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Permit
11032

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No. 11-103

APPLICATION FOR PERMIT

To Appropriation the Public Water of the State of Idaho

Name of applicant: Lucy M. Day County: Bonneville State: Idaho.

Postoffice address: Idaho Falls, P.O. 39

If applicant is a corporation, give

(a) Date of incorporation, give

(b) Date of payment of capital stock

(c) The amount paid in

(d) Names and addresses of directors

(e) Name and address of agent

(f) Name and address of agent

(g) Name and address of agent

(h) Name and address of agent

(i) Name and address of agent

(j) Name and address of agent

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(w) Name and address of agent

(x) Name and address of agent

(y) Name and address of agent

(z) Name and address of agent

11032

Date of first receipt at office of State Engineer 9:00 a.m. January 25, 1915.
Returned to applicant for correction January 28, 1915.
Corrected application received February 10, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11032
Accorded to Frank E. Jones 11032 Applicant March 6, 1915.
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:
As it is the duty of the State Engineer to see that the waters of the State are not used in an
unreasonable manner, and to maintain the same in a condition fit for the use of the public,
it is required that the work above specified be completed on or before March 6, 1916.
The volume of said work is to be determined on or before March 6, 1916.
Benefits in use of water appropriated in accordance herewith to be made out on or before March 6, 1916.
Witness my hand this 6th day of March, 1915.

Herbert Wilson
Acting State Engineer

Remarks:

The foregoing application is made for water from Twin Creek, Shoshone, hereafter called
for by Abraham J. Jones and released by him to the State of Idaho by agreement and released
or relinquished heretofore made by the said Abraham J. Jones.

Remarks: The reservoir to be constructed will not exceed five acres in surface area and
high water level and will be constructed on the land of applicant.

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

ARTHUR P. EMPEY, being first duly sworn on his oath, says:

That he is a citizen of the United States of America, over the age of twenty-one (21) years, and resides at Idaho Falls, in Bonneville County, Idaho:

Affiant further says:

That he was well and personally acquainted with Abraham J. Day and his wife, Lucy May Day, both formerly of Idaho Falls, Bonneville County, Idaho, but now deceased, since the year 1908;

That several times each summer and early fall during the years 1908 to 1911, during the times that affiant was helping out with his father's bands of sheep South and West of the Day ranch, and while affiant was twelve (12) to fifteen (15) years of age, he visited the ranch belonging to the said Abraham J. Day and wife, in Bonneville County, Idaho, described as follows:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-one (31); and the West Half of the Northwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-two (32); all in Township One (1) South, Range Forty (40), East of the Boise Meridian, in Bonneville County, Idaho;

That Tom Shurtliff, now of Iona, Idaho, was working for the Days on the ranch at those times and became foreman of the ranch;

That upon many of affiant's visits to the ranch during the summers between 1908 and 1911, affiant observed that Mr. Shurtliff and other hired men on the ranch had a great deal of work to do in and around the Twin/Springs, located on the ranch Northerly from the dwelling house and in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Thirty-one (31); that the northmost or larger of the two springs fed a reservoir used for irrigation of certain of the Day lands on the ranch; that the smaller spring closer to the house also fed a small reservoir and in addition supplied the domestic water for use of the Day family and employees, watered livestock and garden and other crops South and East of the dwelling house;

That livestock usually watered from the larger reser-

That affiant continued visiting and sometimes staying overnight at the Day ranch in the subsequent years, up until July of 1918, when he enlisted in the Marine Corps of the United States; that also during his visits in the subsequent years, the water output from the larger of the springs and its reservoir were used to water portions of the Day lands in the East Half of the Northeast Quarter (NE1/4) and the Northeast Quarter (SE1/4) of said Section Thirty-one (31), and the Northeast Quarter (NE1/4) of said Section Thirty-two (32); that the water from these springs acres in the Southwest Quarter of the Northwest Quarter (SW1/4) of said Section Thirty-two (32); that the water from these springs through these reservoirs was taken by gravity ditches to irrigate lettuce, hay, grain and/or potato crops and pasture during all these crop years from 1908 to 1918; that affiant believes that when he first saw the Day ranch there were some twenty (20) acres of crops irrigated each crop season from the waters from both Twin Springs and that the smaller or closer spring of Twin Springs and that for domestic purposes, watering of livestock and for a large garden near the home, and that by the year 1918 the irrigated acreage increased to around forty (40) acres; that the Twin Springs are also the source of a creek called Twin Springs Creek, a tributary of Willow Creek, in Bonneville County, Idaho, and that from affiant's observation and knowledge there was little, if any, water during the summer months that found its way to this Twin Springs Creek, for all of it was used in the irrigation of crop lands on the Day ranch and for domestic and livestock watering purposes, and this situation prevailed during my said years of observation of this water condition, up to the year 1918, during the summer and early fall months of those years;

