

45-025 73

8278+ ✓
ix

State of Idaho
License and Certificate of Water Right

Water License No. G-27747

Amount 1.96 c.f.s.

Water District No. _____

Priority January 22, 1959

THIS IS TO CERTIFY that **HENRY G. McELHINNEY**
of **Declo, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **January 22**, 19 **59**; that Permit No. **G-27747**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.96 second feet, was issued thereunder on **September 21**, 19 **65**, showing that said works
were completed on the **15th** day of **September**, 19 **64**; and that on the **15th**
day of **September**, 19 **64**,

HENRY G. McELHINNEY

of **Declo**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of **subterranean flow**, for the purpose of **irrigation**

, under Use Permit No. **G-27747** of the **Department of Reclamation**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page **8276**, on the **21st** day of **September**, 19 **65**;

The right hereby confirmed dates from **January 22**, 19 **59**;

The Point of Diversion is located

in the **SE 1/4 SW 1/4**, Sec. **2**, Tp. **11 S**, R. **21 E**, B. M. **Cassia** 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 **1.96** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	21 E	2	NEX SWX	40	13
			W 1/2 SWX	80	80
			SE 1/4 SWX	40	40
			Total number of acres to be irrigated:		133

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

21st day of **September**, 19 **65**.

/s/ **RALPH W. THOMAS**
Deputy State Reclamation Engineer.

(SEAL)

45 2578

27747

45-2572

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35685
Permit No. G- 27747
District No.

Henry G. McElhinney
Declo, Idaho

1. Name of Applicant: HENRY G. McELHINNEY
Postoffice address: ^{Star Route} Declo County: Cassia State: Idaho
2. Quantity of water claimed: 3.2
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean water by well and pumps
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2
Twp. 11 S. , Rge. 21 E. , B.M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump, ditches, pipes
8. Estimated cost of works: \$ 20,000 or more
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 3.2 (cubic feet per second, inches or gallons per minute) is for new lands.

CANCELLED pursuant to sec 42-811
Idaho Code Annotated, by order of
State Reclamation Engineer
dated MAY 27 1964

WHEREAS Affiant has submitted a statement of facts supporting the motion; and,

WHEREAS, the rightful priority of this permit may be maintained in Court.

NOW, THEREFORE, this cancellation is herewith annulled and the advertising and making of proofs may be completed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 31st day of July, 1964.

s/ CARL E. TAPPAN
State Reclamation Engineer

Permit No. G-27747 ✓
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HENRY G. McELHINNEY of Declo, County of Cassia, and State of Idaho, the holder of Permit No. G-27747, issued upon Application No. G-35685 bearing date of priority of January 22, 1959, authorizing the diversion of 3.2 second feet of waters of a well County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.96 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 11 S., R. 21 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

SW $\frac{1}{4}$, Sec. 2, T. 11 S., R. 21 E., B.M.

Witness my hand this 21st day of September, A. D. 1965

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: September 15, 1964

LICENSE ISSUED FOR 1.96 SEC. FT.
LICENSE PAGE NO. 8276

WATER RIGHT NUMBER 45-2573

OWNER LAST NAME - MC ELHINNEY

FIRST NAME - HENRY G.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - DECLO

STATE - ID ZIP CODE - 83323

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 01-22-1959 COUNTY - CASSIA

TOTAL DIV. RATE - 1.9600 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 02 11S 21E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

1.9600 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 11S RNG 21E SEC 02

TRACT NESW LOT

AC 13 TRACT NWSW LOT

AC 40

TRACT SWSW LOT

AC 40 TRACT SESW LOT

AC 40

DATE -

TOTAL ACRES

133

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 27747

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED DDJ

VERIFIED DDL
4/26/85

IDENT. NO. 45-2573

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 27747 1 45-2573
Old No. New No.

Record

1. Original Owner: Henry H. McElhinney

Present Owner: _____

2. Address:

3. City: Declo State: 10 Zip: _____

4. A. Source of Water: gw

B. Tributary of: _____

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

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

C. Priority Date: 1-22-1959

D. County: 31

E. Total Diversion Rate: 1.96

F. Total Diversion Volume:

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

H. Water District:

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SESW</u>	<u>2</u>	<u>11S</u>	<u>21E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from _____ to _____ for A purposes. Amount 1.96
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 27747

F. Proof Made (P or blank):

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

H. Conditions of Approval:

14. Diversion Means (brief narrative):

MS 5.21.79

500 - July 8, 1964

July 21, 1965

RE: Permit No. 27747

Henry G. McElhinney
Star Route
Declo, Idaho

Dear Mr. McElhinney:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27747 shows the well is (~~xxx~~) capable of conveying 98 miner's inches, or 1.96 c.f.s. of water for the irrigation of 133 acres.

