

State of Idaho
License and Certificate of Water Right

Water License No. 21181 Amount 0.8 second foot
Water District No. Priority August 5, 1949

THIS IS TO CERTIFY that BERNICE and DAZELL HOWELLS
of Oakley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 5, 1949; that Permit No. 21181
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second foot, was issued thereunder on October 25, 1949, showing that said works
were completed on the 19th day of October, 1949; and that on the 23rd
day of September, 1950,

BERNICE and DAZELL HOWELLS
of Oakley, 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
~~permitted~~(subterranean flow), for the purpose of irrigation
under Use Permit No. 21181 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
8 of Licenses at page 4859, on the 27th day of November, 1951;
The right hereby confirmed dates from August 5, 1949;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 35, Tp. 13 S., R. 22 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 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	22 E.	35	SE 1/4 NW 1/4	40	40

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
27th day of November, 1951.

MARK R. KULP
State Reclamation Engineer

(SEAL)

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

Nº 21181
45-2309

APPLICATION No. 28852
PERMIT No. 21181
DISTRICT No.

Herman E. Bedke, Att'y.
Box 204, Burley, Idaho

1. Name of Applicant: BERNICE & DAZEL HOWELLS
- Postoffice address: Oakley County: Cassia State: Idaho
- I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:
- II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:
2. Quantity of water claimed: 0.8 cubic feet per second.
3. Source of water supply: A well cased in 10" casing. which is a tributary of
4. Location of point of diversion: 160 feet distant from the center
corner of Section 33, T. 13 S., R. 22 E., B.M., and is in the SE 1/4 NW 1/4
of Section 33, T. 13 S., R. 22 E., B.M., County of Cassia
5. Water is to be used for Irrigation
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section
T., R., B.M., in the of Section, T., R., B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section, T., R., B.M., in the
of Section, T., R., B.M.
7. Estimated cost of works: \$ 8,000.00
8. Kind of works: Well, in 10 inch casing.
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume:
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.
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. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 94 shares in the Oakley Canal Co.
This water will be transferred to other lands before final proof of use is submitted.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

BERNICE & DAZEL HOWELLS

Applicant.

By

Bernice Howells

Agent.

Date of first receipt at Department of Reclamation: 2:30 P. M. August 5, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21181

Recorded in Book 76 Page 21181 Approved August 13, 1949

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 13, 1949** 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 13, 1950

The whole of said work to be completed on or before August 13, 1950

Beneficial use of water appropriated in accordance herewith, to be made on or before August 13, 1951

WITNESS My hand this 13th day of August, 1949

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho.

and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 13th

day of August, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By..... C. A. ROBINS

Governor,

By J. D. "CY" PRICE

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13 S.	22 E.	33					40												40
Permit No. 21181 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that BERNICE and DAZEL HOWELLS of Oakley, County of Cassia, and State of Idaho, the holders of Permit No. 21181, issued upon Application No. 28852 bearing date of priority of August 5, 1949, authorizing the diversion of 0.8 second feet of the waters of a well, County of Cassia, State of Idaho, for irrigation purposes, have 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 0.8 second feet of the waters of said well; that the point of diversion of said waters is in the SE$\frac{1}{4}$ NW$\frac{1}{4}$ Section 33, Township 13 South, Range 22 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE$\frac{1}{4}$ NW$\frac{1}{4}$ Section 33, Township 13 South, Range 22 East, B.M. Witness my hand this 25th day of October, A. D. 1949. MARK R. KULP State Reclamation Engineer Proof of Completion of Works made October 19, 1949. Certificate of Completion of Works issued October 25, 1949.																			

UNITED STATES FOR O.R. SEC. 17.

Page 7259

June 11, 1956

Permit No. 21181

Mr. R. L. Nace
Ground Water Branch
U. S. Geological Survey
209 Fidelity Building
Boise, Idaho

Dear Mr. Nace:

Burness Howells of Oakley claims his well, which is the upper well in the valley near Oakley, has reduced in yield and thinks there are too many wells.

