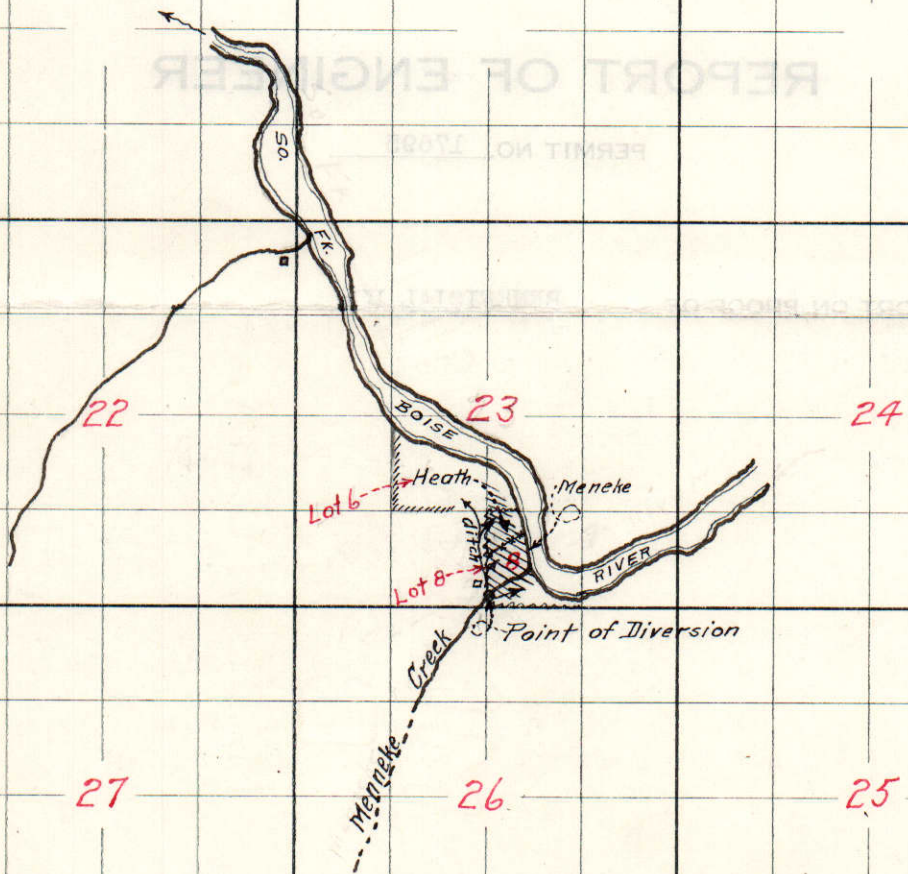




AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 2 p. m. on the 8th day of June, 1934 at Mountain Home, County of Elmore, State of Idaho, before D. A. Utter, Notary Public, proof will be submitted of the application to beneficial use of 0.2 cubic feet per second of the water of Minnecke Creek in accordance with the terms and conditions of Permit No. 17695 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Henry Minnecke, Mountain Home, care of Prairie Stage, Idaho.

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

The amount applied to beneficial use is 0.2 cubic feet per second.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) ten acres in Lot 8, Sec. 23, Tp. 1 N., R. 7 E. B. M., Idaho.

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

The right to take water from such works is based upon Permit No. 17695.

The source of supply from which such water is diverted is Minnecke Creek.

The date of the priority which said user is prepared to establish is July 30, 1932.

R. W. FARIS.

County of Elmore)

STATE OF IDAHO) ss.

RECEIVED

JUN 10 1934

DEPARTMENT OF RECLAMATION

I, Geo. L. Whorton do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME REPUBLICAN

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for four consecutive weeks, the

first publication having been made on the 11th day of

May, 1934 193, and the last publication having been made on the 1st day of June, 1934 193;

every number of the paper during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME REPUBLICAN has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Geo. L. Whorton

Subscribed and sworn to before me this 8th day of June, 1934

193

Edna L. Casey

Notary Public.

17695

NAME OF APPLICANT

SKETCH MAP
Showing Land irrigated

BY
Henry Mennecke
in Lot 8 Sec. 23 T. 1 N.
R. 7 E. B. M.
Elmore County, Idaho.