Upon receipt of the statutory fees, totaling \$ 13.00 , we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of January 22, 1959 , to the use of 1.96 second feet of subterranean water with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2 for irrigation of 133 acres in the SW $\frac{1}{4}$, Sec. 2, T. 11 S., R. 21 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

27747

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

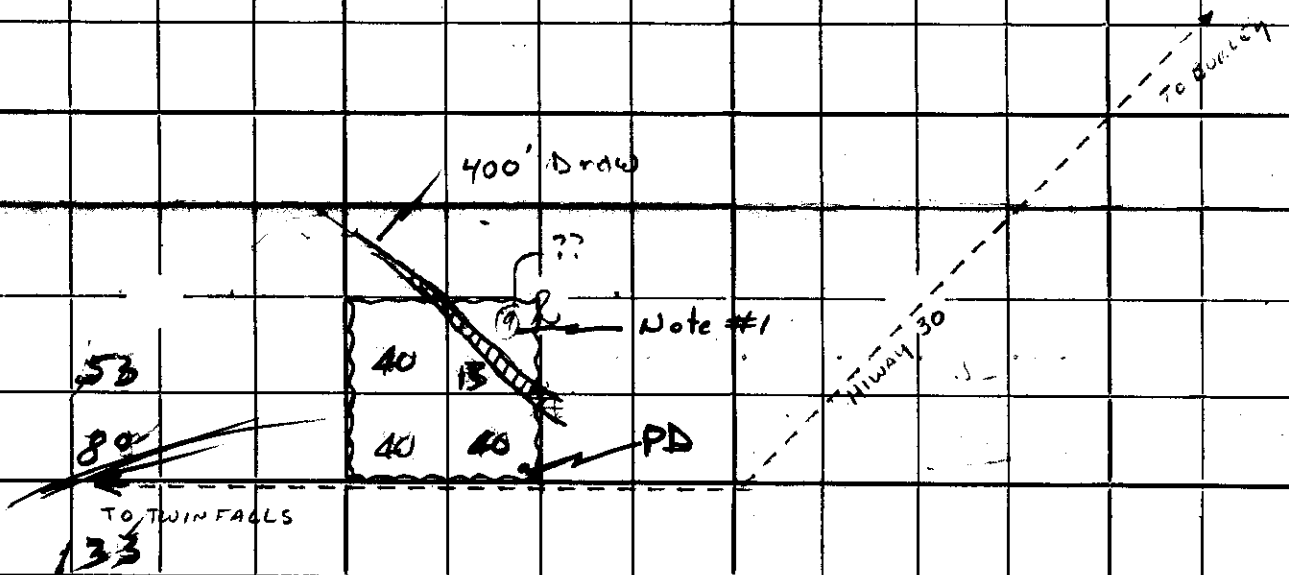
REPORT OF ENGINEER

PERMIT NO. G-27747

REPORT ON PROOF OF Completion of Works & Beneficial Use

Henry G. McElhinney, Star Route, Declo, Idaho

R 21 E



Subdivisions = 4

Area = 133 ac

Q = 1.96 cfs or 98"

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

Permit No. G-27747This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Henry G. McElhinney2. Source of water supply: Subterranean3. Location of point of diversion: Is in the SE 1/4 of Section 2T. 11 S R. 21 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 150 HP C.S. Motor
1800 RPM Ser. # 1279643 Live & Bowler pump
Model 12C Ser. # D01499 GPM 1100 @ 460' @
1770 RPM Discharge 8" Steel pipe 15' long To
concrete ditch

Riser pole # 271

5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Sec. 2., Twp. 11S., Rge. 21 E. B.M.

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

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

Remarks: No one around.

Martin Funk operator 678-5083

#1 This area is not being farmed by the Funk, nor McElhinney operation
at this time nor is there any water from the above listed P.d. reaching
this area.

Measured by Sparling Meter 3 Rev 2 min 33 Sec @ 1.96 CFS @ 98"

This examination was made on the 12th day of July, 1965(Signed) Loy Johnson Examiner.

Donald W. Weldon

27747

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
JUL 21 1965

Department of Reclamation

Henry G. McElhinney
Star Route
Declo, Idaho
Permit No. G-27747

Examination for Completion of Works & Beneficial Use

County Cassia

Sec. 2 T. 11 S. R. 21 E. M.

Quantity: 3.2

Source: Well

P.D.: SESW - 2 - 11S - 21E

Use: Irrigation

Filed: 22 January 59

Due: 2 February 64

Extension: Reinstated 31 July 64

Protest: —

Completion of Work: —

Other Rights: None

1M April 1962

November 6, 1964

Re: Permit No-27747

Henry G. McElhinney
Star Route
Declo, Idaho

Dear Mr. McElhinney:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the BURLEY-HERALD BULLETIN, all submitted in proof of completion of works and beneficial use on Permit No-27747.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

27747

September 21, 1965

RE: Permit No. G-27747

Henry G. McElhinney
Star Route
Declo, Idaho

Dear Mr. McElhinney:

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

Also enclosed is departmental receipt No. G-9825 in the amount of \$13.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license, certificate, receipt

27747

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-27747 October 21, 1964

To Henry O. McElhinney
Star Route
Declo, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 27747 to appropriate the Public Waters of the State of Idaho, have not been complied with as to Depositions of Holder and Witnesses with Affidavit of Publication were returned to Attorney, September 20, 1964 and have not been returned to this office.