I do not find a well in the name of Burness Howells, but do find one in the name of Bernice and Dazel Howells in the SE¹ NW¹, Section 33, Township 13 South, Range 22 East, B. M.

Do you have any information on the current situation near Oakley?

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:cu
CC: Mr. Burness Howells

21181

✓
November 28, 1951

RE: Permit No. 21181

Mr. Herman E. Bedke
P. O. Box 204
Burley, Idaho

Dear Mr. Bedke:

We enclose license and certificate of water right issued under Permit No. 21181, confirming the right of Bernice and Dazell Howells to the use of 0.8 second foot of water from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 South, Range 22 East, B.M., with priority of August 5, 1949, for the irrigation of land in the same subdivision.

We also enclose departmental receipt No. 23975 for the \$2.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21181

HERMAN E. BEDKE

ATTORNEY AT LAW

P. O. BOX 204

BURLEY, IDAHO

PHONE 585

November 26, 1951

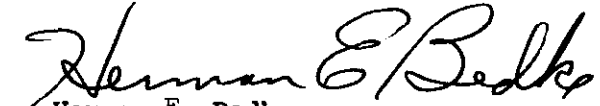
Re: Permit # 21181
Bernice and Hazel Howells

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Please find inclosed my check for \$2.00 to cover the cost
of issueing permit by reason of the final proof of beneficial use.

Yours truly,


Herman E. Bedke

RECEIVED
NOV 27 1951
Department of Reclamation

21181

✓
November 2, 1951

RE: Permit No. 21181

Mr. Herman Bedke
Box 204
Burley, Idaho

Dear Mr. Bedke:

We have on file the report of our field engineer on examination for beneficial use under Permit No. 21181 in the names of Bernice and Dazel Howells.

Therefore, upon receipt of the statutory fee of \$2.00, a license will be issued for 0.8 of a second foot of water from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 South, Range 22 East, B.M., for the irrigation of land in the same subdivision.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21181

