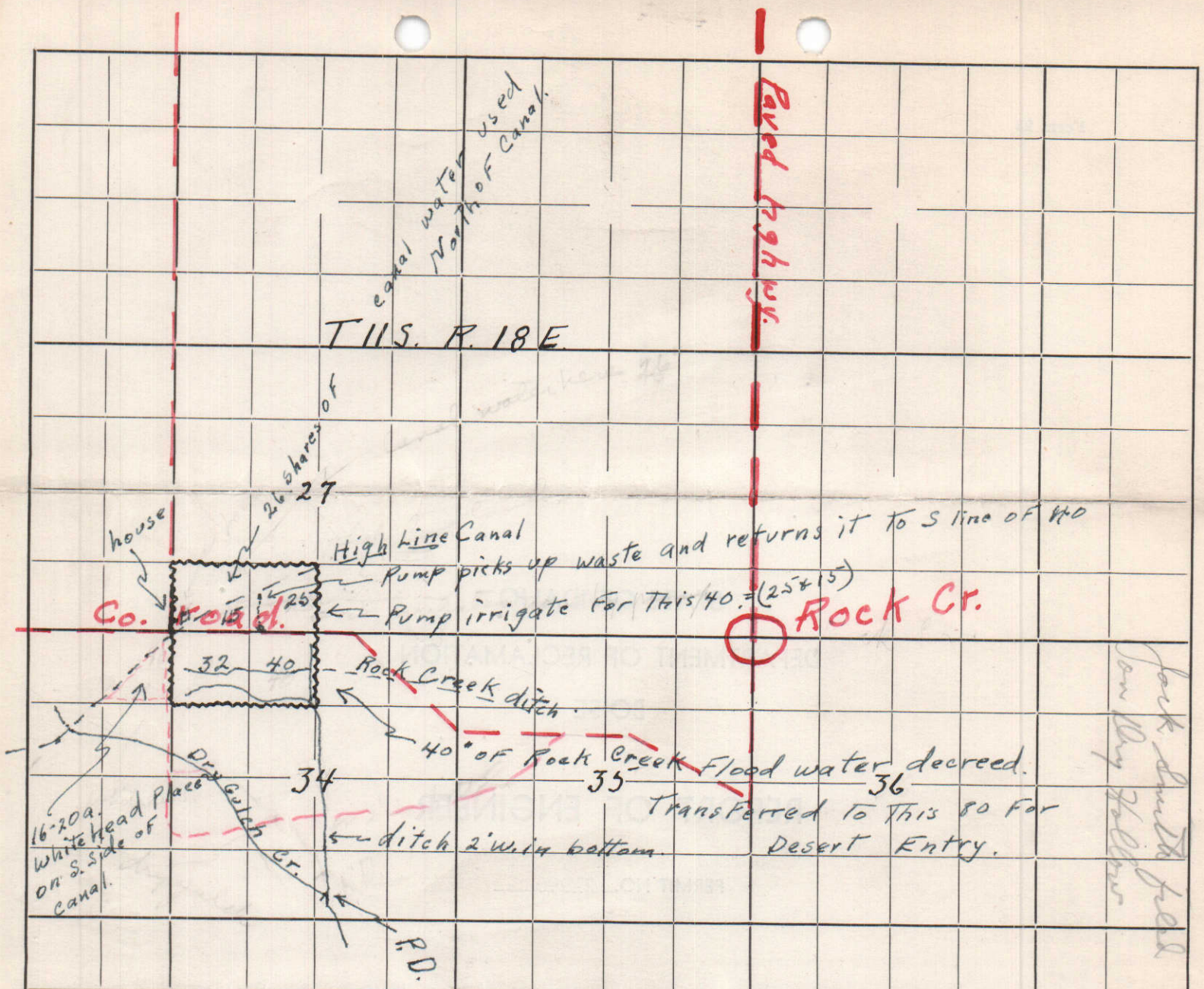




Area = S 27, SW⁴SW⁴ = 15⁻
 SE⁴SW⁴ = 25⁻
 S 34, NW⁴NW⁴ = 32
 NE⁴NW⁴ = 40
 112 acres.

P.D. = SW⁴SE⁴ of S 34.

