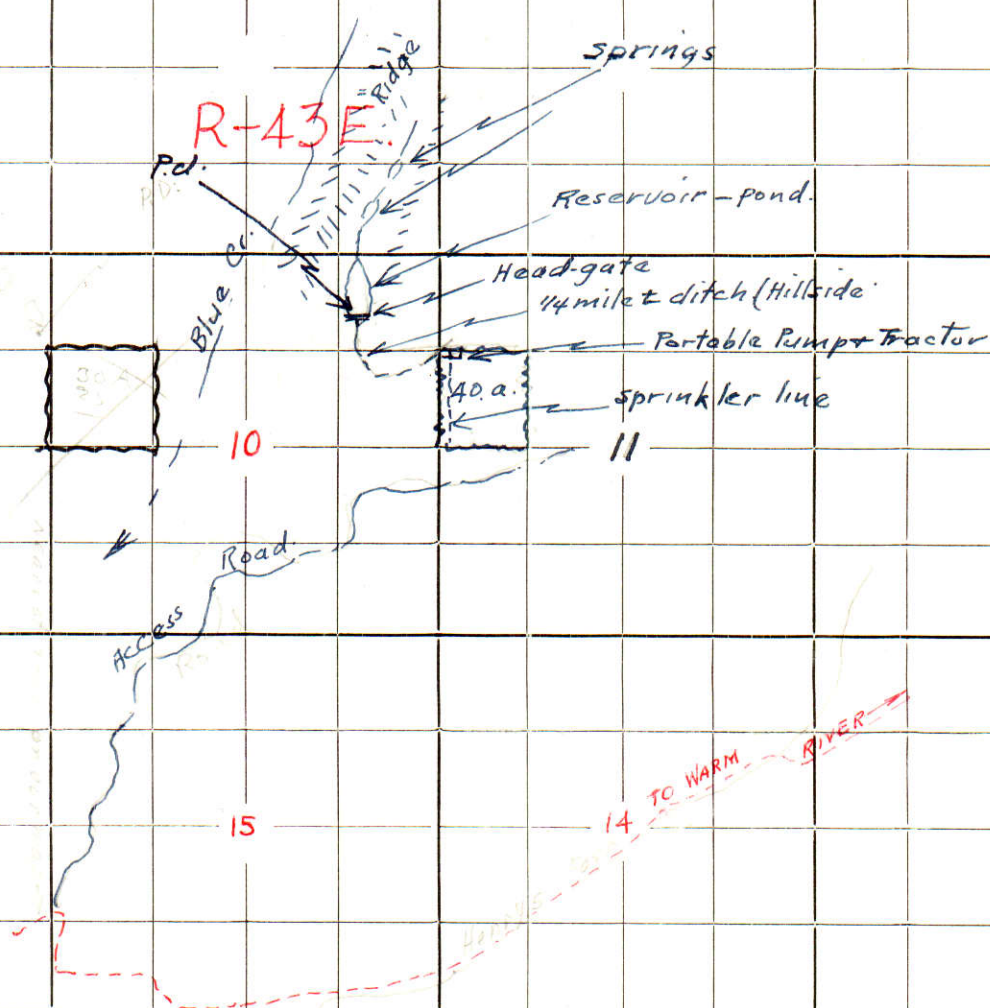




Land subdivisions - One.

Area as shown on map - 40 ac.

	No of Lines	No of Sprinklers	Nozzle Size	Pressure #/sq ft at Nozzle	GPM per Nozzle	Total gpm.
	1	30	$\frac{3}{16}$ - $\frac{3}{32}$			
		1	do	50	9.56	
		2		49	9.80	
		3		45	8.62	
		4		46	8.71	
		5		45	8.62	8.79
		14		49	9.80	= 212
		19		47 1/2	8.87	+
		24		42 1/2	8.36	Leak
		30		45	8.62	of 1
						= 3

Quantity of water 227 gpm* (25+ miners in.)
as measured by nozzle pressures.*

* Additional water required to satisfy deep percolation in reservoir and ditch loss - hence P.D. should be at point of use on ditch.

- 8.74 AU	P. D. should be at point			
= 212 gpm				
+ Leakage				
of 15 gpm (bad break in lateral)				
= 227 gpm.				

345 W. 1 N

LaVar A. Cherry
Rexburg, Idaho
345 W. 1 N St.

Permit No. 21234

Examination for Beneficial Use

County Fremont

10 - 9 N. - 43 E

Q2 0.8 a.f.s.

S2 Green Canyon Spring

V.D. 2
NE. NE. 8 NW. NE. Sec. 10,
T. 9 N. - R. 43 E.

Use = Irrigation & Domestic

Filed ~ Aug. 22, 1949

Due ~ Nov. 15, 1956

C/W ~ 11-29-50

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
AUG 30 1957

Department of Reclamation

Source of water: Spring
fed pond and ditch.

Pump: Fairbanks Morse -
Horizontal Centrifugal -
with 4" discharge - portable

Power - 4-P. Cat.

**AFFIDAVIT OF
PUBLICATION**

State of Idaho
County of Fremont

SS.

Ralph Hunter

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

clerk

That he is the
of The Ashton Herald, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
Ashton, in Fremont County,
Idaho, having a general circula-
tion in said county, and that said
newspaper has been printed and
published as a weekly news-
paper in said county for more
than 78 consecutive weeks prior
to the first publication of the at-
tached notice, advertisement or

publication of Notice of

application of water

And affiant further says that
said attached notice, advertise-
ment or publication, as per clip-
ping attached, was published in
said newspaper, in the regular
and entire issue thereof, and
not in any supplement issue

thereof, for 4 consecutive
issues thereof; first publication

having been made on the 15

day of November, 1956,
and the last publication on the

6 day of December,

1956.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from type
matter, of at least seventeen and
three-fourths inches deep.

Ralph Hunter
Subscribed in my presence and

sworn to before me this 30

day of March,

1957.

Hubert A. Manow
Notary Public for the
State of Idaho, resi-
dence and post office
(SEAL) address: St. Anthony,
Idaho. Ashton

RECEIVED
MAR 29 1957

Department of Reclamation

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at
10:00 A.M. on the 10th day of
December, 1956, at Rexburg,
County of Madison, State of
Idaho, before Henry Dietrich,
Notary Public, proof will be
submitted of the application to
beneficial use of 0.8 cubic feet
per second of the waters of
Green Canyon in accordance
with the terms and conditions
of Permit No. 21234 heretofore
issued by the Department of
Reclamation of the State of
Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are
LaVar A. Cherry, Rexburg,
Idaho.

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

The amount applied to bene-
ficial use is 0.8 second feet.

The place where said water
is used SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11,
Twp. 9 N., Rge. 43 E.B.M.

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

The right to take water from
such works is based upon Per-
mit No. 21234.

The source of supply from
which such water is diverted is
Green Canyon Springs—NW $\frac{1}{4}$ -
NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp.
9 N., Rge. 43 E.B.M.

The date of priority which
said user is prepared to estab-
lish is August 22, 1949.

MARK R. KULP

State Reclamation Engineer.
(Pub. Ashton Herald Nov. 15,
22, 29, Dec. 6, 1956.)

21234

January 15, 1957

RE: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

We acknowledge receipt of the depositions of yourself, the holder of the Permit and also the two witnesses, but to date we have not received the affidavit of publication from the Ashton Herald. If you have not already received it will you please get it and forward to us as we need it to complete this file.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

21234

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

Notice is hereby given that at 10:00 A. M. on the 10th day of December, 1956,
at Rexburg, County of Freemont Madison, State of Idaho, before
Henry Dietrich, Notary Public, proof will be submitted of the
application to beneficial use of 0.8 cubic feet per second of the waters of Green Canyon
in accordance with the terms and conditions of Permit No. 21234
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 _____

Lavar A. Cherry, Rexburg, Idaho

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

The amount applied to beneficial use is 0.8 second feet

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp. 9 N., Rge. 43 E. B.M.

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

no name

The right to take water from such works is based upon Permit No. 21234

The source of supply from which such water is diverted is Green Canyon Springs- NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$,

Sec. 10., Twp 9 N., Rge. 43 E. B.M.

The date of priority which said user is prepared to establish is August 22, 1949

MARK R. KULP

State Reclamation Engineer.

21234

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

September 1, 1956

Mr. La Var A. Cherry &
Mr. Edward J. Cherry
345 W. 1st No.
Rexburg, Idaho
Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21234 . This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than November 15, 1956, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21234

October 17, 1952

RE: Permit No. 21234

Mrs. LaVar A. Cherry.
Rexburg
Idaho

Dear Mrs. Cherry:

In answer to your letter of October 13, 1952, in regard to proving beneficial use on the above numbered permit.

Since you have made completion of works proof on the above numbered permit and state that the land to be irrigated under said permit is all in cultivation, we see no reason why you should not complete your beneficial use proof, based on the available water supply.

We are enclosing another form for permit in case you care to file on the waters of Blue Creek for an additional water right.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

P.S. Unless we hear from you to the contrary, within the next few days, we will go ahead with the publication notice and set a date for making beneficial use proof.