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 27747 is hereby held for cancellation.

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

SAID PERMIT NO. G- 27747 claims the use of 3.2 cubic feet per second of the Subterranean Waters a well with point of diversion located: SE 1/4 Sec. 2., Twp. 11 S., Rge. 21 E.B.M.

and was approved February 2, 1959

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, the 21st day of October, 1964.

Carl E. Toffan

State Reclamation Engineer

cc: James Annest
% Annest & Hibbert
Attorneys at Law
Box 686
Burley, Idaho

27747

Re: Mr. T 27572

November 28, 1960

Mr. Leo Bell,
Box 86,
Albion, Idaho.

Dear Mr. Bell:

We have your letter of November 15th explaining your controversy with Mr. Parks over the waters from springs situated in the Asher Canyon drainage area. As you write in the first paragraph of your letter, this Department has no authority to write or state legal opinions. However, we can tell you what we think of a common layman's point of view. Quoting from the statutes: "it is clear from provisions of statute that water of natural springs is public water and subject to valid appropriation to beneficial use," and it is also stated by our statutes "continued and un-interrupted use of water for a period of more than five years constitutes valid appropriation."

From the foregoing, attested by your letter explaining the situation as it were, we would consider you had made a valid filing on the waters of the two springs in the Asher Canyon drainage area by putting the water of said springs to beneficial use for irrigation purposes for the required statutory period of time.

Providing that Mr. Parks does not concede to your direct appropriation and use, you have the alternative of going to court and establishing your right of use. We would think that you could get a summary supplemental adjudication decree (see Idaho Code 41-1405), to the R. L. Wood, et al, vs. William Stokes et al, decreeing the waters of Marsh Creek and tributaries, by applying to the court for a supplemental adjudication on the waters of the two springs and for any water that you claim in Asher Canyon and Cow Gulch drainage areas. This would determine the rights to this water once and for all.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

27572

Southern Most Coulee

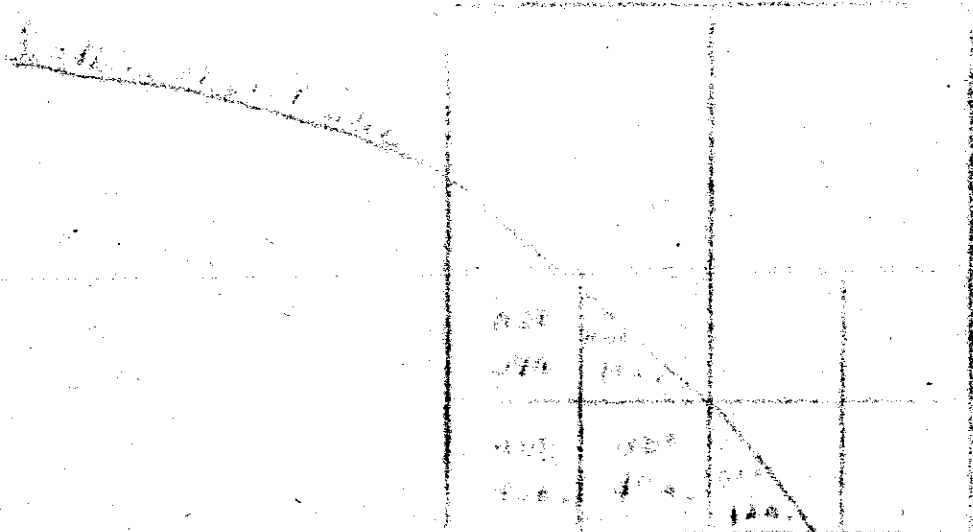
abt 39a.	abt 18a.		
abt 40a.	abt 40a.	abt 12a.	

Section 2

Southern Most Center

abt 39a.	abt 13a.		
abt 40a.	abt 40a.	abt 12a.	

Section 2



Section 2.

October 20, 1964

Re: Permit No. G-27747
Henry G. McElhinney

Annest & Hibbert
Attorneys at Law
P. O. Box 686
Burley, Idaho

Attn: James Annest

Dear Mr. Annest:

Enclosed is another pre-cancellation notice in regard to the above noted permit. This permit has had a precarious life so far and probably the next slip will be the last.

The depositions of holder and two witnesses with affidavit of publication were returned to you September 22, 1964, for expiration of Notary's commission, which was you, and a question about the land being irrigated.

Kindly drop all other work, get this matter settled and return the completed depositions and affidavit of publication at the earliest possible time. You know 60 days passes quite fast.