T. 1 N. R. 7 E. B. M.



17695
Permit Map 17695

As Approved

AUG 8 1932

R. W. FARIS

Commissioner of Reclamation

State of Idaho
License and Certificate of Water Right

Water License No. 17695 Amount 0.16 Sec. Ft.
Water District No. Priority July 30, 1932

THIS IS TO CERTIFY that HENRY MENNECKE
of Mountain Home, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 30, 1932; that Permit No. 17695
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.2 of 1 second foot, was issued thereunder on June 24, 1933, showing that said works
were completed on the 23rd day of June, 1933; and that on the 8th
day of June, 1934,

HENRY MENNECKE
of Mountain Home, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Mennecke Creek
, a tributary of Boise River, for the purpose of irrigation and domestic
use, under Use Permit No. 17695 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3788, on the 1st day of May, 1935;
The right hereby confirmed dates from July 30, 1932;

The Point of Diversion is located
in ~~the~~ Lot 8 ~~Sec.~~ Sec. 23, Tp. 1 N., R. 7 E., B. M. Elmore County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.16 of 1
cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	7 E	23	Lot 8	10	8

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 1st day of May, 1935.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 16609Amount .84 Sec. Ft.

Water District No. _____

Priority November 22, 1926

THIS IS TO CERTIFY that **THOMAS F. EDWARDS**
 of **Boise, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **November 22**, 19 **26**; that Permit No. **16609**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.84 of 1 second ^{foot} per second, was issued thereunder on **December 28**, 19 **32**, showing that said works
 were completed on the **23rd** day of **November**, 19 **31**; and that on the **28th**
 day of **October**, 19 **33**,

THOMAS F. EDWARDS
 of **Boise**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use ~~the waters~~ of **subterranean water**
 , a tributary of _____, for the purpose of **irrigation, domestic & heating**
use, under Use Permit No. **16609** of the **Commissioner of Reclamation**
 and that said right to the use of said water has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
 of Licenses, at page **3787**, on the **1st** day of **May**, 19 **35**;

The right hereby confirmed dates from **November 22**, 19 **26**;

The Point of Diversion is located
 in the **SW 1/4 NE 1/4, Sec. 29**, Twp. **4 N.**, R. **2 E.**, B. M. **Ada County**.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **.84 of 1**
 cubic ^{foot} ~~per~~ per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	2 E	29	NW 1/4 NE 1/4 SW 1/4 NE 1/4	13 13	13 13

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 Commissioner of Reclamation, affixed at Boise, Idaho,
 this **1st** day of **May**, 19 **35**

R. W. FARIS
 Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. **24811**
Permit No. **17695**
District No.

1. Name of Applicant: **Henry Mennecke**

Postoffice address: **Mountain Home**

County: **Elmore**

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:

- (b) Treasury stock
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **0.2** cubic feet per second.

3. Source of water supply: **Minnecke Creek** which is a tributary of **Boise River**

4. Location of point of diversion: **Lot No. 8** feet distant from the
corner of Section **23**, T. **1 N.**, R. **7 E.**, B. M., and is in the **Lot No. 8**
of Section **23**, T. **1 N.**, R. **7 E.**, B. M., County of **Elmore**

5. Water is to be used for: **Irrigation and Domestic use**

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: \$ **50.00**

8. Kind of works: **Ditch and low diversion dam**

9. Height of dam **4** feet; length of dam at top **6** feet; length of dam at bottom **4**
feet; material used in dam: **Rock and earth**

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

11. Ditch: Width at bottom **1½** feet; width at water line **2½** feet; depth of water **8/12**
feet; dimensions of flume:

Diameter of pipe inches; length of conduit **1/8** miles.

Average grade per mile **4** feet.

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 **One** additional years.

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

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

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

Henry Mennecke *Applicant.*

By **D. A. Utter** *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M., July 30, 1932

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **17695**

Recorded in Book **64** Page **17695** Approved **August 8, 1932**

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before **October 7, 1932** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **February 8, 1935**

The whole of said work to be completed on or before **August 8, 1933**

Beneficial use of water appropriated in accordance herewith, to be made on or before August 8, 1934

Witness my hand this 8th day of August, 1932

R. W. FARIS
Commissioner of Reclamation.

Remarks: The applicant has used this water for 25 years.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			
1 N.	7 E.	23									2				4				2	2	10
All the above lands are contained in Lot 8.																					
PERMIT NO. 17695 CERTIFICATE OF COMPLETION OF WORKS																					
To All Whom It May Concern:																					
This is to certify that Henry Mennecke of Mountain Home, County of Elmore, and State of Idaho, the holder of Permit No. 17695, issued upon Application No. 24811 bearing date of priority of July 30, 1932, authorizing the diversion of 0.2 second feet of the waters of Mennecke Creek, County of Elmore, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.2 second feet of the waters of Mennecke Creek, that the point of diversion of said waters is in Lot 8 of Section 23, T. 1 N., R. 7 E. B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 10 acres in Lot 8, Section 23, T. 1 N., R. 7 E. B. M.																					
Witness my hand this 24th day of June, A. D. 1933.																					
R. W. FARIS Commissioner of Reclamation																					
Proof of completion of works made June 23, 1933. Certificate of completion issued June 24, 1933.																					
LICENSE ISSUED FOR 0.16 SEC. FT Page 2788 Vol. 7																					