10-6-49

21234

C/hr 0.8

B/hr 11-18-52

- 7 C - 56

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

September 1, 1951

Lavar A. & Edward J. Cherry
345 W. 1st North,
Rexburg, Idaho

Dear Sirs:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21234. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than November 15, 1951, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

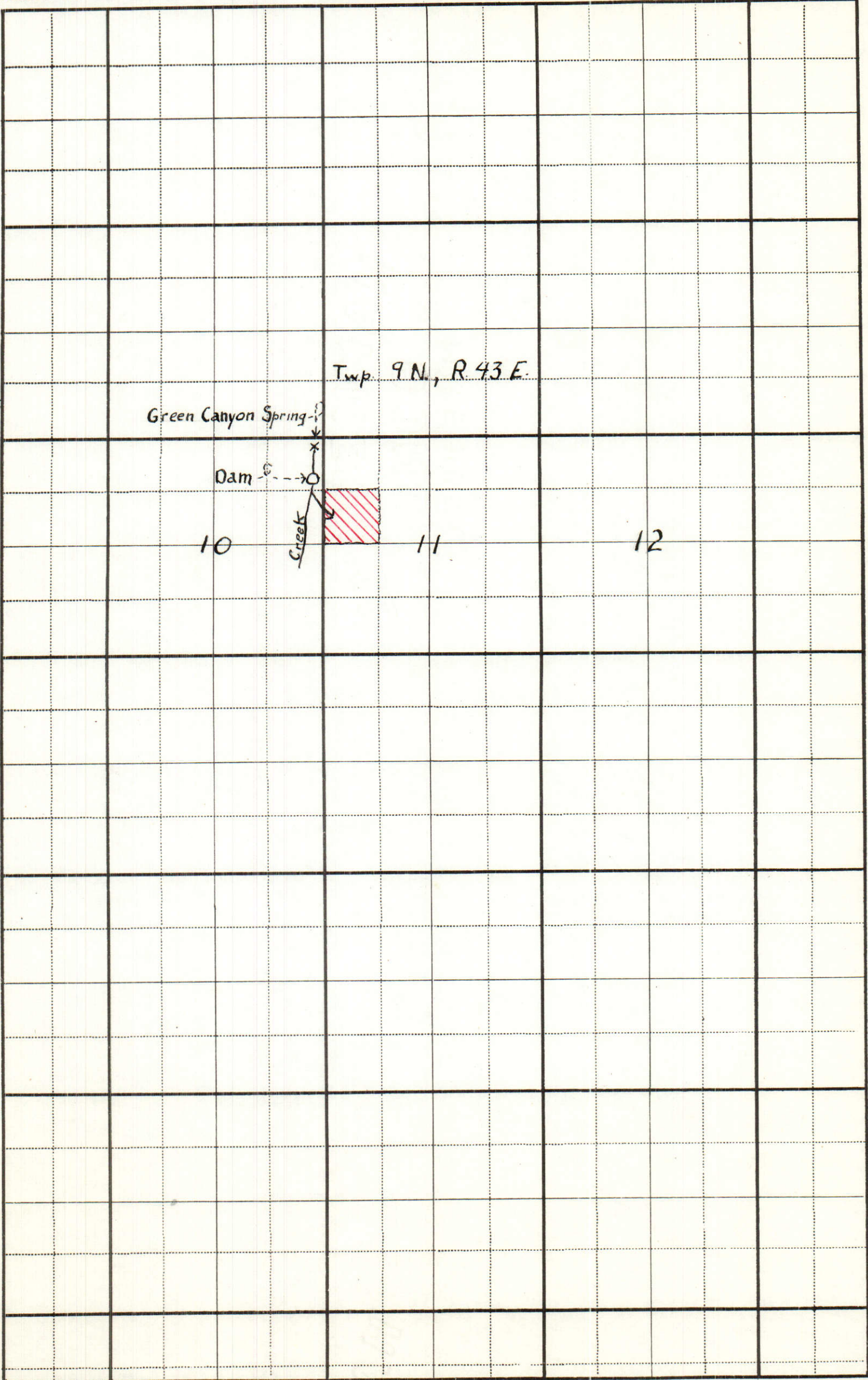
MARK R. KULP

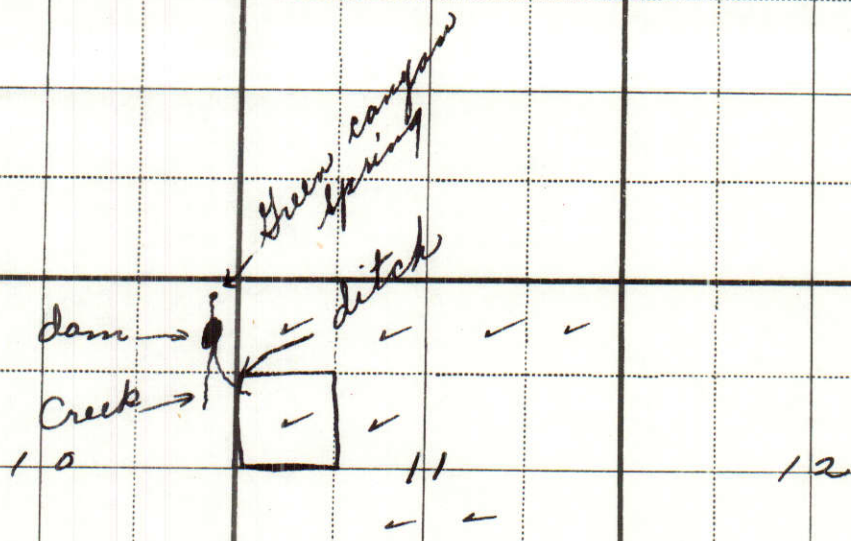
State Reclamation Engineer

21234

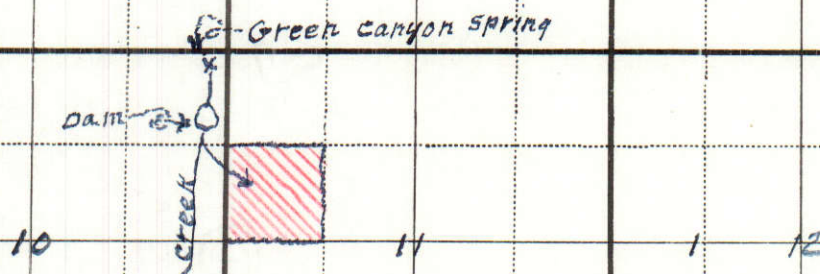
NAME OF APPLICANT LaVar A. Cherry & Edward J. Cherry

FORM No. 0





TWP 9 N. R. 43 E



Providing this map is O.K. relative to spring and land location, please sign,

Edward J. Cherry
LaVar Cherry

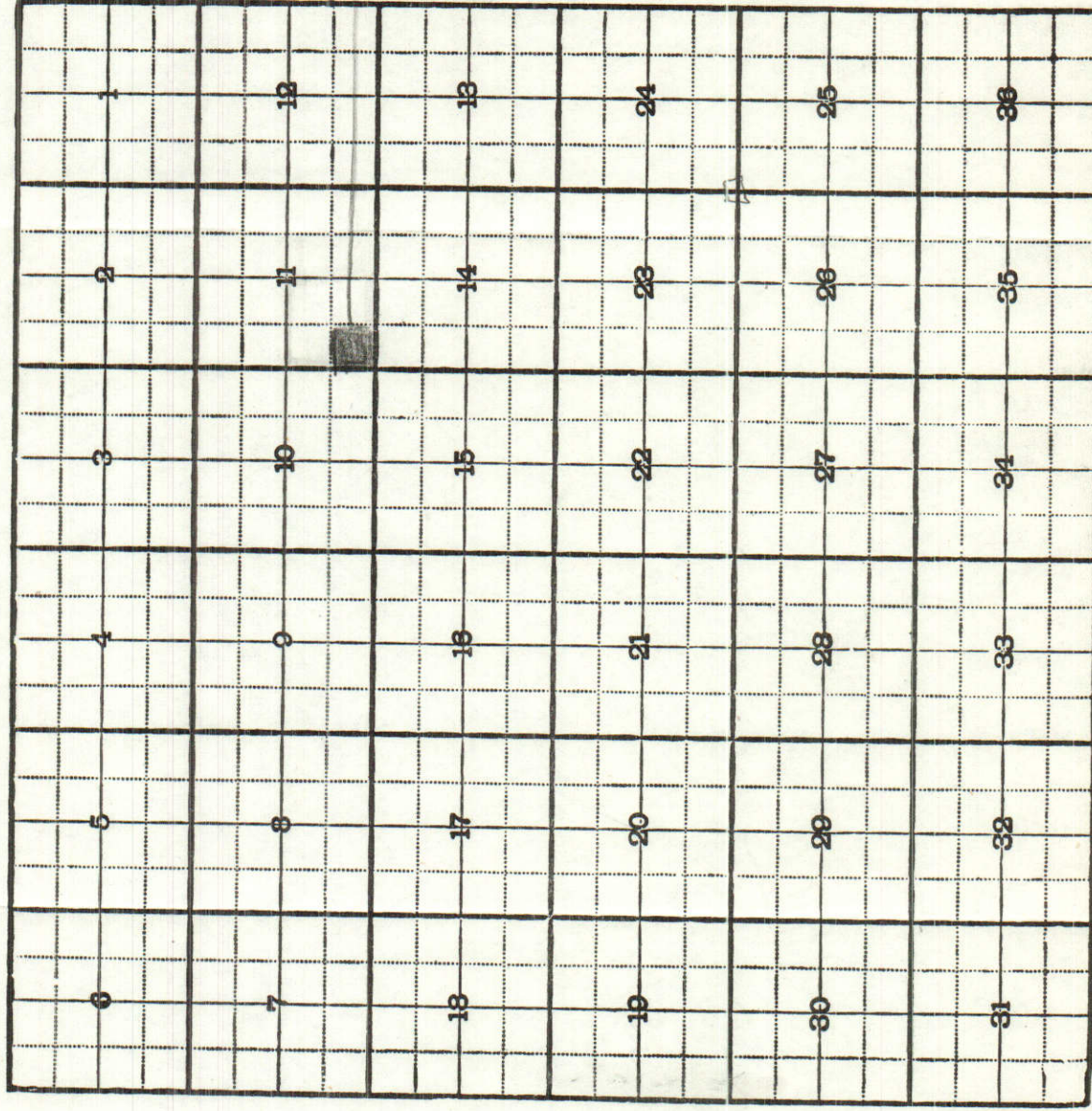
Permit Map No. 21234
As Approved OCT 6 1949
MARK R. ROLP
State Reclamation Engineer

SCALE: ONE INCH TO ONE MILE

Township

Range

9 N 43 E



Is this the
SW 1/4 NW 1/4 Sec 11?
I believe this
is right (E)
now, if so, this
is the only 40 acres
and all of it can be
irrigated,
There is no other
water right a
the farm is all
dry farm except
this forty acres
which can be
irrigated from
this green canyon
spring.