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

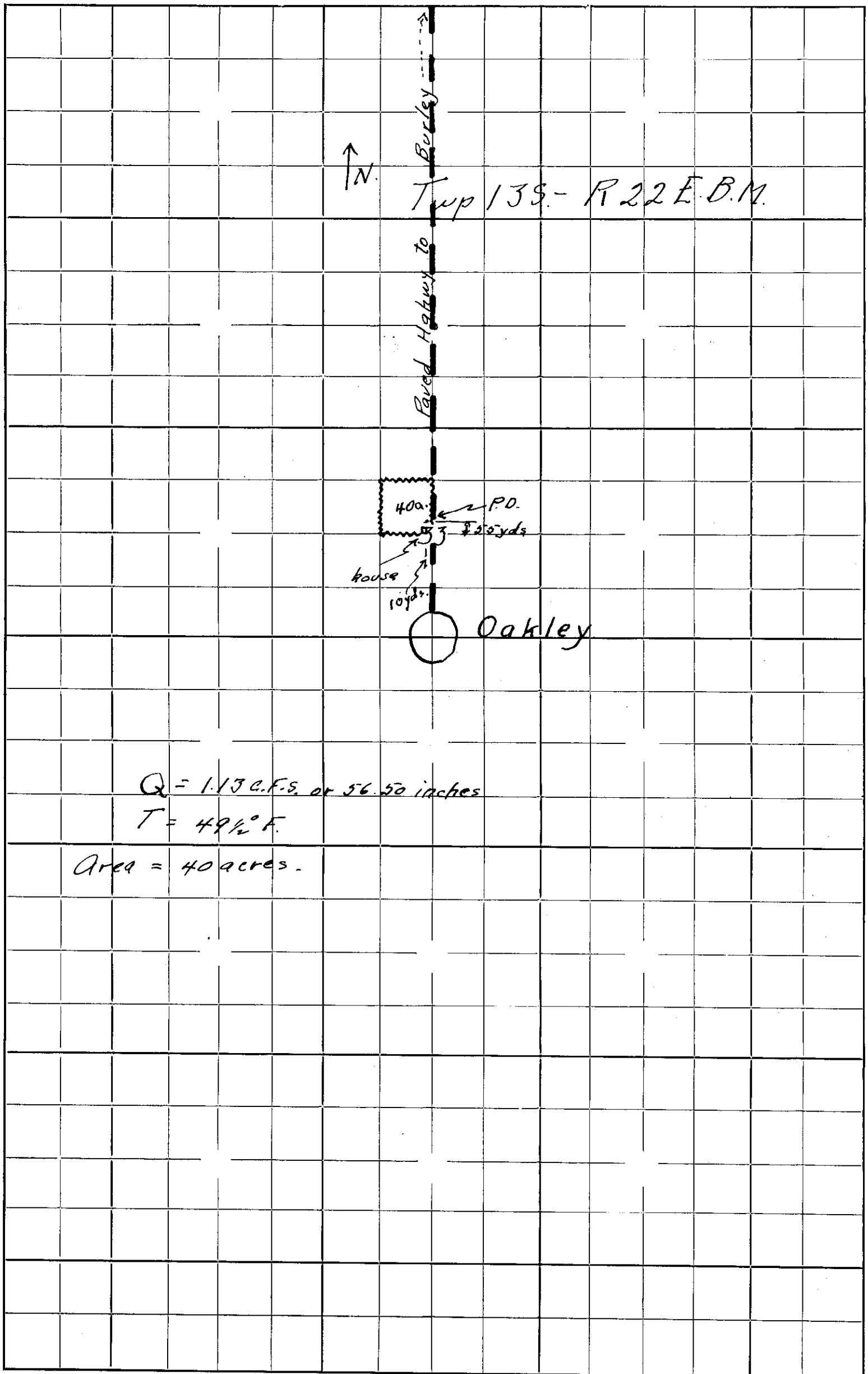
PERMIT NO. 21181

REPORT ON PROOF OF Beneficial use

.8 cfs
Duck

app. 0.8 cfs.

1/72-02201



A. B. switches & controls

Idaho Pwr Meter

240 V. # 19952606

Demand = 2.2 Kw X 10

P.D. = 18 yds to road center
= 55' " N. of fence

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.

Bernice & Dazel Howells
Oakley, Idaho

Permit No. 21181

Examination for Beneficial use

County Cassia

Q = 8 cfs

S = well

P.D. = SE NW S33
135 - 22 E.

for 40 acres

.37' = 1.13 cfs

$\frac{5.5}{56.5}$ inches = Q

$49\frac{1}{2}^{\circ} = T$

RECEIVED
OCT 31 1951

Department of Reclamation

Well = 270' X 10" cased to bottom
h = 23' drawdown to 100'
5 stage 10" bowls
6" column
pump down 135 feet.

Concrete curb 6' X 6'
Pole at SE cor. of curb.

Fairbanks wire motor
25 hp - 3 ph - 60 cy
220 V. 65 amps. 1750 rpm
587071

Fairbanks wire Turbine Pump
AJ 66484

delivery to N. line 6' X 6" into open earth ramps.
ditches lead N.-W.-S.

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

Permit No. 21181

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Bernice & Dazel Howells, Oakley, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33
T. 13 S. R. 22 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Well is 270 feet deep by 10 inches in diameter, cased to the bottom. H. equals 23', draws down to 100'. 5 stage, 10" bowls, 6" column. Pump sets down 135'. There is a concrete curb 6' x 6'. No house or protection. 25 h.p. Fairbanks Morse motor, 220 v., 65 amps, 3 ph., 60 cy., 1750 r.p.m., Serial #587071. Pump is a Fairbanks Morse Turbin #AJ66484. Delivery is to the North through a 6" pipe 26" long, into an open earth sump. (continued below)
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: _____
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 South, Range 22 East, 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: Ditches lead to the North, West and South. Switches and controls are Allan Bradley. Meter is an Idaho Power, 240 volts, #19952606. Demand is 2.2 kw. x 10. Water T. equals 49.5° F. Q. equals 1.13 c.f.s. or 56.50 inches.