WATER RIGHT NUMBER 63-2477

OWNER LAST NAME - MENNECKE

FIRST NAME - HENRY

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MOUNTAIN HOME

STATE - ID ZIP CODE - 83647

SOURCE - MENNECKE CREEK

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 07-30-1932 COUNTY - ELMORE

TOTAL DIV. RATE - .1600 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSE 23 01N 07E LOT 08 REDIV -

272.0 312.0 96.0 26.0 0.0 0.0 0.0 0.0 0.0 0.0 25.7

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

.1600 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 01N RNG 07E SEC 23 TRACT SWSE LOT 08 AC 08

DECREE NAME -

DATE -

TOTAL ACRES 8

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 17695

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

3/79

IDENT. NO. 63-2477

IDAHO DEPARTMENT OF WATER RESOURCES

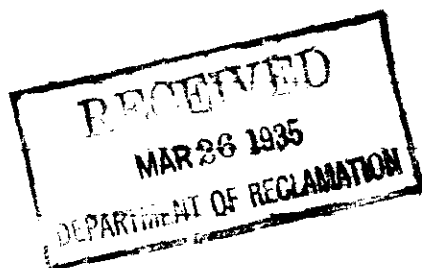
WATER RIGHT
DATA ENTRY LOG[illegible]

March 23 1935

Mr R W Faris

Enclosed find Check for \$2.00
for a license for irrigation of
the Waters of Mennecke Creek

Yours Truly
Henry Mennecke
Mtn. Home Idaho
op Prairie Stage



17695

July 25, 1966

Mr. Eugene H. Anderson,
Anderson, Kaufman & Anderson,
Attorneys at Law,
P. O. Box 2773,
Boise, Idaho 83701

Dear Mr. Anderson:

In reply to your letter of July 14, 1966, as to the waters of Minneke Creek, Elmore County, Idaho, our records indicate the only recorded water on file with this department is Permit No. 17695-3788.

Permit: 17695 - License Page 3788
Holder: Henry Mennecke
Priority: July 30, 1932
Quantity: 0.16 cfs
Point of Diversion: Lot 8, Section 23, Twp. 1 N.,
Rge. 7 E.B.M.
Lands: 8 acres located within Lot 8, Section 23,
Twp. 1 N., Rge. 7 E.B.M.

Our records do not indicate a decree on Minneke Creek, however, the records of the district court should be consulted.

Please contact us if we may be of any further assistance.

Very truly yours,

DONALD W. McELDOWNEY
State Water Rights Clerk

DWMc:pmk

17695

ANDERSON, KAUFMAN AND ANDERSON
LAWYERS

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

IDAHO BUILDING
BOISE, IDAHO 83701

July 14, 1966

TELEPHONE 342-4581
POST OFFICE BOX 2773

RECEIVED
JUL 15 1966

Department of Reclamation

State Reclamation Engineer
State House
Boise, Idaho

Dear Sir:

I write to determine the record you may have on the waters of Minneke Creek, a tributary of the South Fork of the Boise River. Minneke Creek originates southerly from Section 34, T. 1 N., R. 7 E., B.M., and flows northeasterly through Section 34, Section 26 and into the South Fork of the Boise River in Section 23 T. 1 N., R. 7 E., B.M.

There probably are water filings on the creek.

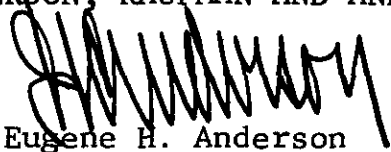
I have faint memory that there was an adjudication of the waters of the creek.

Would you please check your record and let me know what it shows in the respects mentioned above?

Yours very truly,

ANDERSON, KAUFMAN AND ANDERSON

By


Eugene H. Anderson

EHA:bb

17695

May 1, 1935

Re: Permit No. 17695

MR. HENRY MENNECKE
Mountain Home,
Idaho

Dear Sir:

We are enclosing herewith Water License No. 17695,
issued under the above numbered permit, together with our
office receipt in the amount of \$2.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17695

March 19, 1935

Re: Permit No. 17695
Henry Menneke

MR. ERVIN HEATH
Mountain Home,
Idaho

Dear Sir:

We are enclosing herewith an order which is self explanatory.