21234

5

W

State of Idaho
License and Certificate of Water Right

Water License No. 21234

Amount .2 c.f.s.

Water District No.

Priority September 20, 1949

THIS IS TO CERTIFY that Lavar A. Cherry and Edward J. Cherry, Lavar A. Cherry, Assignee of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 22, 1949; that Permit No. 21234 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .8 second feet, was issued thereunder on November 29, 1950, showing that said works were completed on the 9th day of November, 1950; and that on the 13th day of December, 1956, Lavar A. Cherry

of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Green Canyon Springs, a tributary of , for the purpose of Irrigation, under Use Permit No. 21234 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6137, on the 16th day of October, 1957;

The right hereby confirmed dates from September 20, 1949;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 10, Tp. 9 N., R. 43 E., B. M. County Fremont

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 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	43 E.	11	SW 1/4 NW 1/4	40	40
			Total number of acres irrigated		40

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 16th day of October, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

21-2102

N^o 21234
21-2102

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28891
PERMIT No. 21234
DISTRICT No.

345 West 1st North

1. Name of Applicant: LaVAR A. CHERRY and EDWARD J. CHERRY

Postoffice address: Rexburg

County: Madison

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: 40 inches or 0.80 cubic feet per second.

3. Source of water supply: Green Canyon Spring 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 10 , T. 9 N. , R. 43 E. , B.M., County of Fremont

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

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

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

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

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$

8. Kind of works: Dam, small reservoir and ditches.

9. Height of dam 8 feet; length of dam at top 100 feet; length of dam at bottom 75
feet; material used in dam: Earth fill with concrete gates

10. Size of headgate: Width 2 feet; height 2 feet.

11. Ditch: Width at bottom 2 feet; width at water line 4 feet; depth of water 0.5 feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

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

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

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 N.	43 E.	11					40												40
			APPROVAL OF STATE RECLAMATION ENGINEER I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21234 to November 15, 1950. Witness my hand this 16th day of October, 1950. MARK R. KULP State Reclamation Engineer PERMIT NO. 21234 CERTIFICATE OF COMPLETION OF WORKS To All Whom it May Concern: This is to certify that Lavar A. Cherry and Edward J. Cherry, of Rexburg, County of Madison, and State of Idaho, for irrigation and domestic purposes, have completed the second foot of the waters of Green Canyon Spring, County of Fremont, State of Idaho, for irrigation and domestic purposes, as described in said Permit; ; that said works are adequate for diverting and conveying to the place of intended use the waters of Green Canyon Spring; that the point of diversion of said waters is in the NE$\frac{1}{4}$NE$\frac{1}{4}$ Section 10, Township 9 North, Range 43 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Witness my hand this 29th day of November, 1950. MARK R. KULP State Reclamation Engineer Proof of completion of works made November 9, 1950 Certificate of Completion of Works issued November 29, 1950.																

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 21234 to November 15, 1958.

MARK R. KULP
State Reclamation Engineer

APPROVAL OF DEPUTY STATE RECLAMATION ENGINEER

I, E. N. Humphrey, Deputy State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 21234 to November 15, 1958.

Witness my hand this 12th day of November, 1958.

E. N. HUMPHREY
Deputy State Reclamation Engineer

ASSIGNMENT

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21234 to LAVAR A. CHERRY of Rexburg, Idaho

Edward J. Cherry
Permit Holder

Theda B. Cherry
Wife of Permit Holder

State of Washington)
 : ss.
County of Clark)

On this 19th day of November, 1958, before me, a Notary Public for the State of Washington, residing at Orchards Washington, personally appeared Edward J. Cherry & Theda B. Cherry known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

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

D. W. Schiltz
Notary Public, residing at Orchards

My commission expires Jan. 22, 1960.

Received and filed for record in the Department
of Reclamation at Boise, Idaho, November 26, 1958
MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 2. SEC. FT.

Page - 6137

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 28891

Permit No. _____

District No. _____

1. Name of applicant: Edward J. Lavar A. Cherry + Cherry
 Post office address Reynolds County Madison State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: 9 3/5 second ft. cubic feet per second.3. Source of water supply: Gran Canyon Spring, Fremont County
which is tributary of _____4. Location of point of diversion: 7 1/4 mi. S. 1/4 Sec. 10, T. 9N., R. 43E., B.M. feet distant from the _____ corner
of Section _____ T. _____ R. _____ B.M., and is in the _____of Section _____ T. 9N. R. 43E. B.M., County of Fremont5. 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 _____, 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: \$ _____

8. Kind of works: dam, ditch
(Reservoir, dam, ditch, flume, pipe, etc.)9. Height of dam 8 feet; length of dam at top 100 feet; length of dam at bottom 75 ft.
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)
feet; material used in dam earth fill with concrete gates10. Size of headgate: Width 2 feet; Height 2 feet.11. Ditch. Width at bottom 2 feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

21234

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

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

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

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated..... 40 acres

1b. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are.....

16. (a) Is reservoir to be used?.....(If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant.

Remarks:

For irrigation of the following described tracts of land. S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 11, N $\frac{1}{2}$ NW $\frac{1}{4}$ section 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 12 all in Township 9 North, Range 42 East, B. M. Fremont. The point of diversion was later changed to the S $\frac{1}{2}$ NE $\frac{1}{4}$ section 3 same township and range. The spring land on which spring is located on is U. S. Gov. land.

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.

Edward J. Cherry

Applicant

By

Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of County of State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit: and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of

as.

On this day of, 194..... before me, a Notary Public for the State of Idaho, residing

at, personally appeared

known to me to be the person..... whose name..... subscribed to the foregoing certificate, and acknowledged to me that.....he..... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires

21234

Approval of State Reclamation Engineer

The number of this permit is

Recorded in Book Page Approved

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 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

The whole of said work to be completed on or before

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

Witness my hand this day of 194.....

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ... Governor of the State of Idaho,

and 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 day of 194.....

Countersigned:

STATE OF IDAHO

By.....
Secretary of State.

By.....
Governor

No.	PERMIT	Date of first receipt at office of State Reclamation Engineer <i>9:00 A.M. Aug. 22, 1949</i>	Returned to applicant for correction <i>Aug. 22, 1949</i>	Corrected application received
Fees, \$				
FILING FEES FOR USE PERMIT:				
For the first Sec. Ft. \$5.00				
For each additional Sec. Ft. or fraction thereof 25				

21234

October 16, 1957

Re: Permit No. 21234

Mr. LaVar Cherry
Rexburg
Idaho

Dear Mr. Cherry:

Enclosed is the License and Certificate of Water Right issued under Permit No. 21234 confirming the right with priority of September 20, 1949, to your use of .2 second foot of water from Green Canyon Springs with the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, for irrigation of 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, all in Township 9 North, Range 43 East, B.M.

The fee for this license was covered under the inspection fee for Permit No. 23234 which permit covers the same land.

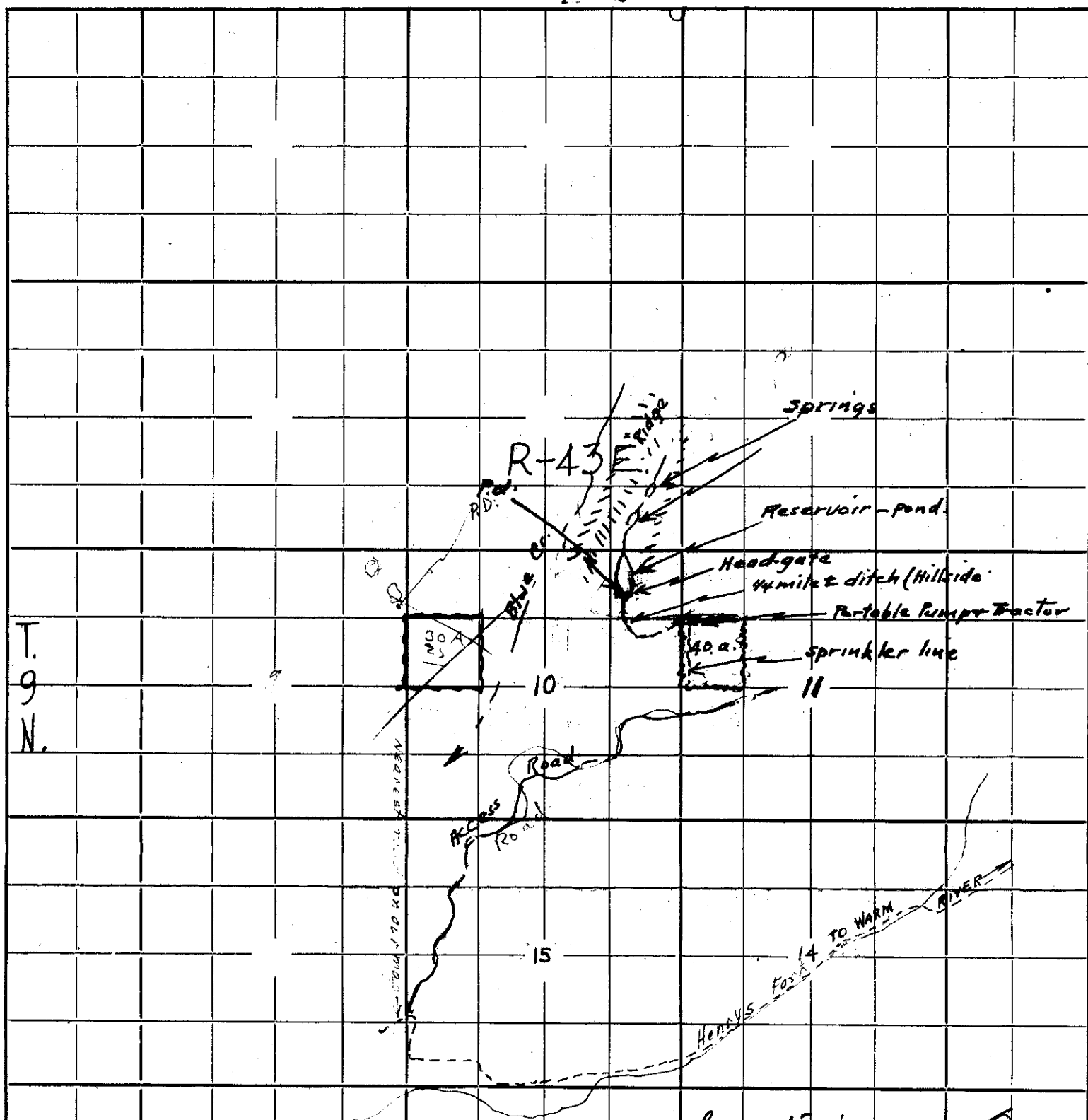
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

21234



Subdivisions = One

Area = 40 a

Q = 10 inches
2 cfs

Land subdivisions - One.

