerable longer period
13 of time. That upon the advice of doctors and due to the con-
14 dition of this affiant, this affiant was unable to attend to
15 his duties throughout the month of July, and the first part of
16 August, in the normal course of business.

17 That only recently has affiant been able to engage in
18 full activity.

19 That the attending physicians of this affiant were
20 Dr. R. G. Neher of Shoshone, Idaho, and Roy O. Shaub, Twin
21 Falls Clinic, Twin Falls, Idaho. This affiant was hospitalized
22 in the Magic Valley Memorial Hospital, Twin Falls, Idaho.

23 That on the date of June 16, 1965, Mrs. Ellen Miller,
24 an employee of the affiant, communicated with the State
25 Reclamation Engineer, Mr. Carl E. Tappan, advising Mr. Tappan
26 of the facts above set forth, and further advising of the hearing
27 scheduled for June 17 and the need for cancellation. That said
28 employee was advised that an Affidavit of this affiant would be
29 necessary in order to set the matter down for a new date as a
30 time for hearing.

31 WHEREFORE, affiant prays that an order be entered by
32 the Honorable Carl E. Tappan, State Reclamation Engineer,

1 permitting, requiring and authorizing a new and separate date
2 for a hearing on the above entitled matter for proof of com-
3 pletion of work and application for beneficial use, the same
4 to be heard at 3 o'clock P.M. on September 16, 1965, and
5 further prays that the Notice of August 20, 1965 in reference
6 to the above captioned matter be declared null and void and
7 that said permit remain in full force and effect during this
8 period of time.

9 MURPHY, SCHWARTZ & CUNNINGHAM

10
11 By *John M. Murphy*

Of the Firm.

Attorneys at Law

Residence: Shoshone, Idaho

12
13
14 SUBSCRIBED and SWORN to before me, this 24th day of
15 August, 1965.

16
17 *Ellen M. Miller*
Notary Public for Idaho

Residence: Shoshone, Idaho



LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM
JOHN A. DOERR
LARRY D. HANSON

Shoshone, Idaho
August 24, 1965

TWIN FALLS, IDAHO
1227 LYNWOOD MALL
733-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
1886-2289

AUG 25 1965

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Application of Mitchell Lecertua
Permit No. G-28895

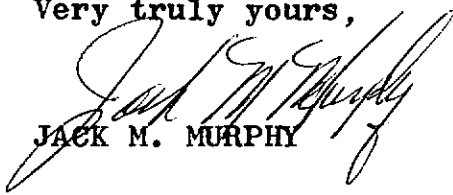
Dear Mr. Tappan:

Please find enclosed Affidavit with reference to the above captioned matter. Certainly may I express my regret that this matter was not concluded at the time set for hearing. Further, may I express my regret in not heretofore being able to file the appropriate affidavit necessary for continuance of the matter.

The affidavit is enclosed with a temporary setting of September 16, 1965, subject of course to the approval of the Department. Should you find this in order, we would appreciate the notice of intent to cancel be revoked and reinstated as in full force and effect. Likewise, we would appreciate such documents necessary approving the setting of September 16th. It would be my understanding that no further notice need be given by publication or otherwise, as no protests have been received in your office or mine. Should any other information be required or necessary, I would appreciate your instructions to this effect.

Again, may we thank you for your many courtesies on behalf of the Department during this very trying period.

Very truly yours,


JACK M. MURPHY

JMM:ch
Encls.

28895

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

August 20, 1965

Re: Permit No. G- 28895

To Mitchell Lecertua
Box 427
Shoshone, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 28895 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 July 26, 1965

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 28895 is hereby held for cancellation.

YOU ARE HEREBY required to show cause before the State Reclamation Engineer on or before sixty days from date of this notice why said Permit should not be cancelled.

SAID PERMIT NO. G- 28895 claims the use of 1.5 cubic feet per second of the Subterranean Waters well with point of diversion located NW 1/4 Sec. 32., Twp. 4 N., Rge. 19 E.B.M. Blaine County and was approved July 26, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, the 20th day of August, 1965.

Carl E. Tappan
State Reclamation Engineer

cc: Jack E. Murphy
313 Shoshone Street No.
Twin Falls, Idaho

28895

May 4, 1965

RE: Permit G-28895

~~Jack M. Murphy~~ L E O C A N A

Jack M. Murphy
313 Shoshone Street North
Twin Falls, Idaho

Dear Mr. Murphy:

Returned herewith is your notice of proofs for the above numbered permit.