As the order states, a careful study was made of all matters relating to the appropriation of the water in question and particularly with reference to your agreement with Mr. Menneke and Mr. Bock.

If you decide to appeal from this decision, such appeal must be effected in your district court, on or before 60 days from this date.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17695

March 19, 1935

Re: Permit No. 17695

MR. HENRY MENNEKE
Mountain Home, Idaho
c/o Prairie Stage

Dear Sir:

We are enclosing herewith an order dismissing the protest of Mr. Ervin Heath against the issuance of a license under the above permit.

Upon receipt of a statutory fee in the amount of \$2.00, we shall issue a license, in connection therewith, for the irrigation of 8 acres of land, as described in your permit.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17695-

OFFICE OF THE COMMISSIONER OF RECLAMATION,

Boise, Idaho

IN THE MATTER OF PROTEST AGAINST ISSUANCE OF LICENSE UNDER PERMIT TO APPROPRIATE
THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 17695.

Ervin Heath,	)
Protestant,	)
	)
vs	)
	)
Henry Mennecke,	)
Protestee.	)

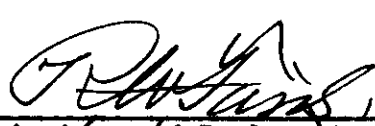
MR. ERVIN HEATH
Mountain Home,
Idaho

You are hereby notified that your protest against the issuance of license,
under Permit to appropriate the public waters of the State of Idaho, No. 17695,
setting forth the following allegations:

1. That the protestant and his predecessors in interest
have used the waters of Mennecke Creek for the irrigation
of a part of the land contained in Lot 6, Section 23, Twp.
1 North, Rg. 7 East, B. M. for many years prior to the date
of claim of priority of said Henry Mennecke.
2. That the amount of water appropriated and used on the
land owned by the protestant and his predecessors in interest
has averaged 25 miners inches each season for more than 31
years.

has been taken under consideration and after a careful study of such protest, the
permit holder's proof and the examiner's report of his findings, is hereby dis-
missed. License will, therefore, issue immediately upon payment of fee due in
connection with Proof of Beneficial Use of Water.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
of this Department, at Boise, Idaho, this 18th day of March, 1935.



Commissioner of Reclamation

17695

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. **17695**

This proof is for **Beneficial Use**

In Water District No.

1. Name of applicant **Henry Mennecke**
2. Source of water supply: **Mennecke Creek**
3. Location of point of diversion: Is in the **Lot 8** of Section **23**
T. **1 N.** R. **7 E.** County of **Elmore**
4. Describe works as they exist, giving dimensions and capacities of same: *Small rock dam diverts to ditches 2 ft wide and 1 ft deep on either side of creek*
5. Water is used for: **Irrigation and domestic purposes**
6. State whether or not water has been turned into works of diversion: *yes*
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): **Lot 8, Sec. 23, T. 1 N., R. 7 E., B. M.**

Reference protest by Ervin Heath against granting of this permit: The statement of Heath that land owned by him has used waters of Mennecke Creek for many years is corroborated by Mr. Mennecke for whom the said creek is named. The evident facts in the case are about as follows: When the waters of Mennecke Creek were first diverted for irrigation, the land now owned by Heath was owned by William Bock (a brother-in-law of Mennecke), while the Mennecke land was owned by its present owner. While this condition prevailed the waters were used mutually and without contention. It is claimed that while this condition of ownership existed it was tacitly understood that after the creek flow had reached its low stage of insufficient supply for both parcels of land, all of the remaining water should belong to the Mennecke land which is situated upon the creek rather than be wasted in transportation to the more distant Bock (now Heath) land. At the time of transfer from Bock to Heath, in 1922, an agreement to this effect was drawn up and signed by the three interested parties, Mennecke, Bock and Heath.

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

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

Boise River

Remarks: The Heath land irrigated by the Mennecke Creek waters will not exceed ten or twelve acres in extent and of this area a portion is naturally moist from hill seepage, all of which would indicate that Heath's claim to "twenty-five miner's inches" at any time would be excessive. At the time of this examination Mennecke Creek was entirely dry. It is recommended that protest of Heath be disallowed and that license issue to applicant.