Area as shown on map - 40 ac.

No of Lines	No of Sprinklers	Nozzle Size 3/4"	Pressure at nozzle psi	Q.P.M. per nozzle	Total gpm.
1	30	3/4"	45	8.62	
			50	9.56	
			49	9.30	
			45	8.62	
			46	8.71	
			45	8.62	
			44	8.50	
			47 1/2	8.87	
			42 1/2	8.36	
			45	8.62	
					8.74 AV
					= 212 gpm
					+ Leakage
					of 15 gpm (bad break in lateral)
					= 227 gpm.

Quantity of water 227 gpm* (25+ miners in)
as measured by nozzle pressures.*

*Additional water required to satisfy deep
percolation in reservoir and ditch loss - hence
P.D. should be at point of use on ditch.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21234

REPORT ON PROOF OF Beneficial Use

LaVar A. Cherry, Rexburg, Idaho

.2 cfs
max

app. 0.80 cfs
g.w. 0.8 cfs
sub - 1
acres - 40

Lorrene - no fee

LaVar A. Cherry
Reznburg, Idaho
345 W 1st N St.

Permit No. 21234

Examination for Beneficial Use

County Fremont

10 - 9N. - 43E

Pz 0.8 c.f.s.

S = Green Canyon Spring

P.E. = NE. NE. & NW. NE. Sec. 10,
T. 9N. - R. 43E.

Use = Irrigation & Domestic

Filed = Aug. 22, 1949

Due = Nov. 15, 1956

C/W = 11-29-50

Source of water: Spring
fed pond and ditch.

Pump: Fairbanks Morse -
Horizontal Centrifugal -
with 4" discharge - portable

Power - 4P Cat.

1755
S. 1st N. -
Concession

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
AUG 30 1957

Department of Reclamation

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

Permit No. 21234This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant LeVar A. Cherry
2. Source of water supply: Green Canyon Springs
3. Location of point of diversion: Is in the ~~NE 1/4~~ & NE 1/4 of Section 10
T. 9 N R. 43 E., B.M. County of Fremont
4. Describe works as they exist, giving dimensions and capacities of same: Source of water about 1/4 mile of ditch from pond fed by spring.

Pump: Fairbanks-Morse horizontal centrifugal # ? Portable -
Power: D-4 Cat. - Sprinkler system 5" main (portable) 4" lateral
with 37 sprinkler heads (30 at time of measurement)

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: _____
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 NW 1/4 of Sec. 11., Twp. 9 N., Rge. 43 E., B.M.
→ O.K. → O.K.

Sec 23234 = license for .6 cfs.
fr. Blue Cr. Priority = Mar 20-53

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

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

Remarks: Actually irrigating a little more than the 40 acres

The locations of springs and reservoir obtained from C.S.A maps.

The only time there is run-off in the water course where the springs are located is in early spring during snow melting.

This examination was made on the 15th day of July, 1957

(Signed) _____

Examiner.

21234

March 29, 1957

RE: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

We acknowledge receipt of the affidavit of publication in the Ashton Herald which we requested in our letter of January 15th.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

212 34

**AFFIDAVIT OF
PUBLICATION**

State of Idaho
County of Fremont

SS.

Ralph Hunter

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

clerk

That he is the
of The Ashton Herald, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
Ashton, in Fremont County,
Idaho, having a general circula-
tion in said county, and that said
newspaper has been printed and
published as a weekly news-
paper in said county for more
than 78 consecutive weeks prior
to the first publication of the at-
tached notice, advertisement or

publication of **Notice of**

application of water

And affiant further says that
said attached notice, advertise-
ment or publication, as per clip-
ping attached, was published in
said newspaper, in the regular
and entire issue thereof, and
not in any supplement issue

thereof, for 4 consecutive
issues thereof; first publication

having been made on the 15

day of **November**, 1955,
and the last publication on the

6 day of **December**,

1956.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from type
matter, of at least seventeen and
three-fourths inches deep.

Subscribed in my presence and

sworn to before me this 29

day of March,

1957.

(SEAL) Notary Public for the
State of Idaho, resi-
dence and post office
address: St. Anthony,
Idaho. Ashton

RECEIVED
MAR 29 1957
Department of Reclamation

**NOTICE OF WATER
APPLICATION OF WATER
TO IRRIGATION**

Notice is hereby given that
on 10 A.M. on the 15th day
of November, 1955, at Ashton
County of Madison, State
of Idaho, before Henry Dietz
Notary Public, proof will
be submitted of the application
for beneficial use of 0.8 cubic
feet second of the water
in Ashton Canyon in accord-
ance with the terms and condi-
tions of Permit No. 21234 hereof
issued by the Department
of Reclamation of the State
of Idaho.

The name and postoffice
address of the person or persons
holding said permit
is War A. Cherry, Rexburg
Idaho.

The source to which said
water is applied is Ashton
Irrigation.

The amount applied to be
for beneficial use is 0.8 second foot.

The place where said water
is used is Ashton, Idaho,
S. 1 N., E. 1 E., Sec. 11,
T. 1 N., R. 1 E., S. 1 E.

The name of the canal
or other works by which
the water is conveyed to the
place of use is the name.

The right to take water from
the works mentioned upon
this Permit No. 21234.

The source of supply from
which such water is diverted
is Ashton Canyon, Idaho,
S. 1 N., E. 1 E., Sec. 11,
T. 1 N., R. 1 E., S. 1 E.

The date of priority when
the user is prepared to see
to it is August 22, 1949.

MARK S. KULP
Notary Public for the
State of Idaho, residing at
Ashton, Idaho,
29. Dec. 4, 1957

21234

January 15, 1957

RE: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

We acknowledge receipt of the applications of yourself, the holder of the Permit and also the two witnesses, but to date we have not received the affidavit of publication from the Ashton Herald. If you have not already received it will you please get it and forward to us as we need it to complete this file.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

21234

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Ashton Herald

RECEIVED
DEC 17 1956
Department of Reclamation

Permit No. 21234

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. LaVar A. Cherry

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. ~~appearing for my own benefit~~ LaVar A. Cherry, Rexburg, Idaho, owner of this property

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

Ans. 10-6-49
Permit No. 21234, Priority date August 22, 1949.

Ques. 4. State source of water supply and give exact location of point of diversion. 7

Ans. The Source of water is Green Canyon Springs, and place of diversion NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 9 North, Range 43 EBM.

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. There is no name for the reservoir, from which the water is pumped with a Tractor and the water is distributed by a sprinkler system. The amount applied to beneficial use is 0.8 second feet.

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. The water is used to irrigate by sprinkler system the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 9 North, Range 43 EBM. This is cultivated land and can be planted to potatoes and grain.

21234

1956

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

Ans. _____

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

Ans. _____

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

Ans. _____

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

Ans. Irrigated 40 acres of potatoes.

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. _____

(Sign) _____

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 _____ Rexburg _____, County of _____ Madison _____,

State of Idaho, on this _____ 13th _____ day of _____ December _____, A. D. 1956.,

My commission expires _____ 4-16-60 _____

21234

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
DEC 17 1956
Department of Reclamation

PERMIT NO. 21234

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. Grant M. Bowen, Thornton, Idaho, Occupation--Farming

Ques. 2. Are you acquainted with LaVar A. Cherry, the holder of Permit No. 21234? How long have you known him and where does he reside?

Ans. Have known LaVar A. Cherry 25 years or more and he resides at Rexburg, Idaho

Ques. 3. Have you read or heard read said Permit No. 21234, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water is Green Canyon Springs, and place of diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 9 North, Range 43 EBM. Water is pumped from reservoir by Tractor and sprinkled on land with sprinkler system.

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. 0.8 Second feet of water

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

Ans. This water is used to irrigate the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 9 North, Range 43 EBM, which is cultivated and is raising potatoes and grain.

21234

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

Ans. _____

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

Ans. 0.8 second feet of water is required to water the above described land.

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

Ans. no interest

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. _____

(Signed)

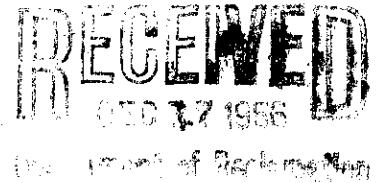
Leah M. Bowen

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 Rexburg, County of Madison, State of Idaho, on this 13th day of Decembaer, A. D. 1956.

Henry Dietrich
Notary Public.