Wants a reservoir check up
 thru Small Projects Investigation

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

N^o 4134

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 15th day of January, 1952, at Twin Falls, County of Twin Falls, State of Idaho, before W. O. Smith, Notary Public, proof will be submitted of the application to beneficial use of Two cubic feet per second of the waters of Dry Gulch, a tributary of Rock Creek in accordance with the terms and conditions of Permit No. 21996 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. A. Bean, Route No. 2, Kimberly, Idaho.

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

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

The place where said water is used is the entire S $\frac{1}{2}$ SW $\frac{1}{4}$ Section twenty-seven (27) Township Eleven (11) South, Range Eighteen (18) E. B. M. and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M. Situated in Twin Falls County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is not named, privately constructed.

The right to take water from such works is based upon Permit No. 21996.

The source of supply from which such water is diverted is from Dry Gulch, a tributary of Rock Creek, located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M.

The date of priority which said user is prepared to establish is March 22, 1951.

MARK R. KULP,

State Reclamation Engineer

Publish: Dec. 20, 27, 1951. Jan. 3, 10, 1952

I, Lisa Molony, being first duly sworn upon oath depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Thursdays, commencing with the issue dated December 20, 1951, and ending with the issue dated

January 10, 1952.

And I do further certify that said newspaper is a consolidation, effective Feb. 16, 1942, the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily paper except Saturday, under said name in said city and county continuously, and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this 10th day of

January, 1952

Al Winters
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

21996

NAME OF APPLICANT

R. Bean,

Form No. 0

Twp. 11.5. R. 18.E.

27

34

Point of Diversion,

21996
Permit Map No. ~~21096~~
As Approved
MAR 24 1951
MARK R. KULP
State Reclamation Engineer

State of Idaho

License and Certificate of Water Right

Water License No. 21996Amount Two second feet

Water District No.

Priority March 22, 1951

THIS IS TO CERTIFY that R. A. BEAN
 of Kimberly, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 22, 19 51; that Permit No. 21996
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Two second feet, was issued thereunder on July 25, 19 51, showing that said works
 were completed on the 17th day of July, 1951; and that on the 15th
 day of January, 1952,

R. A. BEAN

of Kimberly, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Dry Gulch
, a tributary of Rock Creek, for the purpose of irrigation
, under Use Permit No. 21996 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 5015, on the 4th day of November, 1952;

The right hereby confirmed dates from March 22, 19 51;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 34, Tp. 11 S., R. 18 E., B.M. Twin Falls 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 Two (2) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
11 S.	18 E.	27	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	25	
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	15	
		34	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40	
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	32	
			Number of Acres Actually Irrigated - -			

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
4th day of November, 19 52.

MARK R. KULPState Reclamation Engineer

(SEAL)

SCANNED

JAN 22 2002

45-2367

47-2541

State of Idaho

License and Certificate of Water Right

Water License No. 20178

Amount 0.75 second foot

Water District No.

Priority September 17, 1947

THIS IS TO CERTIFY that ALICE I. WILLHITE
of Murteugh, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 17, 1947; that Permit No. 20178
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.1 second feet, was issued thereunder on March 16, 1950, showing that said works
were completed on the 28th day of February, 1950; and that on the 25th
day of January, 1951,

ALICE I. WILLHITE

of Murteugh, 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
~~at Murteugh~~ (subterranean flow), for the purpose of irrigation and domestic
use, under Use Permit No. 20178 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 5016, on the 4th day of November, 1952;

The right hereby confirmed dates from September 17, 1947;

The Point of Diversion is located in Lot 2

~~in the~~ ~~1/4~~ ~~1/4~~, Sec. 30, Tp. 11 S., R. 20 E., B.M. Twin Falls 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 0.75 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	20 E.	30	Lot 1 Lot 2	77.56) 77.68)	80

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
4th day of November, 1952.

(SEAL)

MARK R. KULP

State Reclamation Engineer

N^o 21996
45-2367

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

APPLICATION No. 29722
PERMIT No. 21996
DISTRICT No.

1. Name of Applicant: R. A. BEAN

Postoffice address: Route 2, Kimberly

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Two (2)

cubic feet per second.