This examination was made on the *12th* day of *July*, 19*34*

(Signed)

F. D. Robinson
Examiner.

Henry Mennecke
Mountain Home, Idaho

25

Permit No. 17695

Examination for Beneficial Use Proof

County Elmore

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 a 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.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17695

REPORT ON PROOF OF BENEFICIAL USE



July the 19 - 1934

Mr. Tolman Field Engineer of Reclamation
Department

Sir

You excused me that I have to make you
some more trouble when you was up there
to look the Land over about the Water
I forgot to tell you that there is a piece
Land in Heaths Field long side the
River in Lot 6 on Heaths Place I shut
think about close to 3 acres what never
was irrigated at all out of Mennecke Creek
I guess you can correct that what out coming
up here again it is my fall not to tell you
when you was up there.

Respectfully
yours

Henry Mennecke
mtm Home
% Prairie Stage Idaho

17695

June 27, 1934

Re: Permit No. 17695

MR. HENRY MENNECKE
Mountain Home, Idaho
c/o Prairie Stage

Dear Sir:

This will acknowledge receipt of your depositions and also the affidavit of publication from the newspaper filed in connection with beneficial use proof under the above permit. These papers are in proper form and a field examination has been ordered, as required by law. We are not in a position to say just when this inspection will be made but the department's field engineer Mr. F. A. Tolman will contact you at the time for examination so that you may show him over the grounds.

Under date of June 6th, a protest was filed in this office by a Mr. Ervin Heath wherein he presents the following allegations:

That he and his predecessors in interest have used the waters of Mennecke Creek for the irrigation of a part of the land described in this permit for many years prior to the date of claim of priority of said Henry Mennecke.

That the amount of water appropriated and used on the land owned by protestant and his predecessors in interest has averaged 25 miners inches each season for more than 31 years.

No action will be taken upon the protest until we are in receipt of the field engineer's report at which time a careful study will be made of your proof, the engineer's report and also the protest. A conclusion will then be reached as to whether or not a license should be issued under the above permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RC

17695

June 27, 1934

Re: Permit No. 17695

MR. ERVIN HEATH
Mountain Home,
Idaho

Dear Sir:

We received your protest in the matter of proof of application of water to beneficial use under the above permit on June 6, 1934, but we have failed to acknowledge receipt of it prior to this date for the reason that many urgent matters have been pending before this office. However, no action can be taken until after a field examination has been made as required by law.

As we advised Mr. Mennecke, upon receipt of the field engineer's report, after all matters have been taken into consideration, either a license will be issued, in which case the protest will be dismissed, or the proof will be rejected and the permit cancelled.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17695

June 24, 1935

RE: PERMIT NO. 17695

MR. HENRY MENNECKE
Mountain Home,
Idaho

Dear Sir:

We are herewith enclosing CERTIFICATE OF COMPLETION OF WORKS issued today under the above numbered permit for 0.2 of the waters of Mennecke Creek, to be diverted in Lot 8 of Section 23, T. 1 N., R. 7 E. B. M., as it has been entered of record in the Department.

We also enclose office receipt for \$5.00 paid by you in fees due in connection with this proof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

C
Encl.

17695-

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 2 p. m. on the 5th day of June, 1934 at Mountain Home, County of Elmore, State of Idaho, before D. A. Utter, Notary Public, proof will be submitted in the application to beneficial use of 0.2 cubic feet per second of the water of Minnecke Creek in accordance with the terms and conditions of Permit No. 17695 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Henry Minnecke, Mountain Home, Care of Prairie Stage, Idaho.

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

The amount applied to beneficial use is 0.2 cubic feet per second.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) ten acres in Lot 3, Sec. 23, Tp. 1 N., R. 7 E. B. M., Idaho.

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

The right to take water from such works is based upon Permit No. 17695.

The source of supply from which such water is diverted is Minnecke Creek.

The date of the priority which said user is prepared to establish is July 28, 1933.

D. W. FARIE,
Commissioner of Reclamation

RECEIVED

County of Elmore JUN 10 1934
STATE OF IDAHO DEPT OF RECLAMATION

I, Geo. L. Whorton do solemnly swear that I am the publisher of the

MOUNTAIN HOME REPUBLICAN

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for four consecutive weeks, the

first publication having been made on the 11th day of

May, 1934 193, and the last publication

having been made on the 1st day of June, 1934 193;

every number of the paper during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME REPUBLICAN has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Geo. L. Whorton

Subscribed and sworn to before me this 8th day of June, 1934

Edna L. Casey
Notary Public

17695

Permit No. 17695

STATE OF IDAHO
Department of Reclamation

RECEIVED

JUN 24 1933

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Elmore

} ss

Henry Mennecke, 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. 17695, and that his postoffice address is Mountain Home State of Idaho

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

Mennecke Creek

Third: That the point of diversion of said water is Lot 8., Sec. 23, T. 1 N.