This examination was made on the 31st day of July, 19 51

(Signed)

E. J. Humphrey

Examiner.

21181

✓
October 4, 1950

Re: Permit No. 21181

Mr. Herman E. Bedke
Attorney at Law
Burley, Idaho

Dear Mr. Bedke:

We acknowledge receipt of the corrected depositions of the two witnesses, in proof of beneficial use under Permit No. 21181, in the name of Bernice & Dazel Howells.

This completes the proof, but 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 say just when this examination will be made, as this department has but one field engineer, who makes examinations all over the state.

However, he will try and contact the permit holders when he makes the examination, so that arrangements may be made to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

21181

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21181

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. Darwin D Crane, 24, Oakley, Ida, Farmer,
Oakley, Idaho

Ques. 2. Are you acquainted with Bernice & Dozed Havells, the holder of Permit No. 21181? How long have you known him and where does they reside?

Ans. 10 years, Oakley, Idaho

Ques. 3. Have you read or heard read said Permit No. 21181, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Subterranean, open ditches from pump on well
Pl of diversion is in SE 1/4 NW 1/4, Sec 33, Twp 13S, Rge 22 EBM.
Pumps is 100 ft down & electrically operated, well is 275 ft deep
and is cased with 10" casing.

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. .8 cu ft per sec capacity, same has been use

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 40 miner's inches, estimate by sight & comparison
with like amount measured all used, per experience

21181

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, SE 1/4 NW 1/4 Sec 33, Twp 13 S, Rge 22 E BM,
40 acres -

Cultivated crops have been made possible, since prior
water rights have been removed to other lands.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (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. Cultivated lands - .8 cu ft per second of water
is sufficient for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No -

Ques. 11. 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. During 1900 irrigation season 4.0 inches of
water was used on the above land & crops were
grown

(Signed)

Garvin D. Crane

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 23rd day of September,
A. D. 1900.

Herman E. Bedke

Notary Public.

residing at Burley, Ida

My commission expires 6-23-03

21181

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21181

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. Raymond A. Dahlquist, 64, Oakley, Idaho,
Farmer, Oakley, Idaho -

Ques. 2. Are you acquainted with Bernie & Dozel Howells, the holder of Permit No. 21181? How long have you known him and where does he reside?

Ans. Yes, 50 years, Oakley, Idaho

Ques. 3. Have you read or heard read said Permit No. 21181, and are you familiar with its provisions and conditions?

Ans. Yes,

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

Ans. Subterranean, SE 1/4 NW 1/4 Sec 33 Twp 13S-
Rge 22 E 13M. Open ditches from pump on well;
Pump is 100 feet down & electrically operated. Well is 275 ft deep
and is cased with 10" casing -

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. .8 cu ft per sec capacity, & same has been used.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 40 miner's inches, est. by sight & comparison with
like amount measure all based upon experience.

21181

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, SE 1/4 NW 1/4 Sec 33, Twp 13 S, R9 22 E BM
40 acres -
Cultivated crops have been made possible, since prior
water rights have been removed to other lands -

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None -

Ques. 9. (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. Cultivated lands - .8 cu ft per second of
water is sufficient for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No -

Ques. 11. 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. During 1950 irrigation season 40 inches of water
was used on the above land and crops were
grown -

(Signed) Raymond T. Dahlquist

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 23 day of September,
A. D. 1950.

Herman E. Bedke
Notary Public.

residing at Burley, Id.

My commission expires 6-23-53

21181

September 27, 1950

Re: Permit No. 21181

Mr. Herman E. Bedke
Notary Public
Burley, Idaho

Dear Mr. Bedke:

We acknowledge receipt of the depositions of Bernice and Dazel Howells and two witnesses, also Affidavit of Publication in the Oakley Herald; all submitted in Proof of Beneficial Use under Permit No. 21181.

However, the depositions of the witnesses fail to answer Question 4 completely and we return them for correction as follows:

The deposition of Darwin D. Crane should give the legal description of the place of diversion and also give a complete description of the works, which of course would include the well and pump.