My commission expires 4-16-60

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 21234

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. Dewain A. Peterson, Thornton, Idaho, RFD 1. Occupation--Farming

Ques. 2. Are you acquainted with LaVar A. Cherry, the holder of Permit No. 21234? How long have you known him and where does he reside? Have known LaVar A. Cherry 25 years and he resides at Rexburg, Idaho

Ans. _____

Ques. 3. Have you read or heard read said Permit No. 21234, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water is Green Canyon Springs, and place of Diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 9 North, Range 43 EBM. Water is pumped from reservoir by tractor and sprinkled on land with sprinkler system.

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. 0.8 Second feet of water

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

Ans. This water is used to irrigate the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 9 North, Range 43 EBM, which is cultivated and is raising potatoes and grain.

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

Ans. _____

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

Ans. 0.8 second feet of water is required to water the above described land.

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

Ans. no interest

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. _____

(Signed)

William A. Peterson

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 Rexburg, County of Madison, State of Idaho, on this 13th day of December, A. D. 1956.

Henry Dietrich

Notary Public.

My commission expires 4-16-60

21234

November 30, 1956

Re: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

We enclose herewith Assignment on Permit No. 21234 from Edward J. Cherry, Permit Holder, and Theda B. Cherry, Wife of Permit Holder, to LaVar A. Cherry, Rexburg, Idaho; which has been recorded in this Department.

Departmental receipt No. 28279 for fifty cents (50¢), also enclosed, for Recording of Assignment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls

Encl:

21234



The Ashton Herald

North Fremont's Community Newspaper

Ralph W. Hunter
Jean L. Hunter
Publishers

Ashton, Idaho
Phone 63

Department of Reclamation
Ralph W. Hunter, Editor

November 24, 1956

State of Idaho
Department of Reclamation
Boise, Idaho

att: Edna P. Rutledge

Gentlemen:

This will acknowledge receipt of Notice of Proof of Application of water to Beneficial Use on Permit No. 21234 in the name of LaVar A. Cherry, Rexburg, Idaho.

Enclosed is a copy of our paper for November 15, 1956, which on Page 4 includes the first publication of the above legal notice. The notice will also appear in the following three issues.

We are sorry for the delay in sending this acknowledgement and checking copy.

Sincerely,

THE ASHTON HERALD
Ralph W. Hunter
Ralph W. Hunter

21234

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

Notice is hereby given that at A. M. on the day of, 19.....,
 at, County of, State of Idaho, before
 ✓ Henry Dietrick, Notary, proof will be submitted of the
 application to beneficial use of 0.8 cubic feet per second of the waters of Green Canyon Spring
 in accordance with the terms and conditions of Permit No. 21234
 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
LaVar A. and Edward J. Cherry, of Rexburg, Idaho.

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

The amount applied to beneficial use is 0.8 cubic feet per second.

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

SW¹/₄NW¹/₄ Section 11, Twp. 9.N. R. 43.E.

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

Private ditch,

The right to take water from such works is based upon Permit No. 21234

The source of supply from which such water is diverted is Green Canyon Spring

The date of priority which said user is prepared to establish is August 22, 1949

MARK. R. KULP.

State Reclamation Engineer.

21234

November 23, 1956

Permit No. 21234

Ashton Herald
Ashton
Idaho

Gentlemen:

On November 7, 1956, we mailed you a Notice of Proof of Application of water to Beneficial Use on Permit No. 21234 in the name of LaVar A. Cherry, Rexburg, Idaho, with the request that you publish same once a week for four weeks prior to December 10th, 1956, and to send Mr. Cherry the Affidavit of publication together with statement of costs.

To date we have not received acknowledgment of this Notice nor a copy of your paper containing same. We would appreciate receiving a copy of your paper containing this Notice in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

vem

21234

November 8, 1956

RE: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

In your letter of October 30, 1956, we note your statement that your brother's name appears on Permit No. 21234 together with your own and that the permit should be in only your name.

We are enclosing a form of assignment which may be executed and signed before a Notary Public, assigning your brothers share in Permit No. 21234 to you.

This Assignment should be returned to this department together with the fee of fifty cents for recording the Assignment. This should be returned promptly as we have already sent the notice to the newspaper in your name only.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

21234

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 21234

Date: November 7, 1956

Ashton Herald
Ashton
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **December 10th, 1956** the date set for proof, the expense of the publication to be paid by the applicant, **Lavar A. Cherry** of **Boxburg Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21234

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

Notice is hereby given that at 10:00 A. M. on the 10th day of December, 1944,
at Bozberg, County of Franklin Madison, State of Idaho, before
Henry Dietrich, Notary Public, proof will be submitted of the
application to beneficial use of 0.8 cubic feet per second of the waters of Green Canyon
in accordance with the terms and conditions of Permit No. 21234
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

LAFAR A. Cherry, Bozberg, Idaho

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

The amount applied to beneficial use is 0.8 second feet

The place where said water is used (see map attached)

Sec. 11, Twp. 9 N., Rge. 45 E. B.M.

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

NO NAME

The right to take water from such works is based upon Permit No. 21234

The source of supply from which such water is diverted is Green Canyon Springs- NE 1/4, NE 1/4,

Sec. 10., Twp 9 N., Rge. 45 E. B.M.

The date of priority which said user is prepared to establish is August 22, 1949

MARK R. KULP

State Reclamation Engineer.

21234

November 7, 1956

RE: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

We acknowledge receipt of Notice in Proof of Beneficial Use on Permit No. 21234 to be made December 10th, 1956, before Henry Dietrich, Notary Public.

We shall send a copy of the Notice to the Ashton Herald with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:vm
Enc.
CC. Henry Dietrich
Rexburg, Idaho

21234

RECEIVED
NOV 6 1956
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

Oct 30 1954

(P. O.)

Reynolds 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

Ashton Herald

of

Ashton Idaho

published in

the county in which the works are situated.

L. W. Cherry

(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.

21234

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

RECEIVED
NOV 6 1956

Department of Reclamation

Notice is hereby given that at 10 A. M. on the 10 day of December, 1956.

at Rexburg, County of Freemont, State of Idaho, before

Henry Dietrich - Notary, proof will be submitted of the

application to beneficial use of 0.8 cubic feet per second of the waters of Green Canyon

In accordance with the terms and conditions of Permit No. 21234

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

LaVar A. Cherry, Rexburg Idaho

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

The amount applied to beneficial use is 40 inches or 0.8 second feet

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

SW 1/4 NW 1/4 Section 11, Township 9 North,
Range 43 E. B.M.

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

No name

The right to take water from such works is based upon Permit No. 21234

The source of supply from which such water is diverted is Green Canyon Springs

NW NE & NE NE, Sec. 10, T. 9 N. - R. 43 E. B.M.

The date of priority which said user is prepared to establish is August 22, 1949

State Reclamation Engineer.

21234

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

September 1, 1956

**Mr. La Var A. Cherry &
Mr. Edward J. Cherry
215 W. 1st No.
Burton, Idaho**
Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21234. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than November 15, 1956, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21234

November 29, 1952

RE: Permit No. 21234

Mr. LeVer A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

We enclose approval of the State Reclamation Engineer of your application for extension of time for making proof of beneficial use under Permit No. 21234 to November 15, 1953.

This should be attached to the original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21234

STATE OF IDAHO
Department of Reclamation

Permit No. 21234

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Fremont } SS

LaVar A. Chrry

of Rexburg, Idaho

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 21234

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by Nov. 15, 1952.

That he has heretofore put to beneficial use 0.6 second feet of water and has irrigated 10 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: Additional time necessary for making proof of beneficial use of this water.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to November 15, 1956.

Subscribed and sworn to before me this 12th day of November, 1952.

My commission expires 4-3-56

Notary Public.

Date of receipt at office of Department of Reclamation

DEPUTY STATE RECLAMATION ENGINEER
APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

I, E. N. Humphrey Deputy ~~State Reclamation Engineer~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 21234, to

November 15, 1956

Witness my hand this 12th day of November, 1952

E. N. Humphrey
Deputy
Commissioner of Reclamation.
State Recl. Engr.

21234

October 23, 1952

RE: Permit No. 21234

Mrs. LeVar A. Cherry
Rexburg
Idaho

Dear Mrs. Cherry:

Reference is made to several letters which have passed between you and this department in regard to making proof of beneficial use on Permit No. 21234.

Before proceeding with the publication of notice for beneficial use proof on the 10 acres irrigated under Permit No. 21234, we have an alternative suggestion to make.

The statutes allow a maximum of 6 years after completion of works for making proof of beneficial use, so you could obtain an extension of time for making this proof until October 6, 1956.

Meanwhile you may file an application for additional water from Blue Creek on the form sent you on October 17, 1952, and when proof of completion of works has been made on this new permit you may make proof of beneficial use on both permits at the same time.

On the other hand, if you would prefer to go ahead and make proof on the 10 inches already used, you may do so and then later on make an additional proof on the new permit.

We shall await your further advice before sending the notice to the newspaper for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21234

October 17, 1952

RE: Permit No. 21234

Mrs. LaVar A. Cherry.
Rexburg
Idaho

Dear Mrs. Cherry:

In answer to your letter of October 13, 1952, in regard to proving beneficial use on the above numbered permit.

Since you have made completion of works proof on the above numbered permit and state that the land to be irrigated under said permit is all in cultivation, we see no reason why you should not complete your beneficial use proof, based on the available water supply.

We are enclosing another form for permit in case you care to file on the waters of Blue Creek for an additional water right.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

P.S. Unless we hear from you to the contrary, within the next few days, we will go ahead with the publication notice and set a date for making beneficial use proof.

10-15-52

10-15-52

10-15-52

21234

RECEIVED
OCT 15 1952
Department of Reclamation

Reynolds, Idaho
Oct 13, 1952

Dear Sir:

Received your letter of Oct 6, enclosing
blank to apply for time extension.

We have all of the 40 acres under
(potatoes & barley) cultivation but there was only water
to irrigate 10 acres. If 10 acres in
a year is all we can irrigate
do we still need an extension?