R. 7 E. B. M. County of Elmore

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 8, 1933.

Fifth: That the use for which said water is intended is Irrigation and Domestic

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(6x)~~ (6x) fully completed and consisted of the following:

I. Kind of works: Ditch and low diversion dam

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 6 feet, length of dam at bottom 4 feet. Material used in construction

Rock and earth

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

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

(d) Conduit ditch width at bottom 1 1/2 feet, width at water line 2 1/2

(State whether ditch, flume or pipe.)

feet, depth of water 8/12 feet; diameter of pipe inches, average grade per mile is 4 feet. Length of conduit is 1/8 miles.

Seventh: That said works are capable of conducting to the place of intended use 0.2 second feet of water.

Eighth: That water appropriated under said permit is available for 10 acres of land described as follows: Lot 8, Sec. 23, T. 1 N., R. 7 E. B. M. Idaho

Ninth: Remarks: That

Henry Mennecke
(Sign here)

Subscribed and sworn to before me this 23 day of June, 1933

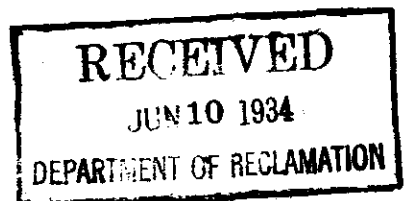
D. A. Utter

My commission expires Dec. 7, 1934

Notary Public.

17695

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17695

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Henry Mennecke, reside on my ranch on the South Fork of the
Boise, River, Rancher, P.O. Mountain Home care Prairie Stage

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

Ans. Not acting

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

Ans. 17695, dated August 8, 1932, July 30, 1932

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

Ans. Mennecke Creek, in Lot 8, Sec. 23, T. 1 N. R. 7 E. B. M.

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.

Ans. Water is diverted with a low dam of earth and stone, through a ditch
about 2 feet wide and one foot deep and can carry 0.2 of a sec. ft.
of water to the land irrigated and is known as the Mennecke ditch

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

Ans. For irrigation on Lot 8, Sec. 23, T. 1 N. R. 7 E. B. M. and I
irrigate 10 acres of cultivated land that grows alfalfa and has
been cultivated and irrigated for the last 29 years

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

Ans. None applied

17695

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

Ans. ~~Not less than 100 feet~~

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. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

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

Ans. Since 1905, in the ditch I now have and the 10 miners inches
I have filed on and on the same land

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. None whatever

(Sign) *Henry Mennecke*

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 Mountain Home, County of Elmore, State of Idaho, on this 8th day of June, A. D. 1934.

D. P. Utter
Notary Public residing at Mt. Home, Idaho
~~My commission expires Dec. 7, 1934~~

My commission expires Dec. 7, 1934

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17695

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. Charles O'Keefe age 56 years. Retail coal and grain
business, Mountain Home, Idaho

Ques. 2. Are you acquainted with Henry Mennecke, the
holder of Permit No. 17695? How long have you known him and where does he reside?

Ans. since 1910, resides on the South Fork of the Boise River

Ques. 3. Have you read or heard read said Permit No. 17695, and are you familiar with
its provisions and conditions?

Ans. Yes sir.

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. Mennecke Creek, place of diversion Lot 8, Sec. 23, T.1 N., R.
7 east B.M. a small ditch about 2 feet wide

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. about 0.2 of a second foot and I have seen that much conveyed

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each
sub-division 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 improvement which have
been made as a direct result of said use.

Ans. For Irrigation and domestic use and is all used on Lot 8
Sec. 23, T.1 N., R. 7 E. B.M. has 10 acres irrigated. the land is
cultivated and is all in alfalfa

17695

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

Ans. all for irrigation

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. The land is good agricultural land and requires at least ten miners inches to thoroughly irrigate it.

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

Ans. None whatever

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. By my own observation in the years 1910 to and including 1933 having been in that locality often during the irrigation season and visited his ranch.

(Signed)

Charles O. Kneefe

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 Mountain Home, County of Elmore, State of Idaho, on this day of June 8th, A. D. 1934.

D. P. Utter

Notary Public.

My commission expires Dec. 7, 1934

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17695

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. Sedwick Q. Rudge, age 43 years, Rancher, Mountain Home
care of Prairie Stage.

Ques. 2. Are you acquainted with Henry Mennecke, the holder of Permit No. 17695? How long have you known him and where does he reside?