3. Source of water supply: Dry Gulch

which is a tributary of Rock Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 34 , T.11 S. , R.18 E. , B.M., County of Twin Falls

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: \$ 125.00

8. Kind of works: Ditch

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 2 feet; width at water line 5 feet; depth of water 1 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 Completed years.

13. The time required for the complete application of the water to the proposed use is Three (3)

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: Rock Creek decreed right of 40 inches; and 25 inches Twin Falls Canal Co.

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.

R. A. BEAN Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M. March 22, 1951

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21996

Recorded in Book 78 Page 21996 Approved March 24, 1951

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 _____ Completed _____ 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

The whole of said work to be completed on or before June 24, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before June 24, 1954

WITNESS My hand this 24th day of March, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, 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 24th
day of March, 19 51

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

Secretary of State.

STATE OF IDAHO

By **LEN JORDAN**

Governor.

REMARKS: Supplemental to existing water rights.

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 $\frac{1}{4}$	
11 S.	18 E.	27 34					40	40					40	40					80 80 160
Total Number of Acres to be Irrigated -																			
Permit No. 21996																			
CERTIFICATE OF COMPLETION OF WORKS																			
To All Whom It May Concern:																			
This is to certify that R. A. BEAN of Route 2, Kimberly, County of Twin Falls, and State of Idaho, the holder of Permit No. 21996, issued upon Application No. 29722 bearing date of priority of March 22, 1951, authorizing the diversion of Two (2) second feet of the waters of Dry Gulch, a tributary of Rock Creek, County of Twin Falls, 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 diversion is adequate for diverting and conveying to the place of intended use Two (2) second feet of the waters of Dry Gulch, at the point of diversion of said waters is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M. and the waters proposed to be irrigated by the use of said water are described as follows, to-wit: S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34; Township 11 South, Range 18 East, B.M.																			
Witness my hand this 25th day of July, A. D. 1951.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made July 17, 1951.																			
Certificate of Completion of Works issued July 25, 1951.																			

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21996.

Comes now R. A. Bean and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21996.

That the point of diversion is described in said permit as being located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Twp. 11 S., Range 18 E., B.M.

That he now requests that the point of diversion be changed to a point located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Twp 11 S., Range 18 E., B.M.

That his reasons for desiring to make such change are as follows: There was an error made in the original application and permit.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at this 8 day of Sept. 1952.

R. A. BEAN

Date of receipt at Department of Reclamation Sept. 10, 1952.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21996. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 2.0 SEC. FT.

p. 5015

November 12, 1952

RE: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

We return your application for amendment to Permit No. 21996, which has been approved by the State Reclamation Engineer and recorded in this department.

We also enclose License and Certificate of Water Right issued under Permit No. 21996, confirming your right to the use of 2 second feet of water from Dry Gulch, tributary to Rock Creek, with priority of March 22, 1951, and point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M., for irrigation of land in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M.

We also enclose departmental receipt No. 25051 for the \$8.00 fee paid in connection with proof of beneficial use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

SCANNED

JAN 22 2002

21996

October 22, 1952

RE: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

We enclose copy of order dismissing protests in connection with issuance of license on your Permit No. 21996.

Therefore, upon receipt of the statutory fee of \$8.00, which is at the rate of \$2.00 for each 40 acre subdivision in which the land is located, a license will be issued in accordance therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

21996

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of)

Hudson W. Brown and)
W. Z. Whitehead)

DISMISSAL OF PROTEST

against the issuance of License)
to R. A. Bean under Permit No. 21996.)

The protests of Hudson W. Brown and W. Z. Whitehead against the issuance of a license to R. A. Bean under Permit No. 21996, issued by the Department of Reclamation of the State of Idaho, are hereby dismissed, and license will be issued to R. A. Bean for Two (2) cubic feet per second of the waters of Dry Gulch, a tributary of Rock Creek, with point of diversion in the SW₁ SE₄ Section 34, Township 11 South, Range 18 East, B.M., and appurtenant to 15 acres in the SW₁ SW₄, and 25 acres in the SE₁ SW₄ Section 27, and 32 acres in the NW₁ NW₄, and 40 acres in the NE₁ NW₄ Section 34, all in Township 11 South, Range 18 East, B.M., with a priority of March 22, 1951, for the following reasons:

1. All the requirements of law have been satisfied under Permit No. 21996; and
2. That the license will be subsequent to all existing rights.