If you elect to change the land list, priority will be advanced the length of time the proofs are late.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew
pre-
Enc. cancellation notice

September 22, 1964

RE: Permit No. G-27747
Henry G. McElhinney

Annest & Hibbert
Attorneys
Box 686
Burley, Idaho

Attention: James Annest

Dear Mr. Annest:

Receipt of Proofs of Application of Water to Beneficial Use and Completion of Works are acknowledged. However, on the depositions you have land listed in the SE $\frac{1}{4}$. Since the only land listed in the permit is the SW $\frac{1}{4}$, if Mr. McElhinney wants land in the SE $\frac{1}{4}$ included, an amendment to the land list will be required. This in turn will necessitate that a new publication notice be sent to the Burley Herald Bulletin for publication at Mr. McElhinney's expense listing the additional land in the SE $\frac{1}{4}$, and new proofs submitted upon completion of publication. It is further noted that the expiration date of the Notary's Commission was not filled in. Therefore, the proofs are enclosed herewith for correction and return to this office.

Forms for amendment are enclosed for changing the land list on the permit, if it is to be changed. The fee for recording an amendment is \$1.00. Also enclosed are Forms 36 and 11.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

H. Petri
State Water Rights Clerk

HP:mr

Enc. Depositions
Forms 36, 11, amendment

cc: Henry G. McElhinney

27747

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 22 1964
Department of Reclamation

Permit No. G-27747

* * * *

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

DEPOSITION OF HOLDER

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

Henry G. McElhinney, Star Route, Declo, Idaho, Occupation is farmer

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:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G-27747, 2-2-59, 2-2-59 1-22-59

Ques. 4. State source of water supply: Sub-terranean well
Give location of point of diversion, showing subdivision, section, township and range:

SE $\frac{1}{2}$ SW $\frac{1}{2}$, 2, 11, 21

Ques. 5. Describe your works of diversion: Open ditch irrigation

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 3.2 cu. ft. per sec. Give name of canal or ditch

or other works by which water is conducted to such place of use: Private ditch

_____ ; if a well, state depth of well 490' ; depth and size of casing: 52' 21" casing; 52-420 rock formation

ing: 420" to 490" 18" casing ; depth to water 420' ; if pump is used,

state discharge of pump: 8" ; tell how it was measured or determined: completely

fills 8" pipe ; if sprinkler irrigation, give number and size of nozzles and

operating pressure: None

Ques. 6. State for what purpose water is used: Irrigation

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : All SW $\frac{1}{4}$ SW $\frac{1}{4}$ (abt 40 a.) and all those portions of: SE $\frac{1}{4}$ SW $\frac{1}{4}$ (abt 40 a.) and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (abt. 39 a.) and NE $\frac{1}{4}$ SW $\frac{1}{4}$ (abt. 18 a.) and SW $\frac{1}{4}$ SE $\frac{1}{4}$ (abt 12 a.) and ~~SE $\frac{1}{4}$ SE $\frac{1}{4}$ (if any) and~~

~~NW $\frac{1}{4}$ SE $\frac{1}{4}$ (if any)~~ which lie south of the southernmost coulee running through such sub-sections in Section 2, Township 11 South, Range 21, E.B.M., County of Cassia, State of Idaho.

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

Well and ditches, leveling, sagebrush removed and planted into cultivated crops.

No log

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

Ques. 7. If for other than irrigation purposes, state purpose and how used:
(Irrigation)

Ques. 8. What is the minimum amount of water required for the purpose specified above:
3.2 cubic feet per second

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:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: 2-2-59, 3.2 cubic feet per Time used since first use:

second.
During the whole irrigation season each year starting in 1959 to the present, 1964.

Ques. 11. Describe all other water rights appurtenant to same place of use:

None

(sign)

Henry G. McElhinney

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

Burley, County of Cassia

State of Idaho, on this 15th day of September, A.D. 19 64.

James Arnest

My Commission expires: _____

RECEIVED
SEP 22 1964
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Deposition of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

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

Junior Carl Yearns, Age 50, 818½ Conant Ave., Burley, Idaho,

Occupation is carpenter

Ques. 2. Are you acquainted with Henry G. McElhinney, the holder of
Permit No. G-27747 ? How long have you known him and where does he reside:

Known 20 yrs., lives Star Route, Declo, Idaho

Ques. 3. Have you read or heard said Permit No. G-27747 read, and are you familiar
with its provisions and conditions: Yes: X No: _____

Ques. 4. State source of water supply: Subterranean well

State place of diversion: SE½ SW½, 2, 11, 21

Describe works for conveying water to place of use: Open ditch irrigation

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 3.2 cubic feet per sec. How much water have you seen being so
conveyed: 3.2 cubic feet per sec.

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

All SW½ SW½ (abt 40 a.) and all those portions of: SE½ SW½ (abt 40 a.) and
NW½ SW½ (abt 39 a.) and NE½ SW½ (abt 18 a.) and SW½ SE½ (abt 12 a.) and
SE½ SE½ (if any) and NW½ SE½ (if any) which lie south of the southernmost
coulee running through such sub-sections in Section 2, Township 11 South,
Range 21, E.B.M., County of Cassia, State of Idaho.

27747

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

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:

Desert land, 3.2 cubic feet per sec.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: 2-2-59

Other times you have seen such use: Each irrigation season starting in 1959
and continuing to the present time.