Ans. Yes for 26 years, he resides on the South Fork of the Boise
River

Ques. 3. Have you read or heard read said Permit No. 17695, and are you familiar with its provisions and conditions?

Ans. Yes and I am familiar with its provisions and conditions

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. Mennecke Creek, place of diversion is in Lot 8, Sec. 23, T. 1 N.
R. 7 E. B. M. the works is a small ditch about 2 feet wide

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. 0.2 of one second foot, and I have seen that much conveyed in it

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. For irrigation on Lot 8, Sec. 23, T. 1 N. R. 7 E. B. M. the land
irrigated is in Lot 8 and is 10 acres, all cultivated and sown to
alfalfa.

17695

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

Ans. Not for power but for irrigation

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. The land is a rich loam and requires not less than 0.2 of a second foot to irrigate it for profitable irrigation

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

Ans. No

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

Ans. each year from 1908 to the present time as I live near him and I have seen the water hundreds of times in the ditch and on the land in the amount of not less than ten miners inches

(Signed)

Ledward O. Bridge

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 Mountain Home, County of Elmore, State of Idaho, on this ~~day of~~ 8th day of June, A. D. 1934.

D. A. Utter

Notary Public.

My commission expires Dec. 7, 1934

claim of water right.

Further affiant saith not.

Dated at Boise, Idaho this 5th day of June, 1934.

Emin Heath

Subscribed and sworn to before me this 5th day of
June, 1934.

Frank A. Davis
Notary Public for Idaho,
residing at Boise, Idaho.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, June 2, 1934

MR. D. A. UTTER, Notary Public
Mountain Home,
Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17695

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On June 8, 1934, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Mountain Home, Idaho before D. A. Utter, Notary Public

2. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. PARIS

Commissioner of Reclamation.

17695

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17695

Date..... **May 8, 1934**.....

EDITOR, MOUNTAIN HOME REPUBLICAN
Mountain Home, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 8, 1934, the date set for proof, the expense of the publication to be paid by the applicant, Henry Manneske, Mountain Home, c/o Prairie Stage, Ida. 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.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17695

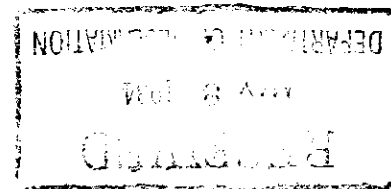
Notary Public
Real Estate

LICENSED CIVIL ENGINEER
INSURANCE AND BONDS
PHONE 159

GEN. D. A. UTTER

Justice of the Peace
MOUNTAIN HOME, IDAHO

May 7, 1934.



Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Will you kindly mail me the necessary blanks to be used in submitting Proof of Beneficial Use in the Water Bermit of Mr. Minnecke on Minnecke Creek that empties into South Fork of the Boise River.

Mr Minnecke through my office submitted a notice to your office some weeks ago and asked that the notice be published in the Mountain Home Republican news paper and I have not seen the notice as yet, but it seems that I have seen it requires 60 days notice before said proof can be made, please advise me of the status of said request.

Sincerely Yours.

D. A. Utter

17695

May 7, 1934

Re: Permit 17695
Henry Mennecke

General D. A. Utter
Mountain Home
Idaho

Dear Sir:

This will acknowledge receipt of Notice in Duplicate for Publication of Mr. Mennecke's intention to submit final proof under the above Permit, and also his authorization to have the notice published in the Mountain Home Republican, Mountain Home Idaho.

A copy of this notice will be forwarded to the newspaper at once with instructions to publish it once a week for four consecutive weeks prior to June 8, which is the date when proof will be offered. This publication will actually only require twenty-two days, so there is ample time for it to be completed prior to June 8.

About 10 days prior to that date, depositions consisting of one for the holder, and one each for two witnesses will be mailed to you so that you will have ample time for this proof.

After these depositions have been taken, they should be mailed to this office with an Affidavit of Publication from the newspaper.

Yours very truly,

D. M. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:BM

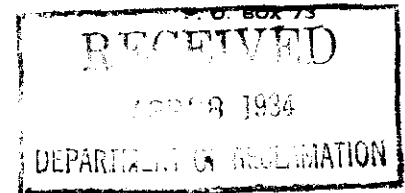
17695-

General Garmin Averrell Utter

CONSULTING ENGINEER

MOUNTAIN HOME, IDAHO, U. S. A.

April 27, 1934.



17695

Mr. R.W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear sir:

I am inclosing letter to you from Henry Mennecke together with duplicate Notices for Publication of Notice of Proof Application of Water to Beneficial use.