There is another creek just west
of the one we filed on. Should it be
possible to file on it. The creek is
called "Blue Creek"

The notary Public we go to is
Henry Dietrick of "Stowell & Dietrick.
Real Estate and Ins."

Should you please let us know
about filing on this other creek.

Thank you.

Mrs La Ver A. Cherry

21234

21234

October 6, 1952

The Permit # 21234

Mrs. LaVar A. Cherry
Rexburg
Idaho

Dear Mrs. Cherry:

We are in receipt of your letter of October 2, 1952, enclosing partially completed notice of beneficial use proof.

If you will advise us as to the name of the Notary Public before whom you wish to make this proof, we can complete the notice and send a copy to the Ashton Herald for publication. The notice, returned with your letter, requires no notarizing.

We observe from this notice that you have only 10 acres in seed potatoes and we are wondering if this is all you have in cultivation within the 40 acre subdivision.

If you do not have all your 40 acre tract under cultivation at the time you make your proof, the writer would suggest that you request an extension of time for making beneficial use proof until you get more of your land under cultivation. At the time you make beneficial use proof, you can only secure, by license, one inch to the acre for the number of acres you have under cultivation. We are enclosing an application for extension of time for beneficial use proof in case you wish to use it. If so, please answer all questions and have your signature acknowledged before a Notary Public and return to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

21234

Reynolds, Idaho
Oct 2, 1952

Dear Sirs:

I have had these
papers to the notary public
and he says there isn't
any place for a signature
to be notarized. Enclosed
is one copy in pencil.
Will you please look it
over and return. Please
mark for notarizing.

Thank you ..

Mrs LaVar A. Cherry
Reynolds, Idaho

RECEIVED
OCT 11 1952
Department of Reclamation

21234

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

September 2, 1952

LaVar A. & Edw. J. Cherry
C/o LaVar A. Cherry
345 West 1st N.
Rexburg, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21234. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than November 15, 1952, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21234

November 13, 1951

RE: Permit No. 21234

Mr. LaVer A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

We enclose herewith the approval of the State Reclamation Engineer of your application for extension of time for making proof of beneficial use under Permit No. 21234 to November 15, 1952.

This should be attached to your original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21234

STATE OF IDAHO
Department of Reclamation

Permit No. 21234

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Madison } SS

LaVar A. Cherry, of Rexburg,

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21234

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by November 15, 1951.

That he has heretofore put to beneficial use none second feet of water and has irrigated none acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: Due to heavy rain storms last summer that the water could not be used as there was sufficient moisture

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to November 15, 1952.

Subscribed and sworn to before me this 7th day of November, 1951

My commission expires 4-3-52

Date of receipt at office of Department of Reclamation Nov. 13, 1951

STATE RECLAMATION ENGINEER
APPROVAL OF ~~Commissioner of Reclamation~~
State Reclamation Engineer

I, MARK R. KULP, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 21234, to November 15, 1952

Witness my hand this 13th day of November, 1951

Mark R. Kulp
State Reclamation Engineer

✓
October 29, 1951

RE: Permit No. 21234

Mr. Lavar A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

In reply to your letter of October 10, we enclose a form of application for extension of time for making proof of beneficial use under Permit No. 21234.

This should be executed before a Notary Public, and returned to this department for approval and record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

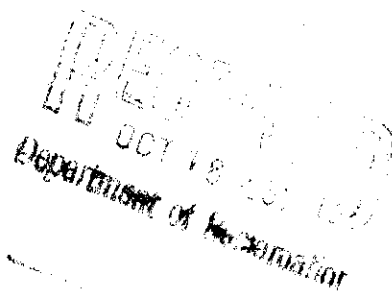
A:fg
Enc.

21234

attention Rexburg Ida Oct 10-1951
Wm Mark Kulp

State of Idaho

Dept of Reclamation



Gentlemen:

Replying to your letter of
Sept 1-51 Regarding Proof for Permit #21234

I was ready to get the water on my land
just prior to Aug 1st then the rains started
and it rained off and on for a considerable
period so I was unable to make the ditches
and do the necessary work which would
enable me to put the water to beneficial
use this year.

I do desire to get this water on my
land as in a dry year I would need
it badly. May I ask your consideration
to postpone final proof until Nov 1952
as with winter coming on I cannot
complete proof this year.

21234

Hoping that you will grant my
request for an extension of 1 year
and thanking you for the consideration
I know you will give me
I am yours very truly

Lqva & Cherry

Address
Rexburg Idaho

B/k due 10-6-

Consid 24 - -

21234

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

September 1, 1951

Lavar A. & Edward J. Cherry
345 W. 1st North,
Rexburg, Idaho

Dear Sir: ■

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21234. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than November 15, 1951, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. HULF

State Reclamation Engineer

21234

✓
November 30, 1950

Re: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

We enclose Certificate of Completion of Works issued under Permit No. 21234 in the name of yourself and Edward J. Cherry for the diversion of 0.8 of a second foot of water from Green Canyon Spring, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 9 North, Range 43 East, B.M. for irrigation and domestic use on the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, same Township and Range.

We also enclose Departmental Receipt No. 22849 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21234

Reynolds, Idaho
Nov 25, 1950

Dear Sirs

Your letter of Nov. 13 received
Owing to my absence from
town I didn't receive it until
now.

When proof of completion
was made didn't have permit
and received wrong information
over Telephone. This is
right now.

If you prefer, we can make
another copy before Notary Public.
As this one is kind of messy
now. If so please send ~~another~~
another form. Thank you

L. Van A. Cherry

RECEIVED
NOV 28 1950
Department of Reclamation

21234

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

SS.

County of Fremont

LaVar A. Cherry, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 21234, and that his postoffice address is Rexburg, Idaho

State of Idaho

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

Green Canyon Spring

Third: That the point of diversion of said water is Half mile in ~~Norask~~ Service

West of farm Sec. 10, T. 9. N. R. 43. E. B. M. County of Fremont

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 15, 1950

Fifth: That the use for which said water is intended is irrigation *hasn't been used for domestic yet. but expect to*

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Earth Fill Dam completed ditch 14 in wide at bottom
20 in wide at top, 18 in deep. about 1/2 mile in length (Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:
(a) Height of dam 12 feet, length of dam at top 60 feet, length of dam at bottom 45 feet. Material used in construction Earth filled

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 3 acres covered/ average depth 10 feet *(nearer 8 ft deep)*

No headgate--water will be syphoned over dam

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

(d) Conduit Ditch width at bottom 14 in feet, width at water line 3 in
(State whether ditch, flume or pipe)

feet, depth of water 18 feet; diameter of pipe inches, average grade per mile is 2 1/2 feet. Length of conduit is 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use 40 inches second feet of water.

Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: The Southeast Quarter of the Southeast Quarter of Section 3, Township 9 North, Range 43 EBM. This is wrong ground to be irrigated is SW 1/4, NW 1/4 Sec 11, T-9 N and Range 43 E

Ninth: Remarks: That water has been put in ditch and run to place of intended use

x LaVar A Cherry
(Sign Here)

Subscribed and sworn to before me this 9th day of November, 1950

My commission expires 4-3-52

Henry Dietrich
Notary Public.
Rexburg, Idaho.

21234

✓
November 13, 1950

Re: Permit No. 21234

Mr. LeVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

We return your affidavit submitted in Proof of Completion of Works under Permit No. 21234 for the following corrections:

1. Question 3 should give the location of the point of diversion by legal subdivision, Section, Township and Range.
2. Your Permit says the water is to be used for irrigation and domestic purposes, but Question 5 only gives irrigation. Is the water to be used for domestic use also?
3. Under Question 6 II. (d), give the size and length of your ditch.
4. Question 8 describes the land as in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, Township 9 North, Range 43 East, but the Permit described the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, same Township and Range.

If the place of use has been changed, it will be necessary to make application for amendment to the original Permit on a form which we can furnish.

We shall await the return of your affidavit and meanwhile, we hold to your credit, your check for the \$5.00 fee. *in check*

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21234

✓
November 2, 1950

Re: Permit No. 21234

Mr. LeVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

Under the terms of an extension allowed you for making Proof of Completion of Works on your Permit No. 21234, this proof is due on or before November 15, 1950.

We enclose a form of affidavit for making this proof. This should be executed before a Notary Public and returned to this Department with the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21234

✓
October 16, 1950

Re: Permit No. 21234

Mr. LaVar A. Cherry
Rexburg, Idaho

Dear Mr. Cherry:

We enclose herewith the approval of the
State Reclamation Engineer of your Application for
Extension of Time for Completion of Works to November 15,
1950.

This should be attached to the original Permit
of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bb

21234

Permit No.

Application for Extension of Time FOR COMPLETION OF WORKS

LaVar A. Cherry, of Rexburg, Idaho

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho

No. 21234

Under the terms and conditions of said permit, construction work thereunder was required to be completed by Oct. 16, 1950.

That he has heretofore performed the following work described under said permit:

The surveying of the land has been completed, and the dam is in and the ditch is ready to run the water except about 300 feet, and there is some crop to be harvested before this 300 feet of ditch can be completed

costing \$150.00.

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit: As stated above there is some crop to be harvested where the ditch is to be put, and as soon as this crop is harvested we will immediately complete the ditch.

STATE RECLAMATION ENGINEER

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the completion of works under said permit to November 15, 1950.

Subscribed and sworn to before me this 14th day of October, 1950.

LaVar A. Cherry

Henry Dietrich

Notary Public.

My commission expires April 3, 1952

Date of receipt at office of Department of Reclamation October 16, 1950

STATE RECLAMATION ENGINEER

APPROVAL OF COMMISSIONER OF RECLAMATION

I, MARK. R. KULP, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 21234, to

Nov. 15, 1950

Witness my hand this 16th day of October, 1950

21234

Mark R. Kulp

Commissioner of Reclamation.