Either party feeling himself aggrieved by this decision, may appeal to the District Court as outlined in Section 42-224, Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 22nd day of October, 1952.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of

Hudson W. Brown and
W. Z. Whitehead

against the issuance of License
to R. A. Bean under Permit No. 21996.

DISMISSAL OF PROTEST

The protests of Hudson W. Brown and W. Z. Whitehead against the issuance of a license to R. A. Bean under Permit No. 21996, issued by the Department of Reclamation of the State of Idaho, are hereby dismissed, and license will be issued to R. A. Bean for Two (2) cubic feet per second of the waters of Dry Gulch, a tributary of Rock Creek, with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M., and appurtenant to 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 25 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, and 32 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, all in Township 11 South, Range 18 East, B.M., with a priority of March 22, 1951, for the following reasons:

1. All the requirements of law have been satisfied under Permit No. 21996; and
2. That the license will be subsequent to all existing rights.

Either party feeling himself aggrieved by this decision, may appeal to the District Court as outlined in Section 42-224, Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 22nd day of October, 1952.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

October 22, 1952

RE: Permit No. 21996

Mr. Clifford E. Fix
Fidelity Bank Building
Twin Falls, Idaho

Dear Mr. Fix:

We enclose herewith copy of order dismissing the protests of Messrs. Hudson W. Brown and W. Z. Whitehead, against the issuance of a license to Mr. R. A. Bean under Permit No. 21996.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

21996

September 4, 1952

RE: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

It will be necessary for you to furnish this department with an application for amendment to the point of diversion under Permit No. 21996, to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M.

We enclose the form of application for amendment herewith which you may sign and return to this department for approval and record, after which license can be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg
Enc.

21996

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

Permit No. 21996This proof is for Beneficial use In Water District No. _____1. Name of applicant R. A. Bean, Route 2, Kimberly, Idaho2. Source of water supply: Dry Gulch, a tributary of Rock Creek3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34T. 11 S. R. 18 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: This is a flood water use out of Dry Gulch good up to between June 10 and July 1st. Most of the ~~run off occurs~~ before the water is needed. Ditches have plenty of slope and are of ample size to carry the water. Mr Bean says that he has a flood right of 40 inches decreed out of Rock Creek. Also that the protestant has a similar right for 25 inches from Rock Creek.

The point of diversion as filed on is wrong. F. D. is actually in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ y x

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):

S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34;Township 11 South, Range 18 East, B. M.See map

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

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

Remarks: Protestant Mr. W. Z. Whitehead says that water was filed on years ago from this same stream for his place by Jack Smith. States further that he would not mind a fair division of the water with Mr Bean, but does not want Bean to have it all when it gets down to ~~pay~~ 20 inches. Whitehead place also uses a recirculation of the waste water and canal seepage.

Mr Bean wants a reservoir site surveyed by Small Projects on this stream just where it emerges from the canyon. Says a man named ~~Brown~~ ^{Butler} has a filing up stream about three miles from this and is willing to turn it over to him; but he is more interested in the lower site.

Says that he has wasted \$15 000 sinking wells and getting dry holes.Says that other place has used Dry Gulch water longer than his place has.This examination was made on the 15th day of April, 19 52

(Signed)

E. J. Humphrey
Examiner.

21996

Mr. Bean has 40" of Rock Cr. flood water (decreased) to S 34 W 27
Transferred same to S. 80 Decent Claim.

Aug 25-52

Talked to Whitehead in
H. S. Royal Tire Shop today
at noon. He says "don't
need to push the protest
as Beans have the 40
acre above me and they
have a prior right to
Dry Cr. ahead of Bean".

Says he has a right
in Rock Creek and that
he pumps the seepage
water from the canal,
but that he has no
canal right.

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.