The deposition of Raymond A. Dahlquist should also give a more complete description of the works.

We are sending a copy of this letter to the applicants and we request that these corrections be made and the depositions returned promptly to this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

CC: Bernice and Dazel Howells

21181

NOTICE OF PROOF APPLICATION
WATER TO BENEFICIAL U

Notice is hereby given that at 11
M. on the 23rd day of Septem
0, at Burley, County of Cassia
te of Idaho, before Herman
ke, a Notary Public, proof was
mitted of the application to
al use of 0.8 cubic foot per
of the waters of a well in ad
ce with the terms and condi
Permit No. 21181 heretofore
by the Department of Recl
of the State of Idaho.
he name and postoffice ad
he person or corporation ho
permit are Bernice Howells
el Howells of Oakley, C
nty, Idaho.
he use to which said water
applied is irrigation purpo
he amount applied to benef
is 0.8 cubic foot per second.
he place where said water is
NW 1/4 Section 33, Townshi
h, Range 22 East Boise Meri
he name of the canal or ditch
works by which said water
ducted to such place of use
es on the above described la
he right to take water from
is based upon Permit
L.
e source of supply from w
water is diverted is subter
from a well in the SE 1/4 N
on 33, Twp. 13 S., Range 2
e date of priority which
is prepared to establish is
1949. 21181
MARK R. KU
State Reclamation Eng

Affidavit of Publication

I, Charles Brown, being first duly sworn on oath, say:

That I am the publisher and printer of THE OAKLEY HERALD, which
is a newspaper of general circulation in Cassia County, Idaho, and which has
been continuously and uninterruptedly published at said place during a period
of more than 78 consecutive weeks prior to the final publication of

the notice

herein mentioned; that a notice

of which the attached clipping is a copy, was published in the regular issue
of said newspaper for 4 consecutive weeks, to-wit, on

August 24, 31, Sept. 7, 14,
19 50.

Charles Brown.

Subscribed and sworn to before me this 21 day

of, Sept, 19 50

G. H. Larson
Notary Public.

21181

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

Notice is hereby given that at 11:00 A. M. on the 23rd day of September, 1950, at Burley, County of Cassia, State of Idaho, before Herman E. Bedke, a Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic foot per second of the waters of a well in accordance with the terms and conditions of Permit No. 21181 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bernice Howells and Daniel Howells of Oakley, Cassia County, Idaho.

The use to which said water has been applied is irrigation purposes.

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

The place where said water is used is SE 1/4 NW 1/4 Section 33, Township 13 South, Range 22 East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is ditches on the above described land.

The right to take water from such works is based upon Permit No. 21181.

The source of supply from which such water is diverted is subterranean, from a well in the SE 1/4 NW 1/4 Section 33, Twp. 13 S., Range 22 E., B.M.

The date of priority which said user is prepared to establish is August 5, 1949.

21181
MARK R. KULP
State Reclamation Engineer
First publication August 24, 1950.
Fourth publication Sept. 14, 1950

Affidavit of Publication

I, Charles Brown, being first duly sworn on oath, say:

That I am the publisher and printer of THE OAKLEY HERALD, which is a newspaper of general circulation in Cassia County, Idaho, and which has been continuously and uninterruptedly published at said place during a period of more than 78 consecutive weeks prior to the final publication of the Notice

herein mentioned; that a notice

of which the attached clipping is a copy, was published in the regular issue of said newspaper for 4 consecutive weeks, to-wit, on

August 24, 31, Sept. 7, 14,
19 50.

Charles Brown.

Subscribed and sworn to before me this 21 day
of Sept., 1950.

E. H. Larson
Notary Public.

21181

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 26 1950
Department of Reclamation

Permit No. 21181

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Bernice Howells & Dozel Howells, Oakley, Idaho
Farmer, Oakley, Idaho

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. Acting for self

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

Ans. 21181, Aug 13, 1949, Aug 5, 1949.