September 26, 1950

Re: Permit No. 21234

Mr. LaVar A. Cherry
Hexburg, Idaho

Dear Mr. Cherry:

Reference is made to your letter of September 23, 1950, in regard to Completion of Works under Permit No. 21234, which is due on or before October 6, 1950.

If this proof can be completed within ten days after the above date, it will not be necessary to obtain an extension, but if it will take longer than that, you may execute the enclosed form of Application for Extension of Time for Completion of Works and return to this Department for approval by the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

212 34

Reynolds, Idaho
Sept 23, 1950

Dear Sirs:

Received your letter of August 1, containing blank affidavit to be filled out for our water permit, No. 21234, for the purpose of making proof of completion.

The dam is built up and there can be 5 ft of water taken off of reservoir. The ditch is complete, all but about 200 ft which is in crop and we should like a fifteen day extension on ^{proof of} completion which would make it about November 1.

If this is at all possible would you please let us know if extension is made. Thank you.

Sincerely
La Ver A. Cherry

RECEIVED
SEP 26 1950
Department of Reclamation

21234

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

LaVar A. & Edward J. Cherry
C/o LaVar A. Cherry
345 W. 1st N., Rexburg, Idaho

Boise, Idaho **August 1, 1950**

Dear Sir:-

Under the terms of your permit No. 21234-----you are required to complete your diversion works on or before October 6, 1950. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

MARK R. KULP

State Reclamation Engineer

21234

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21234

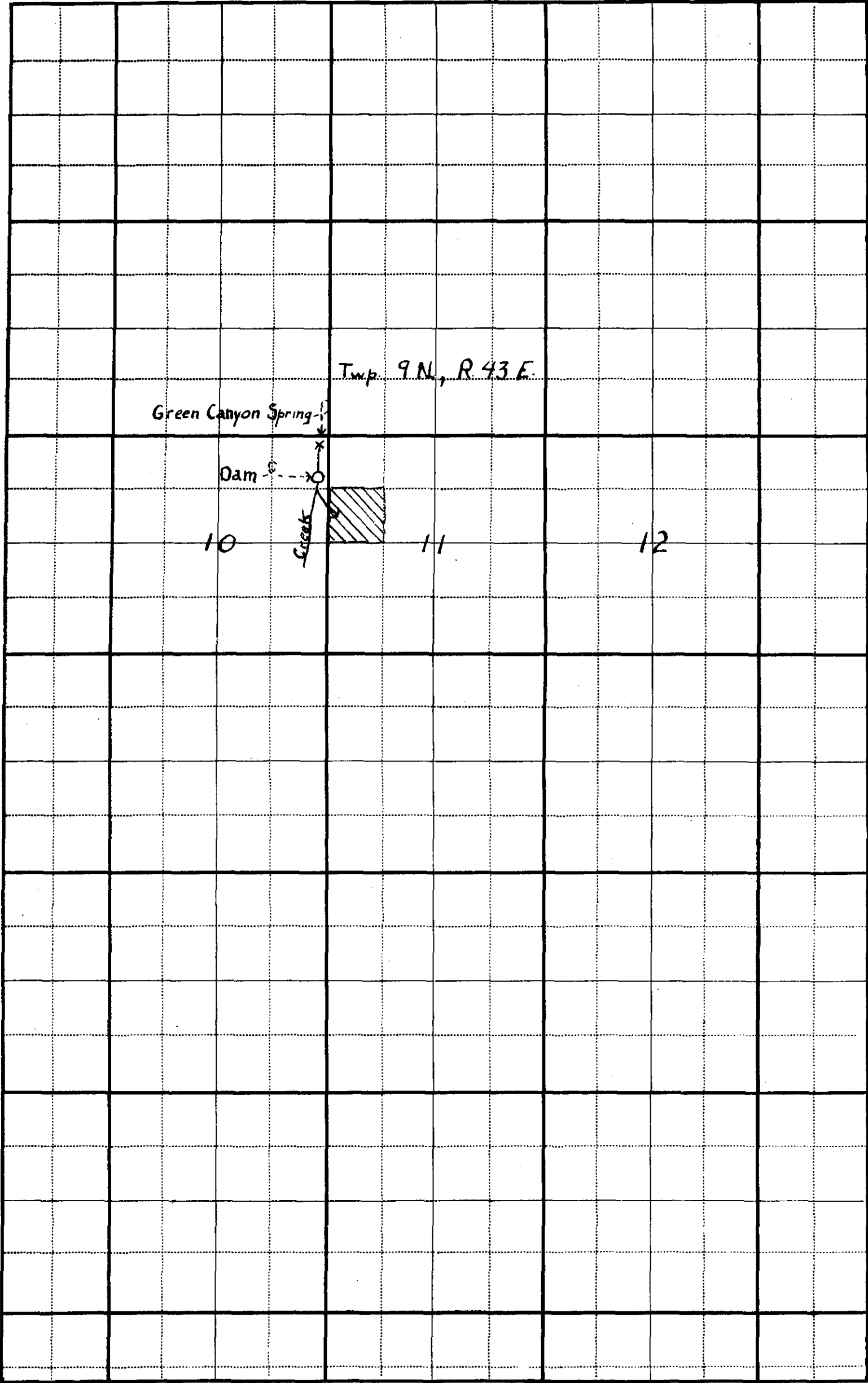
Date October 11, 1949

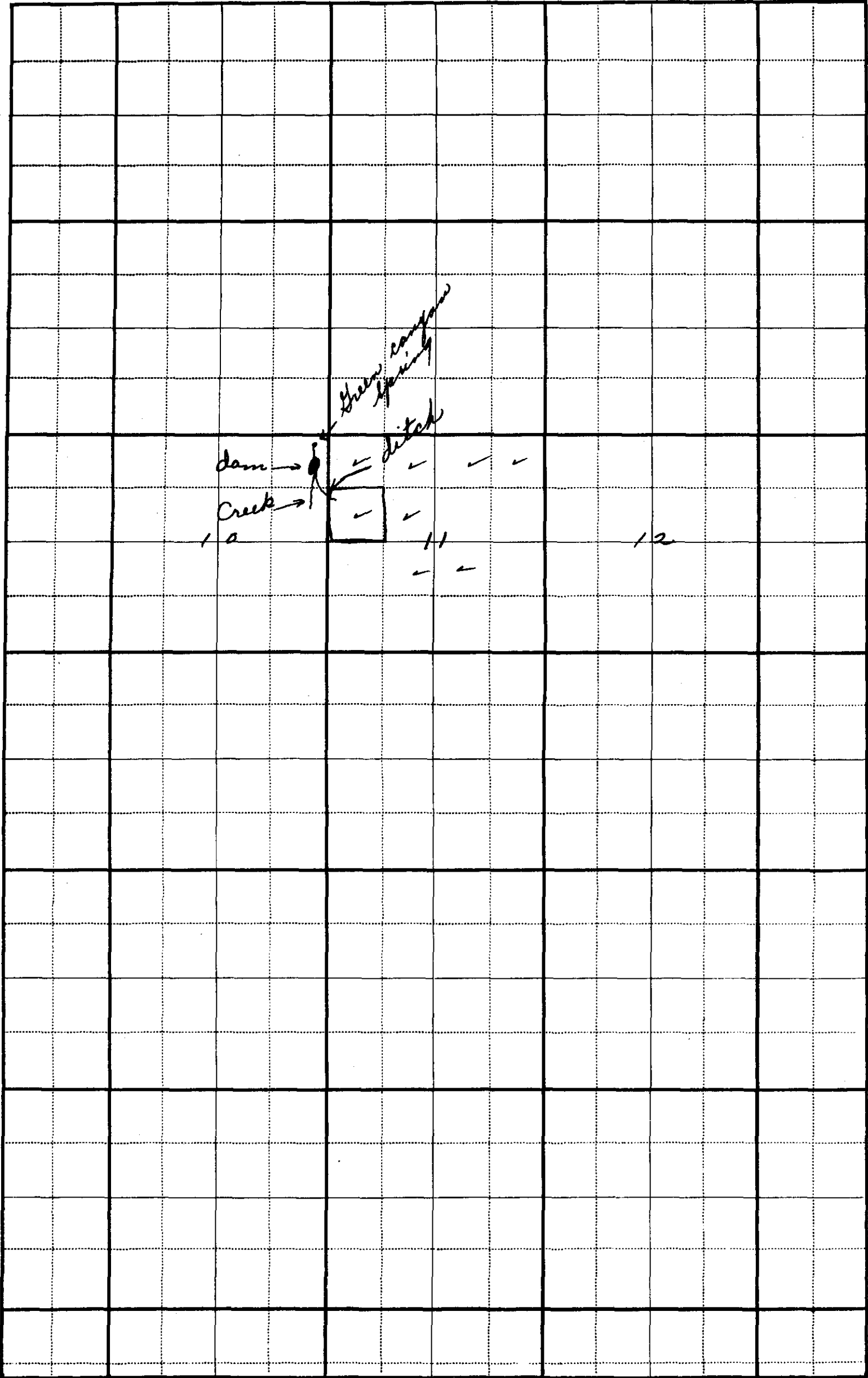
We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

LaVar A. Cherry
345 West 1st North
Rexburg, Idaho
Enc. Receipt 21234

MARIE R. KULP
State Reclamation Engineer

21234





TWP 9 N. R. 4 E

Green Canyon Spring

DAM

CREEK

10

11

1

12

Providing this map is O.K. relative to spring and land location, please sign,

Edward J. Cherry
LaVar Cherry

Permit Map No. 21234

As Approved

OCT 6

OCT 6 1949

MARK R. KULP

State Reclamation Engineer

September 15, 1949

Re: Application No. 28891

Mr. La Var A. Cherry
345 West 1st. North
Rexburg, Idaho

Dear Mr. Cherry:

Since there are a number of changes to be made in your application to appropriate water from Green Canyon Spring, we have typed another form of application and have made a new sketch map. Please check these and if correct, sign the application on the third page and also o.k. the sketch map on the line indicated.