R. A. Bean

Rt. 2, Kimberly, Idaho

Permit No. 21996

Examination for Beneficial use

County Twin Falls

S 27 34. 11 S. 18 E

Q = 2 cfs

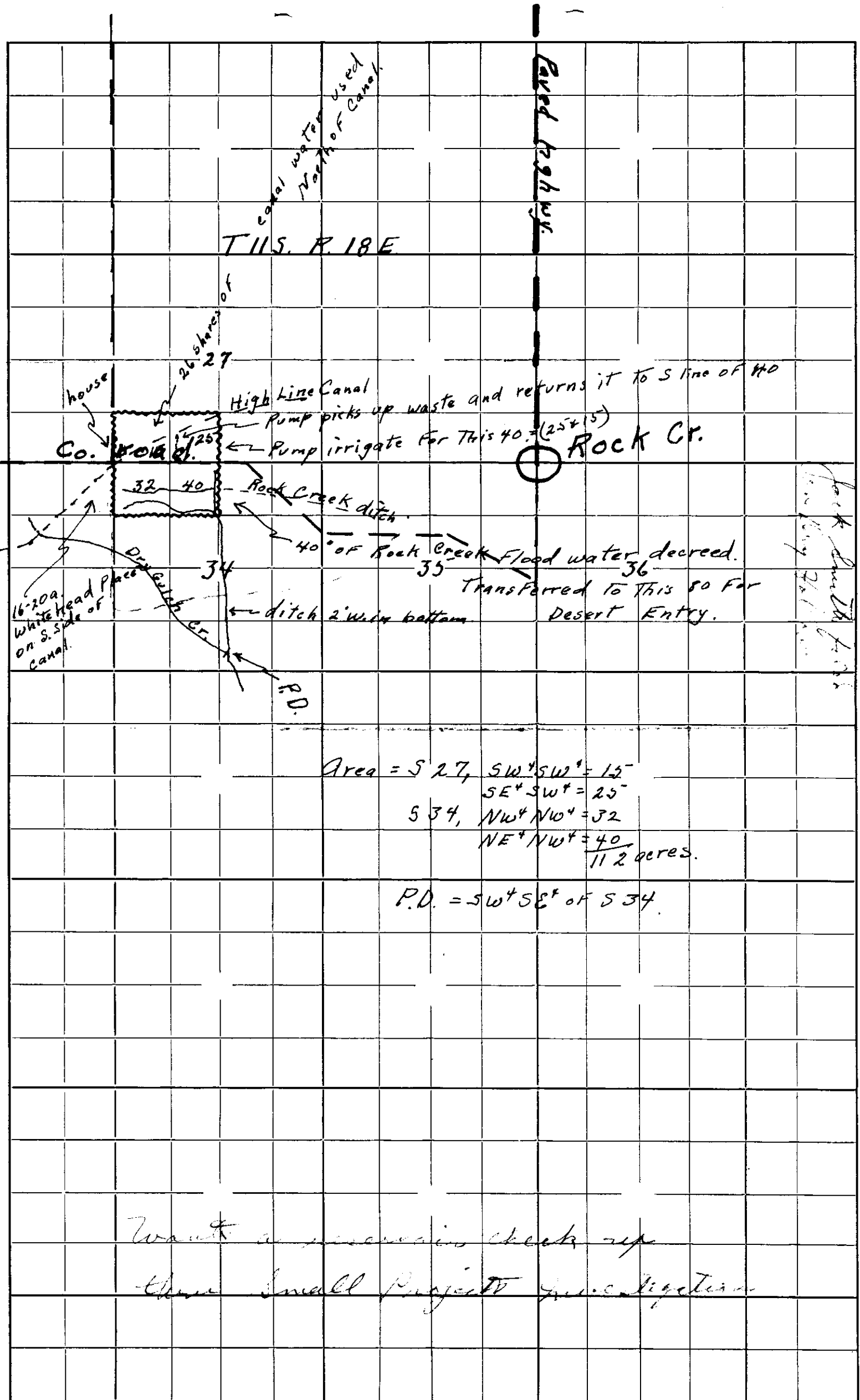
S = Henry Gulch, into Rock Cr
Spring.

V.D. - SW SW S 34. 11 S. 18 E.

Area = 160a.