(Signed)

Junior Carl Yearns
Junior Carl Yearns

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 Burley

 , County of Cassia, State of Idaho, on this 15th day of September,

A. D., ~~1962~~ 1964.

James Arnest
Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires:

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 22 1964
Department of Reclamation

Permit No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

~~DEPOSITION OF WITNESS~~

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:

Alva Martin Funk, Age 64, Route 1, Burley, Idaho,

Occupation is farming

Ques. 2. Are you acquainted with Henry G. McElhinney, the holder of
Permit No. G-27747 ? How long have you known him and where does he reside:

Known for 4 years, Star Route, Declo, Idaho

Ques. 3. Have you read or heard said Permit No. G-27747 read, and are you familiar
with its provisions and conditions: Yes: X No: _____

Ques. 4. State source of water supply: Subterranean well

State place of diversion: SE $\frac{1}{2}$ SW $\frac{1}{2}$, 2, 11, 21

Describe works for conveying water to place of use: Open ditch irrigation

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 3.2 cubic feet per sec. How much water have you seen being so
conveyed: 3.2 cubic feet per sec.

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

All SW $\frac{1}{2}$ SW $\frac{1}{2}$ (abt 40 a.) and all those portions of: SE $\frac{1}{2}$ SW $\frac{1}{2}$ (abt 40 a.) and
NW $\frac{1}{2}$ SW $\frac{1}{2}$ (abt 39 a.) and NE $\frac{1}{2}$ SW $\frac{1}{2}$ (abt 18 a.) and SW $\frac{1}{2}$ SE $\frac{1}{2}$ (abt 12 a.) and
SE $\frac{1}{2}$ SE $\frac{1}{2}$ (if any) and NW $\frac{1}{2}$ SE $\frac{1}{2}$ (if any) which lie south of the southernmost
coulee running through such sub-sections in Section 2, Township 11 South,
Range 21, E.B.M., County of Cassia, State of Idaho.

27747

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

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:

Desert land, 3.2 cubic feet per sec.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: 1960

Other times you have seen such use: 1960 and each irrigation season since 1960 to the present time.

(Signed)

Alva Martin Funk
Alva Martin Funk

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 Burley

 , County of Cassia, State of Idaho, on this 15th day of September,

A. D., ~~1960~~ 1964.

James Annest
James Annest
Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires:

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

R. C. Ostrander, being first

duly sworn, deposes and says that he is the

Business Manager of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

four (4) consecutive weeks, commencing with the issue dated August 10, 1964, and ending with the issue dated August 31 1964

Subscribed and sworn to before me this

31st day of August, 19 64

R. C. Ostrander Notary Public

Cost of Publication MY COMMISSION EXPIRES

Notary Fee APRIL 27, 1968

Total Cost _____

RECEIVED
SEP 22 1964
Deputy of Reclamation

Notary Public, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Department of Reclamation, Bureau of Reclamation, Boise, Idaho, and that the same was duly published in the regular weekly editions of the Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county of Cassia, State of Idaho, for the period of four (4) consecutive weeks, commencing with the issue dated August 10, 1964, and ending with the issue dated August 31, 1964.

27747

RECEIVED

22 1964

Depression - exclamation

64-217

NOTICE OF COMPLETION

APPLICATION OF WATER TO BENEFICIAL USE

1. The name and postoffice address of the person or corporation holding said permit is Henry G. McElhinney, Star Route, Declo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 3.2 cubic feet per second.

4. The point of diversion of said water is SE 1/4 SW 1/4, Sec. 2, Twp. 11 South, Range 21, East of Boise Meridian.

5. The place where said water is used is SW $\frac{1}{4}$, Section 2, Twp. 11, South, Range 21, E.B.M.

6. The date of priority which said user is prepared to establish is January 22, 1959.

CARL E. TAPPAN
State Reclamation Engineer
Published in the Burley Herald-
Bulletin August 10, 17, 24, 31,
1964.

Total Cost _____

27747

Re: Permit No. **G-27747**
Henry G. McKinnney

August 4, 1964

Mr. James Annett,
Attorney at Law,
1742 Overland Avenue,
Burley, Idaho.

Dear Mr. Annett:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-27747**, in the name of **Henry G. McKinnney**. Final Proof is to be made before you, as Notary on the **15th** day of **September**, 19 **64**, at **10:00** o'clock **A.M.**, at **1742 Overland Avenue, Burley**, Idaho.

As of this date, we have mailed the Notice to the **Herald Bulletin** **Burley, Idaho**, with instructions to publish it once a week for **3** consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) **EDNA P. RULE**
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

27747

Re: Permit No. G-27747
Henry G. McElhinney

Date: August 4, 1964

Herald Bulletin,
Burley, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to September 15, 1964 the date set for proof; the expense of the publication is to be paid by the applicant's attorney, James Arnest, of 1742 Overland Avenue, Burley, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

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

RECEIVED
JUL 30 1964
Department of Reclamation

Notice is hereby given that at ten A.M., on the 15th day of September 1964, at Burley, County of Cassia, State of Idaho, before JAMES ANNEST, Notary Public, at (address) 1742 Overland Avenue, proof will be submitted of the completion of works for the diversion of 3.2 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27747, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Henry G. McElhinney, Star Route, Declo, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.2 cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic 3.2 purposes, and the amount applied to beneficial use is _____ cubic feet per second.
4. The point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 11 South, Range 21, East of Boise Meridian
5. The place where said water is used is SW $\frac{1}{4}$, Section 2, Twp. 11, South, Range 21, E. B. M.
6. The date of priority which said user is prepared to establish is January 22, 1959 ~~February 2, 1959~~.