Since you only intend to irrigate 40 acres, you can only be allowed 40 inches of water, the correct filing fee for which is \$5.00. We therefore return your check for \$7.50 with the request that you substitute one in the amount of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21234



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 3, 1949

Re: Application No. 28891

Mr. La Ver A. Cherry
345 West 1st. North
Rexburg, Idaho

Dear Mr. Cherry:

We acknowledge return of your Application for Permit to appropriate water from Green Canyon Spring and are still unable to determine the number of forty acre subdivisions you wish to irrigate. In Question 14 of the application, you checked the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and gave a total of 40 acres, but on the plat, you have checked a number of additional forty acre tracts.

Please check on the enclosed plat, the forty acre tracts you wish to irrigate and the number or irrigable acres in each.

While your application calls for 9 3/5 second feet, we can only allow one inch per acre as that is the statutory limitation.

Please also advise whether or not there is any other water rights appurtenant to the land to be irrigated under this Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh
Enc.

This is wrong. I realized that I had made the mistake after I mailed the other form. These directions are crazy to me but I am getting on to them. I checked to the A.A. office in Dr. Anthony and they set me straight on the directions. The other checks on the plat are the rest of the ground we own. L.A.C.

21234

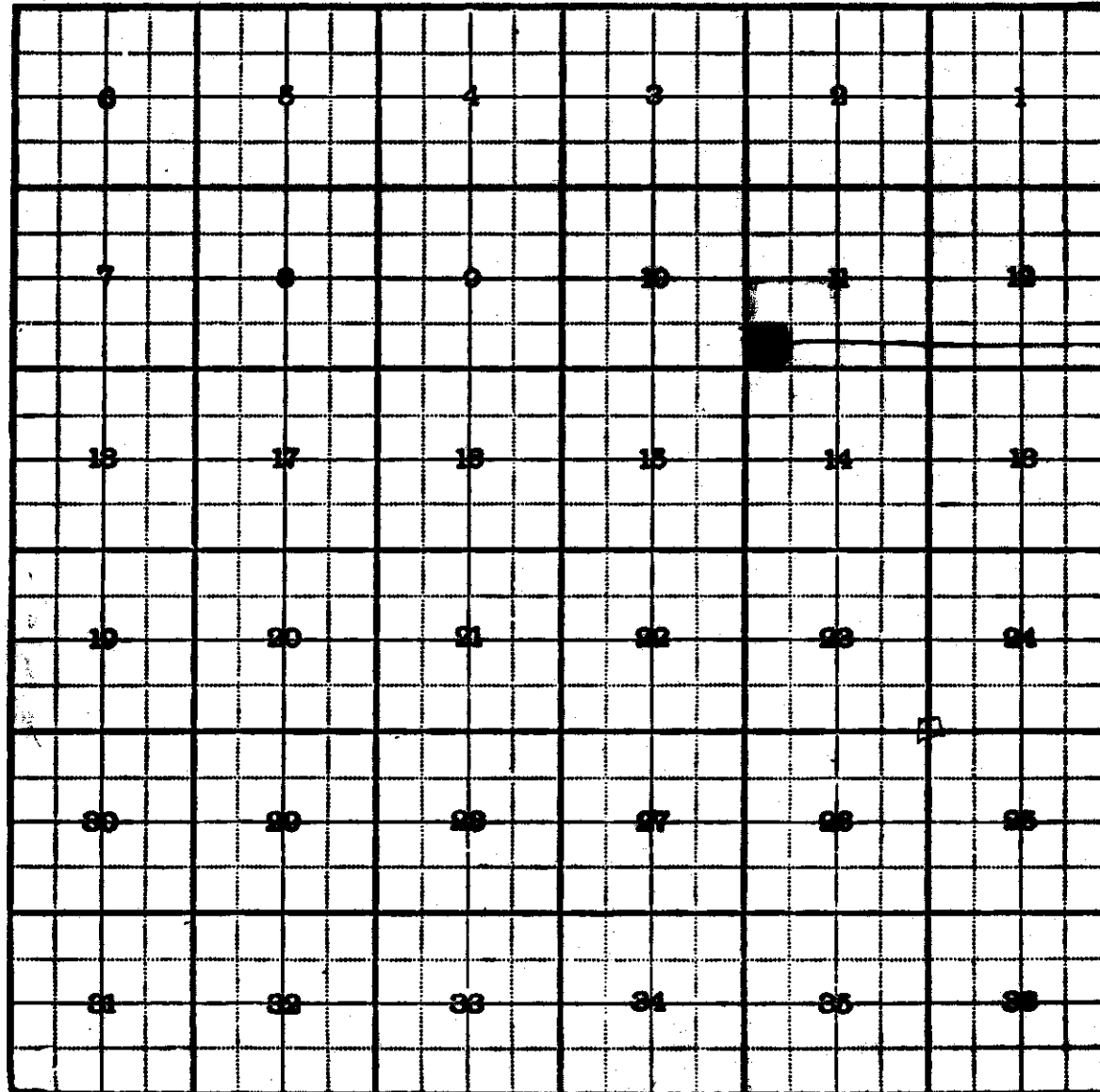
SCALE: ONE INCH TO ONE MILE

Township

9 N

Range

43 E



21234

5

This is the 40 acre tract for

Is this the SW 1/4 NW 1/4 Sec 11. I believe this is right (E) now. If so, this is the only 40 acres and all of it can be irrigated.

There is no other water right a) the farm is all dry. I am going to this forty acres which can be irrigated from this green camp spring.

August 22, 1949

Mr. Le Var A. Cherry
345 West 1st. North
Rexburg, Idaho

Dear Mr. Cherry:

We acknowledge receipt of the application of yourself and Edward J. Cherry to appropriate 9 $\frac{3}{5}$ second feet of water from Green Canyon Spring, accompanied by your check for \$5.00.

However, you failed to enclose the duplicate sketch maps required, showing the location of the spring and the land to be irrigated. We have tried to check this from the description given under remarks on the enclosed sketch map. However, it seems as though there is a repetition in the description as the SE $\frac{1}{4}$ of Section 11 is mentioned twice.

Please fill out the blank sketch map, showing the land to be irrigated and the location of the spring; also the course of your ditches by which the water will be conveyed from the spring to the land.

Question 14 should also show the number of acres to be irrigated in each subdivision and Questions 12 and 13 should be answered giving the time you will require for making the two statutory proofs required to complete the water right.

As you will note from the information given in the pamphlet and also on the fourth page of your application, the correct filing fee for this amount of water is \$7.25, so we return your check for \$5.00 with the request that you substitute one for \$7.25.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21234

August 16, 1949

Mr. La Ver A. Cherry
Rexburg, Idaho

345 W. 1st St.

Dear Mr. Cherry:

In reply to your letter of August 15, we enclose a Form of Application for Permit to appropriate the Public Waters of the State of Idaho, together with a pamphlet giving regulations and instructions in regard to filing same.

We direct your special attention to paragraph 11 of the pamphlet which relates to filing on springs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21234

Reynolds, Idaho
August 15, 1949

State of Idaho
Department of Reclamation
Boise Idaho

Dear Sir,

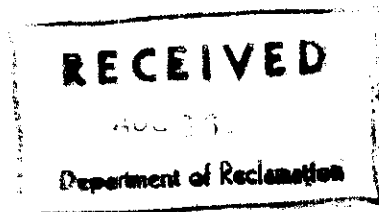
I have purchased the farm from Miles S. Jones, ^{Rt 8, Reynolds, Idaho} formerly the George A. Hubbard estate. I would like to file an application for water permit to appropriate 9-3/5 second feet of water from spring located in Green Canyon of Fremont, with point of diversion in the N.E. 1/4 N.E. 1/4 Section 10, Township 9 North, Range 43 East, B. M., for the irrigation of the following described tracts of land: S 1/2 N. 1/4, N.E. 1/4 S. 1/4, S. 1/2 S. 1/4, N. 1/4 S.E. 1/4 and S.E. 1/4 S.E. 1/4 Section 11; N 1/2 N. 1/4 Section 14 N.E. 1/4 N.E. 1/4 Section 14, and S 1/4 S.W. 1/4 Section 12; all in Township 9 North, Range 43 East, B. M., Fremont County. The

2-
point of diversion was later changed
to the $SE\frac{1}{4}$ $SE\frac{1}{4}$ Section 3, same
township and range.

Should you please let me
hear from you as soon as possible
on this matter.

Thank you.

LaVar A. Cherry
Peyburg, Idaho



21234

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M. on the 10th day of December, 1956, at Rexburg, County of Madison, State of Idaho, before Henry Dietrich, Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of Green Canyon in accordance with the terms and conditions of Permit No. 21234 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 LaVar A. Cherry, Rexburg, Idaho.

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

The amount applied to beneficial use is 0.8 second feet.

The place where said water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp. 9 N., Rge. 43 E.B.M.

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

The right to take water from such works is based upon Permit No. 21234.

The source of supply from which such water is diverted is **Green Canyon Springs—NW $\frac{1}{4}$**

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, Twp. 9 N., Rge. 43 E.B.M.

The date of priority which said user is prepared to establish is August 22, 1949.

MARK R. KULP

State Reclamation Engineer.
(Pub. Ashton Herald Nov. 15, 22, 29, Dec. 6, 1956.)

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The place where said water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp. 9 N., Rge. 43 E.B.M.

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

The right to take water from such works is based upon Permit No. 21234.

The source of supply from which such water is diverted is Green Canyon Springs—NW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 9 N., Rge. 43 E.B.M.

The date of priority which said user is prepared to establish is August 22, 1949.

MARK R. KULP

State Reclamation Engineer.

(Pub. Ashton Herald Nov. 15, 22, 29, Dec. 6, 1956.)