Permit, Mar 22-51

R. A. Bean Jr. 54



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21996

REPORT ON PROOF OF Beneficial use

R. A. BEAN, Route 2, Kimberly, Idaho

Have 26" of canal water for land on N. side of canal
in S. 27.

Pump for land between Sec. line and canal.

app. 2 cfs

112 acres
4-40's

✓
April 12, 1952

RE: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

An inspection by a representative of this department is required by law before a license can be issued on any permit.

I intend to make inspection covering your Permit No. 21996 on Tuesday, April 15, 1952.

Will you please plan to accompany me on the inspection or have someone who is thoroughly familiar with the point of diversion or place of use accompany me in case you will be unable to do so.

I expect to be at your place in the afternoon.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21996

✓
✓
Re: Permit No. 21996

January 17, 1952

Mr. R. A. Bean,
Route 2
Kimberly, Idaho

Dear Mr. Bean:

We have received from Mr. W. O. Smith, Notary Public, the depositions of yourself and two witnesses, also affidavit of publication in the Twin Falls Times-News, all submitted in proof of beneficial use under Permit No. 21996.

We are also in receipt of a protest from Hudson W. Brown and William Z. Whitehead against the issuance of a license under this permit, in which they claim that this would seriously prejudice their prior appropriations from Dry Gulch, which they and their predecessors have used continuously for the past thirty years.

Before any action is taken in the matter a field inspection will be made by an engineer from this department, and the entire matter given careful consideration.

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

Very truly yours,

MARK R. KULP

STATE RECLAMATION ENGINEER

21996



W. O. SMITH
REAL ESTATE, LOANS, INSURANCE & BONDS
126½ MAIN AVENUE, SOUTH
TWIN FALLS, IDAHO
Telephone 139



January 16, 1952

Department of Reclamation,
State House
Boise, Idaho

RECEIVED
JAN 17 1952
Department of Reclamation

Gentlemen:

Enclosed you will please find the Proof of Application of Water to Beneficial Use by R. A. Bean also the deposition of Frank Bower and Wilbur Butler as witnesses to same.

The above named three were in my office yesterday at which time I read the questions to them and put down their answers.

I am also enclosing Affidavit of Publication.

Yours very truly

W. O. Smith
Notary Public

21996

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 4134

NOTICE OF FIRST AFFIDAVIT OF PUBLICATION

Notice is hereby given that at 10:00 A. M. on the 12th day of January, 1952, at Twin Falls, County of Twin Falls, State of Idaho, before W. O. Smith, Notary Public, there will be publication of the application to beneficial use of two cubic feet per second of the waters of Dry Gulch, a tributary of Snake Creek, in accordance with the laws and provisions of Permits No. 11892 heretofore issued by the State Department of Water of the State of Idaho.

The name and protected status of the person of application having said permit are R. A. Smith, Route No. 1, Kimberly, Idaho.

The canal which said water has been applied to irrigation.

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

The place where said water is used is the entire S1/4, SW1/4 Section Twenty-seven (27) Township Eleven (11) South, Range Eighteen (18) E. B. M. and the NW1/4, NW1/4 of Sec. Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M. situated in Twin Falls County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is not named, privately constructed.

The right to take water from said works is under Permits No. 11892.

The return of said water which said water is to be used for Dry Gulch, a tributary of Snake Creek, located in the NW1/4, NW1/4 of Sec. (34) Township Eleven (11) South, Range Eighteen (18) E. B. M.

The date of priority which said water is required to be used is March 22, 1901.

W. O. SMITH, Notary Public.
State Department Register
Publish: Dec. 22, 1951, Jan. 2, 1952

I, Lisa Moloney, being first duly sworn upon oath depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Thursdays, commencing with the issue dated December 20, 1951, and ending with the issue dated January 10, 1952

And I do further certify that said newspaper is a consolidation, effective Feb. 16, 1942, the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily paper except Saturday, under said name in said city and county continuously, and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Lisa Moloney
Subscribed and sworn to before me this 10th day of January, 1952
Al Westengen

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho.