CARL E. TAPPAN

State Reclamation Engineer

27747

RECEIVED
JUL 30 1964

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE
Department of Reclamation

(Date) July 28, 1964

(P. O.) Burley, 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 Herald-Bulletin of
Burley, Idaho published in the
county in which the works are situated.

X 
JAMES ANNEST, Attorney for
Henry G. McElhinney

(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

27747

LAW OFFICES OF
ANNEST & HIBBERT
ATTORNEYS AT LAW
1742 OVERLAND AVENUE
POST OFFICE BOX 686
BURLEY, IDAHO

JAMES ANNEST
S. H. HIBBERT

TELEPHONE
678-7783
AREA CODE 208

July 29, 1964

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho

RECEIVED
JUL 30 1964

Department of Reclamation

Re: Henry G. McElhinney, Permit No. G 27747

Dear Mr. Thomas:

Enclosed please find forms 11 and 36 with regard to the above permit in compliance with your letter of July 22, 1964.

Thank you for your reconsideration!

Very truly yours,

ANNEST & HIBBERT

By 
James Annest

JA:rl
Encls.

27747

LAW OFFICES OF
ANNEST & HIBBERT
ATTORNEYS AT LAW
1742 OVERLAND AVENUE
POST OFFICE BOX 686
BURLEY, IDAHO

JAMES ANNEST
S. H. HIBBERT

TELEPHONE
678-7783
AREA CODE 208

September 21, 1964

RECEIVED
SEP 22 1964
Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Attention Mrs. Edna P. Rule, Chief Clerk

Re: Henry G. McElhinney, Permit No. G-27747

Dear Mr. Tappan:

Enclosed are the required depositions for final proof of Completion of Works in the above matter, together with the Affidavit of Publication, as requested in your letter of August 4, 1964.

Yours very truly,

ANNEST & HIBBERT

By James Annest
JAMES ANNEST

rl

Encls - Deposition of Holder & 2 Witnesses
Affidavit of Publication

27747

July 22, 1964

Re: Permit No. G-27747
Henry G. McElhinney

James Annest
Attorney at Law
P. O. Box 686
Burley, Idaho

Dear Mr. Annest:

Enclosed are Forms 36 and 11, which we received June 9, 1964, after the noted permit was cancelled. June 19, we wrote you that a cancelled permit could not be reinstated.

Further consideration has been given to this case. You return the Forms 36 and 11, with proper date shown to make proof and we will issue an order annulling the cancellation. The order will cite your motion for reinstatement. Return the amended forms if you believe that this action would be approved in District Court.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Forms 36 and 11

27747

June 19, 1964

Re: Permit No. G-27747 - Henry C. McElhinney

Attorney General
BUILDING

Attn: Stephen W. Boller

Dear Mr. Boller:

Enclosed herewith is file of cancelled Permit
No. G027747, in the name of Henry G. McElhinney.

In the file you will find:

Motion and Affidavit of James Annes, Attorney,
with Forms 36 and 11.

Order of Cancellation

Precancellation Notice

Notice that the proofs are due.

Correspondence, et.

Kindly give opinion as to whether the cancellation can
be annulled.

This well is in the Goose Creek-Rock Creek Critical
Ground Water Area.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

June 19, 1964

Re: Permit No. G-27747
Henry G. McElhinney

James Annest
Attorney at Law
P. O. Box 686
Burley, Idaho

Dear Mr. Annest:

The Attorney General's office has ruled that a permit cancelled under statutory procedure cannot be reinstated.

The Statutes provide that all decisions of this office may be appealed to the District Court

Enclosed is a photo copy of the order for cancellation.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

27747



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE

ALLAN G. SHEPARD
ATTORNEY GENERAL

RECEIVED
JUN 19 1964
Department of Reclamation

June 19, 1964

Mr. Ralph W. Thomas
Deputy State Reclamation Engineer
BUILDING

Dear Mr. Thomas:

You have asked our opinion as to whether Permit No. G-027747, cancelled on May 27, 1964, can now be reinstated by revocation of the order of cancellation.

In a letter written February 16, 1939 by R. W. Beckwith, Assistant Attorney General, it was the opinion of the Attorney General that once a permit was cancelled after giving the statutory notice and hear, the Department of Reclamation is divested from any further jurisdiction in the matter by the provision for review by the district court.

We see no amendment to the Idaho Code since 1939 which would indicate this opinion should be changed. Therefore, you cannot under applicable law vacate the order of cancellation issued by you on the above permit.