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

Ans. Subterranean, SE 1/4 NW 1/4 Sec 33, Twp 13 S.
Rg. 22 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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. 10 in casing well, 270 feet deep, water level 190 feet.
of use - Can convey 4.2 inches. Pump is used.
discharge .8 cubic ft per sec. tested by drillers by pumping
through orifice.

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. Irrigation, SE 1/4 NW 1/4 Sec 33, Twp 13 S. Rg 22 E B.M.
4.2 acres

Cultivated crops have been made possible since
prior water rights have been removed to other lands.

21181

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

Ans. None

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

Ans. 1.8 cu ft per sec -

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. original permit holder -

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

Ans. During 1950 irrigation season 40 inches of water was used on the above lands and crops were grown -

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. 90 shares of Oakley Canal Co which was used prior has been transferred & 4 shares retained for preservation of ditch rights, but water does not reach land to be used, this water appropriated under this permit is all water now used on the land.

(Sign) Bernice Towell

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 23rd day of September, A. D. 1950.,

My commission expires 6-23-53

Herman E. Bedke
Notary Public
residing at Burley, Idaho

August 19, 1950

Re: Permit No. 21181

Oakley Herald

Oakley, Idaho

Gentlemen:

Reference is made to notice sent you on August 17th, Proof of Beneficial Use on Permit No. 21181, in the name of Bernice Howells and Dazel Howells.

Please make a correction in the last line of this notice, which should read as follows:

"The date of priority which said user is prepared to establish is August 5, 1949."

Through an error in the copy this date was given as September 15, 1949.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

CC to Herman E. Bedke.

21181

✓
August 19, 1950

Re: Permit No. 21181

Mr. Herman E. Bedke
P. O. Box 204
Burley, Idaho

Dear Mr. Bedke:

In reply to your letter of August 18th,
in regard to date for beneficial use under the
above numbered permit.

I'm sorry- I must have looked at the
date wrong, or looked at the wrong date.

Enclosed is copy of letter we are
today sending to the Oakley Herald, correcting
the error, and setting the original priority
date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk.

Encl.

21181

HERMAN E. BEDKE

ATTORNEY AT LAW

P. O. BOX 204

BURLEY, IDAHO

August 18, 1950

PHONE 585

RECEIVED
AUG 19 1950
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Permit No. 21181

Gentlemen:

Your letter of the 17th is at hand and noted. In this letter you state that the beneficial use was due on or before August 13, 1950 and consequently are changing the date of priority. According to the permit which I have the Proof of Beneficial Use is due August 13, 1951, and we are making proof nearly a year ahead of schedule. The Proof of Completion was due on August 13, 1950, and that has already been made.

Please advise about stopping the publication and correcting it.

Yours truly,

Herman E. Bedke
HERMAN E. BEDKE

21181

✓
August 17, 1950

Re: Permit No. 21181

Mr. Herman E. Bedke
P. O. Box 204
Burley, Idaho

Dear Mr. Bedke:

We have sent to the Oakley Herald, copy of Notice of Beneficial Use Proof to be made under Permit No. 21181 in the name of Bernice and Dazel Howells, before you as Notary Public, on September 23, 1950, with instructions to publish it once a week for four consecutive weeks prior to that date, and to send the Permit Holders the Affidavit of Publication, together with statement of costs.

We have had to make one change in the notice as to the priority date. The original filing was on August 5, 1949 and Beneficial Use Proof was due on or before August 13, 1950. The priority date will therefore be one month and 10 days later than the original priority, or the length of time between the date the proof was due and the date actually made, or September 15, 1950.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

P.S. We enclose the forms of deposition to be used in making this proof, and at the time set, the applicants should appear before you, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder, for the purpose of executing the depositions.