That after I returned to Idaho from the service in World War I, and in the year 1920, I worked for Mr. Day at his ranch commencing in June and continuing through October, of that year;

That I worked at various things in and about the ranch but did not do the irrigating; I lived right at the ranch during this period and, of course, observed the irrigation of the crops each year; there were still some forty (40) acres being put to crops each year; there was also a potato crop that year, as there had been some of the years previous I was advised; I picked potatoes of during the harvest of 1921; that during the growing season of 1921, all of the water output from both of the Twin Springs was taken for the irrigation of crops; they were still raising hay, lettuce, potatoes and some grain, and, of course, still watering pasture with the water from those springs; the dam and walls of the two reservoirs still had to be dammed up quite frequently, and the outlets of both reservoirs had to be closed at the conclusion of each day so that there would be enough water built up in the reservoirs for watering the next day, and that year there was no water going down into Twin Springs Creek from those springs or reservoirs;

... had occasion to visit

That in the year 1949, Wendell A. Day, son of the said Abraham J. Day and wife, purchased the ranch and commenced managing, operating and farming the same and raising livestock thereon; that soon after he was on the place, I observed that he did extensive repairs and remodeling of and to the reservoirs, cleaned out the springs and, in large, developed more available water for irrigation purposes on the ranch; that he probably increased the irrigated acreage thereon from the approximately forty (40) acres to around fifty-five (55) acres;

That in the spring of 1967, the said Wendell A. Day installed a sprinkler system on the ranch, consisting of a small used portable pump and several hundred feet of 4" aluminum lateral pipe with nozzles or sprinkler heads and with this system pumped the spring water from both the reservoirs onto the acres previously put to crops for the last several years and also increased the irrigated acreage to one hundred (100) acres, more or less, and ever since that time has been farming and irrigating an estimated one hundred (100) acres of the above legally described property through the sprinkler system and the previously used gravity ditches;

That in the year 1968, the said Wendell A. Day bought a new portable pump, about 400 additional feet of 4" aluminum lateral pipe, and seems to use all the available water from the springs and reservoirs more effectively in the watering and raising of crops on said lands;

In the year 1969 he installed around 1,100 feet of 5" aluminum mainline pipe with valves and connected the same up with the aluminum lateral sprinkler system; he now has a more effective water sprinkling system in use on the place; through this improved sprinkler system, and with the additional available gravity ditches, he seems to farm and raise good hay and grain crops on the estimated one hundred (100) crop growing acres with the water from the springs and reservoirs, but each year during the irrigation season it takes all of the available water for the irrigating and for domestic use for the home and livestock.

27 day of July, 1970.

Arthur P. Casper

Notary Public for Idaho

Residing at Idaho Falls, Idaho

My Commission Expires: 11-1-73

AFFIDAVIT

STATE OF IDAHO)

County of Bonneville) ss.

THOMAS I. SHURLIFF, being first duly sworn on his oath,
says:

That he is a citizen of the United States of America,
Bonneville County, Idaho; and resides at Iona, in
Bonneville County, Idaho;

Affiant further says:

That he was well and personally acquainted with Abraham
J. Day and his wife, Lucy May Day, both formerly of Idaho Falls,
Bonneville County, Idaho, but now deceased, since the year 1901;

That sometime in the year 1901, affiant commenced working
for the said Abraham J. Day and his wife at their ranch in Bonne-
ville County, Idaho, hereinafter described, and living at said
ranch, to-wit:

The East Half of the Northeast Quarter (E½NE¼)
and the East Half of the Southeast Quarter (E½SE¼)
of Section Thirty-one (31); and the West Half of
the Northwest Quarter (W½NW¼) and the West Half of
of the Southwest Quarter (W½SW¼) and the West Half of
Thirty-two (32); all in Township One (1) South,
Range Forty (40), East of the Boise Meridian,
in Bonneville County, Idaho;

That he continued working and living at the said Day ranch
continuously thereafter until the year 1920, or thereabouts, after
the First World War, until he moved to his home around Ammon and
Iona, Idaho; that for many years prior to his leaving, he was the
foreman of the Day ranch, and at all times during his employment
and residence there, he was fully aware of, and many times managed
end assisted with, the irrigation, cultivation and harvest of
crops, the watering and development of pasture and caring for
the livestock on the Day ranch;

That about a year after he moved to the Day ranch, and
when he was about fourteen (14) years of age, he and Sid Day, a
cousin of the said Abraham J. Day, built a small reservoir on
the Day ranch to collect and preserve the waters from what are
known as the Twin Springs, located near the Southeast portion
of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of
said Section Thirty-one (31) aforementioned, for the purpose of
irrigating crops and pasture on the Day ranch; that these springs
originally constituted the main source of water for the said
Twin Springs Creek, a tributary of the Snake River.