Very truly yours,

FOR THE ATTORNEY GENERAL

STEPHEN W. BOLLER
Assistant Attorney General

SWB/aj

27747

June 9, 1964

Re: Permit No. G-27747
Henry G. McElhinney

James Annest
Attorney at Law
Box 686
Burley, Idaho

Dear Mr. Annest:

Returned herewith are Forms 36 and 11 we received.

Permit No. G-27747 was cancelled May 27, 1964, pursuant to notice dated March 20, 1964, which allowed 60 days within which to show cause why the permit should not be cancelled.

I do not remember details of my conversation with you, however, I don't believe that I promised to stop cancellation of this permit passed the date allowed by the State Statutes.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Forms 36 and 11

27747

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

IN THE MATTER OF CANCELLATION OF PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE
STATE OF IDAHO NO. G-27747

ORDER OF CANCELLATION

WHEREAS, Permit No. G-27747 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit:
Completion of Works & Beneficial Use Proofs which were due February 2, 1964, and

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

WHEREAS, on March 20, 1964 notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before 60 days to show cause why such Permit should not be cancelled, and

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

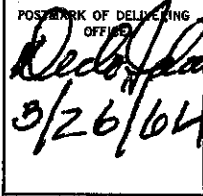
IT IS THEREFORE, hereby ordered that Permit No. G-27747 be and the same is hereby cancelled and held for naught

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department, at Boise, Idaho, this 27th day of May, 1964


State Reclamation Engineer

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$306
(GPO)



Return to Dept. Of Reclm.
Street and Number, (NAME OF SENDER)
or Post Office Box, 107 State House

REGISTERED ARTICLE
Certified 19986
No. Post Office Boise

INSURED PARCEL

No. 16-64072-1 State Idaho
27747

Signature on file in P.O.
RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 _____
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 3-21, 1964

U. S. GOVT PRINTING OFFICE 16-64072-1

27747

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 27747 March 20, 19 64

To Henry G. McElhinney
Declo, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 27747 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to Completion of Works and Beneficial Use Proofs which were Due February 2, 1964

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 27747 is hereby held for cancellation.

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

SAID PERMIT NO. G- 27747 claims the use of 3.2 cubic feet per second of the Subterranean Waters a Well with point of diversion located: SE 1/4 SW 1/4 Sec. 2 Twp. 11 S., Rge. 18 E. S. 4 N. and was approved February 2, 1959.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, the 20th day of March, 19 64.

Carl E. Tappan

State Reclamation Engineer

February 12, 1964

Re: Permit No. G-27747; G-30704
Henry G. McElhinney

James Annest
Attorney at Law
P. O. Box 686
Burley, Idaho

Dear Mr. Annest:

Permit No. G-27747 shows 3.2 c.f.s. from well in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, to irrigate 160 acres in SW $\frac{1}{4}$, Sec. 2, T. 11 S., R. 21 E. Mr. McElhinney obtained patent to this land many years ago as a homestead.

Permit No. G-30704 was filed in connection with D. E. Entry No. 1-013551 for S $\frac{1}{2}$, Sec. 9, T. 12 S., R. 27 E. The entry was closed November 18, 1963 and no appeal has been filed. Completion of the enclosed relinquishment from by Mr. McElhinney would save this office some time and expense in 1967.

Third time is a charm. The matter is closed.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

27747



ATTORNEY AT LAW
1742 OVERLAND AVENUE
BURLEY, IDAHO 83318
AREA CODE 208 PHONE 678-7783
POST OFFICE BOX 686

FEB 12 1964

Department of Reclamation

February 11, 1964

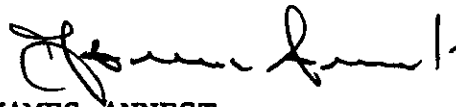
Mr. Ralph Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Dear Ralph:

I hope the third time will be a charm and that this letter will clear up the problem over Mr. McElhinney's well. According to the information furnished me by Mr. McElhinney, permit No. G 27747 is for the desert land entry, which he filed on.

If this is not so, then could you please check to see if the well, which is actually on the desert land upon which he has filed, is in good standing or not, and advise me so that we may proceed with completion of works on the permit stated above.

Yours very truly,



JAMES ANNEST
Attorney at Law

JA:ks

2.245 - PD SESW 2-113-215

in. Sw + Sec 2 - 4

27747

January 15, 1964

Re: Permit No. G-27747
Henry G. McElhinney

James Annest
Attorney at Law
P. O. Box 686
Burley, Idaho

Dear Mr. Annest:

Your letter of January 13th indicates that above noted permit was obtained in connection with a Desert Land Entry.

Our information is that the well has been drilled in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 11 S., R. 21 E.