21181

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21181

Date: August 17, 1950

Oakley Herald

Oakley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **September 23, 1950** the date set for proof, the expense of the publication to be paid by the applicant, **Bernice & Dazel Howells, Oakley, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

21181

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

Notice is hereby given that at 11:00 A. M. on the 23rd day of September, 1950,
at Burley, County of Cassia, State of Idaho, before
Herman E. Bedke, a Notary Public, proof will be submitted of the
application to beneficial use of 0.8 cubic feet per second of the waters of a well
in accordance with the terms and conditions of Permit No. 21181
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Bernice Howells and Dazel Howells of Oakley, Cassia County, Idaho.

The use to which said water has been applied is irrigation purposes.

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

The place where said water is used (if for irrigation give full and accurate description of the
~~lands irrigated~~ SE 1/4 NW 1/4 Section 33, Township 13 South, Range 22 East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is ditches on the above described land.

21181

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

subterranean, from a well in the

The source of supply from which such water is diverted is _____

SE 1/4 NW 1/4 Section 33, Twp. 13 S., Range 22 E., B.M.

The date of priority which said user is prepared to establish is September 15 1949 ⁸⁻⁵⁻⁴⁹

MARK R. KULP

State Reclamation Engineer.

21181

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)..... August 11, 1950
(P. O.)..... Oakley, 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
Oakley Herald of Oakley, Cassia Co., Idaho published in
the county in which the works are situated.

Bernie Howells

(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.

21181

✓
October 27, 1949

Re: Permit No. 21181

Mr. Herman E. Bedke
Attorney at Law
P. O. Box 204
Burley, Idaho

Dear Mr. Bedke:

We enclose Certificate of Completion of Works issued under Permit No. 21181 in the name of Bernice and Dezel Howells, for the diversion of 0.8 second foot of water from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 South, Range 22 East, B.M. for the irrigation of land in the same subdivision.

We also enclose Departmental Receipt No. 21876 for the \$5.00 fee in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21181

SNOW BUILDING
1321 OAKLEY AVE.

HERMAN E. BEDKE
ATTORNEY-AT-LAW
PHONE 585
October 24, 1949

P. O. BOX 204
BURLEY, IDAHO

Re: Permit No. 21181

Department of Reclamation
State House
Boise, Idaho

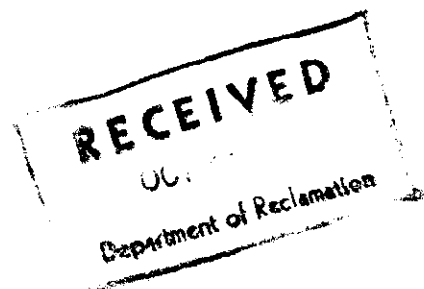
Gentlemen:

Find inclosed a check by Bernice Howells in payment for
filing Proof of Completion of Works on permit No. 21181.

The failure to remitt was my fault and not the permit
holders. I had searched the Idaho Code but had overlooked
this fee.

Sincerely,

Herman E. Bedke
Herman E. Bedke



21181

✓
October 21, 1949

Re: Permit No. 21181

Mr. Herman E. Bedke
P. O. Box 204
Burley, Idaho

Dear Mr. Bedke:

We acknowledge receipt of your letter of October 20, 1949, enclosing Proof of Completion of Works under Permit No. 21181 in the name of Bernice and Dazel Howells. However, the \$5.00 statutory fee was not enclosed.

In reply to your request to send the next forms necessary, we understand that the permit holders wish to make Beneficial Use Proof under this Permit. The Statutes require publication in a county newspaper once a week for four consecutive weeks, prior to the date set for proof. This notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom the proof is to be made. The date, of course, should be set sufficiently far ahead to allow for the four weeks publication, and both copies of Form 10 are to be returned to this Department, together with Form 11 which is authorization for us to have the notice published at permit holder's expense, in the designated newspaper. We shall then send a copy of the notice to the newspaper with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

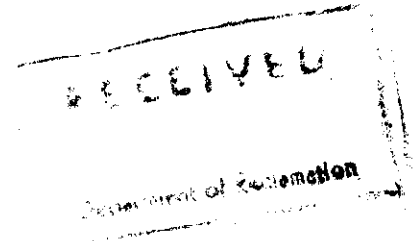
21181

SNOW BUILDING
1321 OAKLEY AVE.