I am not sure of the date as I have it for it has been some time since I filled out one of the notices, if I am wrong you correct it in the notice and advise me of your correction, also please advise me if he is required to have two witnesses when he makes the proof.

Mail all communications to me and I will see to Mr. Minnecke being advised.

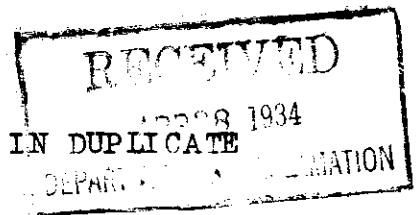
Very Respectfully yours.

Proof will be offered on June 8th

Garmin Utter

17695

17695-
NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE



(Date) April 27, 1934

(P.O.) Mountain Home, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Mountain Home Republican of Mountain Home, Idaho, published in the County in which the works are situated.

Henry Mennecke

17695-

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 ^{a.}m. on the 8th day of June, 1934,
at Mountain Home, County of Elmore, State of Idaho,
before D.A. Utter, Notary Public, proof will be submitted
of the application to beneficial use of 0.2 cubic feet per second of the
waters of Innecke Creek in accordance with the terms and conditions of
Permit No. 17695 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Henry Mennecke Mountain Home -- Care of Prairie Stage Ida

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

The amount applied to beneficial use is 0.2 cubic ft. per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) ten acres in Lot 8, Sec. 23, Tp. 1 N., R. 7 E., B.M. Idaho

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

The right to take water from such works is based upon Permit No. 17695

The source of supply from which such water is diverted is Innecke Creek

The date of the priority which said user is prepared to establish is July 30
August 8, 1932

R. W. FARIS

Commissioner of Reclamation.

17695

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

D. A. UTTER, Agent
Henry Mennecke
Mountain Home, Idaho
Dear Sir:—

Boise, Idaho,
June 10, 1933

Under the terms of your permit No. ~~17495~~..... you are required to complete your diversion works on or before..... Aug 8, 1933..... 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,

v R. W. FARIS
Commissioner of Reclamation.

IF PROOF is not offered on or before the date when due permit becomes subject to CANCELLATION

17695

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17695

August 8, 1932

Boise, Idaho,

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

Henry Kemmcke
Mountain Home, Idaho

B. W. FARIS
Commissioner of Reclamation.

17695

Showing Land irrigated

BY
Henry Mennecke
in Lot 8 Sec. 23 Tp 1 N.
R. 7 E B. M.
Elmore County, Idaho

T. / N R Z E B M

SEC 23

Memento CB

0592

Approved

406 8 1932

Division of Reclamation

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

17695-

SYMS-YORK CO., BOISE 109988

August 4, 1932

17695

Re: Application for Permit No. 24811

MR. D. A. UTTER, Agent
Mountain Home, Idaho

Dear Sir:

We are herewith returning the application of Mr. Henry Mennecke in order that it may be corrected.

In checking over the application it is noted that Lot 8 is shown in four different subdivisions, namely: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 23, Twp. 1 North, Range 7 E.B.M.; while it is listed on the application under paragraph 14 as being in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23. Will you please check this matter over and change either the application or the township plats so that they agree on the land description?

Please answer paragraph 15. This application bears date of priority as of July 30, 1932.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Office Engineer

PLH/lwp
Encl. office Receipt of \$5.00

17695

July 26, 1932

Mr. D. A. UTTER,
Mountain Home,
I d a h o

Dear Sir:

In accordance with the request contained in your letter of the 25th inst., we are enclosing herewith blank application for permit and pamphlet of Regulations and Instructions in regard thereto.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By _____
Chief Clerk

Enc.

17695-

General Barwin Auerrell Utter

CONSULTING ENGINEER

MOUNTAIN HOME, IDAHO, U. S. A.

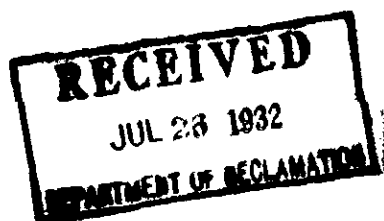
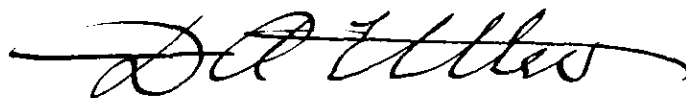
July 25, 1932.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

I have a client who wishes to make an Application for a Permit to appropriate water for Irrigation, I have one of the old circulars giving instructions as to the proper method of preparing Application, but I believe the late legislature increased the fee, and there might be some other changes, if so please advise me and it will be appreciated.

Sincerely yours.



17695-