Item # 5 states that the water is used on the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, however, the permit has the place of use listed as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32.

If you have changed the point of use, it will require an amendment to the land list. The fee for recording an amendment to the land is \$1.00; the necessary forms are enclosed.

If the permit is correct, all that is required is to correct the form 36 to read the same.

Please make the necessary amendment and/or corrections and return promptly.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH
Assistant
State Water Rights & Records

MRB:ct

Enc. Notice of proofs
Amend. to land list

28895

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 30, 1965

Re: Permit No. G-28895

Mitchell Lecertua
Box 427
Shoshone, Idaho

Dear Mr. Lecertua:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28895 are due not later than July 26, 1965

Before these proofs 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 within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also 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 two Forms 36.

At the time we send the notice to the newspaper we 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, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

Carl E. Tappan

State Reclamation Engineer

Enclosures Form 36 and 11

2 8895

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

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

Boise, Idaho

Re: Permit No. G-28895
Mitchell Lecertua

August 21, 1964

J. M. Murphy
Attorney at Law
Shoshone, Idaho

Dear Mr. Murphy:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28895 are due not later than July 26, 1965

Before these proofs 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 within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also 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 two Forms 36.

At the time we send the notice to the newspaper we 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, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures 36 and 11

2 8895

August 2, 1960

Re: Permit No. G-28895
Mitchell Lecertua

Mr. G. R. Kneeland,
Attorney at Law,
Box 748,
Ketchum, Idaho.

Dear Mr. Kneeland:

We enclose Permit No. G-28895 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. G-5075 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit, together with a .50¢ refund.

Very truly yours,

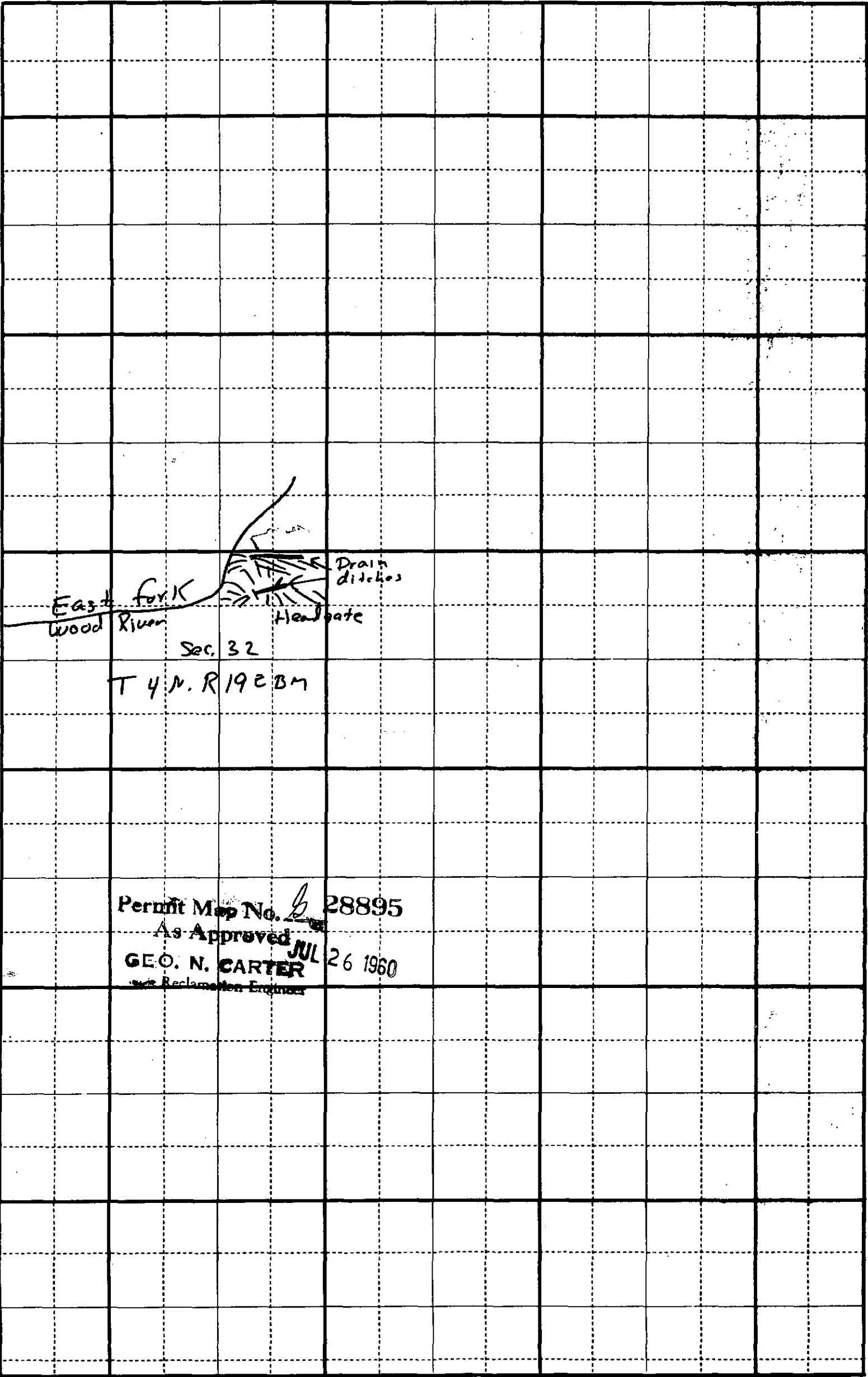
GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encll
EPR:pmk
cc: Mitchell Lecertua
Box 427,
Shoshone, Idaho