Kindly check your information.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew



ATTORNEY AT LAW
1742 OVERLAND AVENUE
BURLEY, IDAHO 83318
AREA CODE 208 PHONE 678-7783
POST OFFICE BOX 686

RECEIVED
JAN 14 1964

Department of Reclamation

January 13, 1964

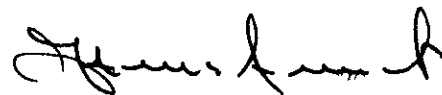
Mr. Carl Tappan
State Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho

Dear Mr. Tappan:

Mr. Henry G. McElhinney of Declo, Idaho has requested that I apply in his behalf for a permit extending the time to make proof on water permit No. G 27747 in the Raft River area for an indefinite time on the ground that the Desert Land Applications for which the permit was obtained is still pending on a motion for reconsideration before the Secretary of Interior.

If there is a proper form to be filled out for the purpose of extending time to make proof, if you will have your office forward the same to me, I will fill it out and return it immediately.

Yours very truly,



JAMES ANNEST
Attorney at Law

JA:ks

27747

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

Boise, Idaho

Re: Permit No. G- 27747

Dec. 2, 1963

Henry G. McElhinney
Declo, Idaho

Dear Mr. McElhinney:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 27747 are due not later than **Feb. 2, 1964**

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

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

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36,

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures Forms 36 and 11

27747

September 13, 1962

RE: Permit No. G-27747
W. G. McElhinney

Harold P. Brown, Farm Loan Appraiser
The Equitable Life Assurance Society
498 Taylor Street
Twin Falls, Idaho

Dear Sir:

In answer to your letter of the 11th regarding the subject reference we report the data below which is taken from records in this office:

1. Permit No. G-27747
2. January 22, 1959 (filing date)
3. 3.2 c.f.s. applied for
4. Completion of Works and Beneficial Use Proofs are both due on or before February 2, 1964
5. No. Land list reads: SW 1/4, Sec. 2, T. 11 S., R. 21 E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

H. Petri
Water Rights Clerk

HP:mr

SEP 17 1962

THE EQUITABLE LIFE ASSURANCE SOCIETY
OF THE UNITED STATES
HOME OFFICE NEW YORK 1, NEW YORK

Department of Reclamation



FARM LOAN SERVICE
BRANCH OFFICE
M. W. CAMPION, LOAN SUPERVISOR
8TH FLOOR, SHERWOOD BUILDING
SPOKANE, WASH.

Sept. 14, 1962

HAROLD F. BROWN
FARM LOAN APPRAISER
498 TAYLOR STREET
TWIN FALLS, IDAHO
PHONE 733-7610

State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Dear Sir:

I am attempting to complete an appraisal of the SW $\frac{1}{4}$ Section 2, Township 11 So., Range 21 E. B. M. in Cassia County for a farm mortgage loan to the title owner, H. G. McElhinney and am in need of certain information about the irrigation well on said land which is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp. 11 S, Rge 21 EBM. If Mr. McElhinney has been issued a permit, or other evidence of water right, he seems unable to find it.

Can you supply me with the following information on this well:

1. Permit (or license) number

G-27747

2. Priority date

3. Amount of water right applied for, or amount licensed if license has been issued for it.

4. If not yet licensed what is present status of the application.

5. Does application indicate use of water on any land other than the SW $\frac{1}{4}$ Sec 2 as described above?

Your assistance and early reply is very much appreciated.

Very truly yours,

Harold F. Brown
Harold F. Brown
Appraiser

G-27747

27747

February 13, 1959

Re: Permit No. G-27747

Mr. Henry G. McElhinney
Declo, Idaho

Dear Mr. McElhinney:

We enclose Permit No. G-27747, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-3844, which was issued covering payment in the amount of \$5.75, for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (2)

27747

north

NAME OF APPLICANT

Henry G McElhinney

Form No. 9

west

Cassia County Idaho
southwest $\frac{1}{4}$ of section 2 T11N R2E B1M

East

55 ft from line
128 ft from center of Road
point of well Division

Permit No. 27747
As of FEB 2 1959
GEO. N. CARTER
State Registration Engineer

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

South

27747



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

January 22, 1959

RECEIVED
JAN 28 1959
Department of Reclamation

Re: Application for Permit

Henry G. McElhinney
Declo
Idaho

Dear Mr. McElhinney:

We have your Application for Permit. Additional information required (question 13) is:

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

Your application will be held pending receipt of the information.

Very truly yours,

Geo. N. Carter
State Reclamation Engineer

RT:nls

January 22, 1959

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Declo
Idaho

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State Reclamation Engineer

RT:nls

2774727

LEGAL NOTICES

64-217

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

Notice is hereby given that at ten A.M. on the 15th day of September 1964, at Burley, County of Cassia, State of Idaho, before JAMES ANNEST, Notary Public, at 1742 Overland Avenue, proof will be submitted of the completion of works for the diversion of 3.2 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G27747, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Henry G. McElhinney, Star Route, Declo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 3.2 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 11 South, Range 21 East of Boise Meridian.

5. The place where said water is used is SW $\frac{1}{4}$, Section 2, Twp. 11 South, Range 21, E.B.M.

6. The date of priority which said user is prepared to establish is January 26, 1959.

CARL E. TAPPAN

State Reclamation Engineer
Published in the Burley Herald-Bulletin August 10, 17, 24, 31, 1964.

27747