21996

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21996

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. R. A. Bean, R. F. D. 2 Kimberly, Idaho, Occupation Farming
Kimberly, 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. no corporation

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

Ans. 21996 dated March 22, 1951 same date

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

Ans. Dry Gulch a tributary of Rock Creek located in the SW Quarter of SW Quarter Section Thirty-four, Township Eleven South, Range Eighteen E. B. M. Twin Falls County, State of Idaho

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. A ditch two feet wide and $4\frac{1}{2}$ feet deep about one half mile long to the corner of the North one half of the Northwest Quarter of Section 34, Township Eleven South, Range 18 E. B. M. Amount of water 2 cubic feet per second. Ditch not named privately constructed gravity flow

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 used on South One Half of Southwest Quarter of Section Twenty-seven, Township Eleven South, Range Eighteen and North One-half of the Northwest Quarter of Section 34, Township Eleven South, Range Eighteen E. B. M. 40 acres in each subdivision all cultivated All fenced and ditches made

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

Ans. no other purpose

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

Ans.

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

Ans. filing on same through Reclamation Department. I am the original and only owner

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

Ans. March 22, 1951, two cubic feet per second for farming 80 acres through ditch by gravity

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. 40 inches of water from Rock Creek from 1910 by gravity for farming by ditch from Rock Creek. Section 27 has 26.84 part of an inch of the Twin Falls Canal Company bought in 1931. Rock Creek water is used on Section 34 North half of same

(Sign)

R. A. Dean

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 Twin Falls, County of Twin Falls, State of Idaho, on this 15th. day of January, A. D. 1952,

W. O. Smith

Notary Public Residing at Twin Falls, Idaho

My commission expires January 31, 1955

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21996

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. Wilbur Butler Age 28, R.F.D. # 2 Kimberly, Idaho, Occupation
farming. Kimberly, Idaho

Ques. 2. Are you acquainted with R. A. Bean, the
holder of Permit No. 21996? How long have you known him and where does
he reside?

Ans. Yes I have known him for 20 years he resides one mile East
and 7 miles South Kimberly, Idaho

Ques. 3. Have you read or heard read said Permit No. 21996, 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 con-
veying water from point of diversion to place of use.

Ans. Dry Gulch a tributary to Rock Creek. Place of diversion in the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township Eleven South, Range 18 E. B. M.
Conveyance a ditch two feet wide 1 $\frac{1}{2}$ feet deep and about one half
mile long

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 2 cubic feet of water

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. _____

21996

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. For irrigation purposes in farming the following described land South half of the Southwest Quarter of Section 27, Township Eleven South, Range 18 E. B. M. and North half of the Northwest Quarter of Section 34, Township 11 South, Range 18 E. B. M. 40 acres in each subdivision. All cultivated land. All fenced and ditches made.

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

Ans. _____

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. farm land lays good and productive. It would require two cubic feet of water in addition to the water he already has

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

Ans. none

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. I have seen this water used since March 22, 1951 for irrigation purposes through ditches in the amount of 2 cubic feet. I have notice it through the growing season of 1951

(Signed) *William Butler*

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 Twin Falls, County of Twin Falls, State of Idaho, on this 15th day of January, A. D. 1952.

W. O. Smith
Notary Public.
Residing at Twin Falls, Idaho

My commission expires January 31, 1955

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21996

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. Frank Bower, 31 Residence R.F. D Kimberly, Idaho. Occupation
farming and Post Office Address Kimberly, Idaho

Ques. 2. Are you acquainted with R. A. Bean, the
holder of Permit No. 21996? How long have you known him and where does
he reside?

Ans. I have known him for 25 years. Resides at one mile East and
7 miles South of Kimberly, Idaho and his address is R.F.D. 2
Kimberly, Idaho

Ques. 3. Have you read or heard read said Permit No. 21996, and are you
familiar with its provisions and conditions?

Ans. I have read said permit and I am familiar with same

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

Ans. Dry Gulch tributary of Rock Creek, place of diversion in the
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, Township Eleven South, Range 18 E. B. M
Conveyance a ditch two feet wide 1 $\frac{1}{2}$ feet deep and about one half
mile long

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 2 cubic feet of water

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. no pump

21996

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. For irrigation purposes in farming the following described land
South half of the Southwest Quarter of Section 27, Township Eleven
South, Range 18 E.B.M. and North half of the Northwest Quarter of Section
34, Township 11 South, Range 18 E.B.M. 40 acres in each subdivision all
cultivated land. All fenced and ditches made

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

Ans. _____

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. farm land, lays good and productive. It would require at least
2 cubic feet in addition to the water he already has

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

Ans. none

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. I have seen this water used since March 22, 1951 for irrigation
through ditches in the amount of 2 cubic feet. I have noticed it through
the growing season of 1951

(Signed) Frank Bowen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls,
County of Twin Falls, State of Idaho, on this 15th day of January
A. D. 19 52.