NAME OF APPLICANT Mitchell Lecentua

Form No. 0



Permit Map No. 6 28895
As Approved
GEO. N. CARTER
Reclamation Engineer
JUL 26 1960

GEORGE R. KNEELAND

ATTORNEY AT LAW

BOX-415 748

HAILEY, IDAHO

Ketchum,

July 25, 1960

RECEIVED
JUL 2 1960
Department of Reclamation

State Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

Enclosed is Application for Permit for
Mitchell Lecertua, together with two copies
of Form No. 0 and a check for \$5.75 to cover
the fee in this matter.

Sincerely yours,



G. R. Kneeland

GRK:ef
Encls.

28895

October 21, 1959

RE: Application for Permit
Mitchell Lecertua

George R. Kneeland
Attorney at Law
Ketchum, Idaho

Dear Mr. Kneeland:

Enclosed is application for permit in the name of Mitchell Lecertua, with attached check for \$5.75 filing fee, for more information.

Kindly complete the applicant's address.

Under 3 - source of water supply "Cove Creek -- and three drain ditches" does not check with the map which shows the "diversion springs". The map does not show Cove Creek or the three drain ditches.

An application showing a diversion from private water must have the affidavit completed on page 3, see Idaho Code 42-212 and 42-213.

Permission to file on water from a drain ditch should be obtained from the owner of such drain; however water from drains which enter a natural stream becomes part of the water in the stream and is public water, available to fill water rights according to priority.

The amount of water claimed from each source of supply must be shown as well as the various points of diversion.

Kindly complete the application and maps to show clearly the source of supply, points of diversion and the contemplated works.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph Thomas
Office Engineer

RT:mr
enc. Form 1
Check

28895

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

Notice is hereby given that at 3 P. M., on the 14th day of October 1965, at Hailey, County of Blaine, State of Idaho, before Jack M. Murphy, Notary Public, at the Blaine County Court House, proof will be submitted of the completion of works for the diversion of $1\frac{1}{2}$ cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28895, 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 Mitchell Lecertua, P. O. Box 427, Shoshone, Lincoln County, 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 $1\frac{1}{2}$ 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 $1\frac{1}{2}$ cubic feet per second.

4. The point of diversion of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

6. The date of priority which said user is prepared to establish is July 26, 1960.

CARL E. TAPPAN
State Reclamation Engineer
Pub. 9/9 to 9/30. 28875

PHONE 278 5321

GEORGE R. KNEELAND

ATTORNEY AT LAW

BOX 442 808

HAILEY, IDAHO

Ketchum,
October 20, 1959

RECEIVED
OCT 21 1959

Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Mitchell Lecertua

Dear Sir:

I enclose herewith an Application for Permit
along with a check in the amount of \$5.75.

Sincerely yours,



G. R. KNEELAND

GRK:ef
Enc.

28875