HERMAN E. BEDKE
ATTORNEY-AT-LAW
PHONE 585

P. O. BOX 204
BURLEY, IDAHO

October 20, 1949



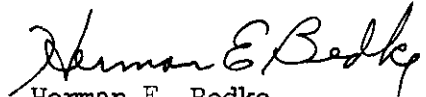
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Sir:

Please find inclosed affidavit of Bernice Howells of
Proof of Completion of Works on Permit No. 21181.

Please send the next forms necessary .

Sincerely,


Herman E. Bedke

Bernice & Doyle

21181

Permit No. 21181

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

ss.

Bernice Howells, 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. 21181, and that his postoffice address is Oakley State of Idaho

Second: That the name of the stream ^{FROM} which said water is to be ^{DIVERTED} ~~diverted~~ is Subterranean water.

Third: That the point of diversion of said water is 150 feet North of and 40 feet West of the center of Sec. 33 T13 S Rn 22 EBM lying in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 13, 1950.

Fifth: That the use for which said water is intended is irrigation.

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

I. Kind of works: A well 270 feet deep.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: 10 inch casing.
(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

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

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

Seventh: That said works are capable of conducting to the place of intended use 0.8 second feet of water.

Eighth: That water appropriated under said permit is available for forty (40) acres of land described as follows: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33, Township 13 South of Range 22 East Boise Meridian, County of Cassia,

Ninth: Remarks: That an appropriate electric pump is installed.

Bernice Howells
(Sign Here)

Subscribed and sworn to before me this 19th day of October, 1949

My commission expires June 23, 1953

Herman E. Bedke

Notary Public.

21181

11/18

August 18, 1949

Re: Permit No. 21181

Mr. Herman E. Bedke
Box 204
Burley, Idaho

Dear Mr. Bedke:

We enclose Permit No. 21181 in the name of Bernice and Dazel Howells and direct 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. 21181 for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

21181

Township 13 South Range 22 E B M.

29

28

27

32

WELL
33

34

Permit Map No. 21181

As Approved

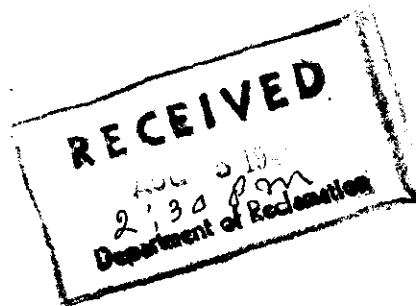
AUG 13 1948
MARK R. KULP

SNOW BUILDING
1321 OAKLEY AVE.

HERMAN E. BEDKE
ATTORNEY-AT-LAW
PHONE 585

P. O. BOX 204
BURLEY, IDAHO

August 4, 1949



Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Please find inclosed the application for permit to appropriate the public waters of the State of Idaho and the filing fee of \$5.00, of Bernice & Dazel Howells. They have retained me to handle this matter and therefore it is requested that further communications to this matter be addressed to me.

Your cooperation in the above matter will be appreciated.

Sincerely,

Herman E. Bedke
Herman E. Bedke

21181

July 20, 1949

Bernice Howells
Oakley, Idaho

Dear Madam:

In reply to your telephone request, we enclose a form of application for permit to appropriate the public waters of the State of Idaho, together with regulations and instructions in regard to filing same.

This form is used for filing on subterranean water from a well the same as from any other source. The point of diversion called for under Question 4 should be the legal subdivision in which the well is located.

When this application is approved, it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application. In order to complete your water right, two proofs are required as follows:

First, proof of completion of works which is made by affidavit before a Notary Public. The time required for making this proof should be stated under Question 12 in the application.

The final proof is made when the water has been completely applied for irrigation or whatever purpose it is intended. Notice of such proof must be published for four consecutive weeks in a county newspaper at your expense and at the time set for proof, depositions are to be executed by yourself and two witnesses in proof of such beneficial use. The additional time required for making this proof should be stated under Question 13 of the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:dh

Enc.

21181