W.O. Smith

Notary Public.
Residing at Twin Falls, Idaho

My commission expires January 31, 1955

January 17, 1952

Re: Permit No. 21996
R. A. Bean

Mr. Clifford E. Fix
Fidelity Bank Bldg.
Twin Falls, Idaho

Dear Mr. Fix:

In reply to your letter of January
15th.

When the field examination is made in
connection with the above numbered permit, we
shall try and contact Messrs. Brown and Whitehead
in regard to their protest.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21996

PARRY, KEENAN, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING
TWIN FALLS, IDAHO

R. P. PARRY
J. R. KEENAN
T. M. ROBERTSON, JR.
JOHN H. DALY

CLIFFORD E. FIX
J. RAY DURTSCHI

January 14, 1952

RECEIVED
JAN 15 1952
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. 21996
R. A. Bean

Dear Mr. Kulp:

This will acknowledge receipt of your letter of January 11, in reply to the protest of Hudson W. Brown and William Z. Whitehead, Kimberly, Idaho, against the issuance of a license under the above numbered permit. They have asked me to convey their thanks.

Mr. Brown and Mr. Whitehead respectfully request that when the field examination, to which you refer, is made by a member of your department that they be given an opportunity to talk to him.

Very truly yours,

Clifford E. Fix
CLIFFORD E. FIX

CEF:ff

21996

January 11, 1952

Re: Permit No. 21996
R. A. Bean

Messrs. Parry, Keenan, Robertson & Daly,
Fidelity Bank Bldg.
Twin Falls, Idaho

Attention- Mr. Clifford E. Fix

Dear Mr. Fix:

Receipt of the protest of Hudson W. Brown against the issuance of a license on the above numbered permit is acknowledged.

All protests are given full consideration by this department, but no decision is reached on the issuance of a license until a field examination is made by a member of the department.

Mr. Brown should bear in mind, (1) That the priority date of a license under the permit would be March 22, 1951, or the date of receipt of the application for permit; and (2) That the license would be subject to all prior appropriations; and (3) That the Department of Reclamation cannot adjudicate water rights or do anything about a water right that is not a matter of record.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21996

January 10, 1952

Honorable Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

It has just come to our attention by a notice in the January 3, 1952 issue of the Twin Falls Times-News that proof will be submitted on the application of R. A. Bean, Kimberly, Idaho to the beneficial use of the 2 c.f.s of the waters of Dry Gulch, a tributary of Rock Creek, in accordance with the terms and conditions of Permit No. 21996 heretofore issued by you.

We are the owners of the northeast quarter of the northeast quarter of Section 33, Township 11 South, Range 18 East, and we respectfully protest the issuance of a license on Mr. Bean's application, since it would seriously prejudice our prior appropriation of 2 c.f.s from Dry Gulch which we and our predecessors in interest, acquired by actual use by continuous user for the past thirty years. The facts in support of this protest are set forth in the affidavit of Hudson W. Brown attached hereto. We do not object to the issuance of a license to Mr. Bean so long as it is issued subject to our prior appropriation for 2 c.f.s.

We respectfully request that before any action is taken upon Mr. Bean's application that we be given an opportunity to present the facts to you either at Boise or such other place as would be convenient to you or a representative from your office.

Yours very truly,

William J. Whitcomb
Kimberly, Idaho

Hudson W. Brown
Route 2, Kimberly, Idaho

21996

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

A F F I D A V I T

HUDSON W. BROWN, being first duly sworn deposes and says:

That he has occupied the northeast quarter of the northeast quarter of Section 33, Township 11 South, Range 18 East, B.M. as lessee during the past year and has a contract of sale from W. Z. Whitehead, Kimberly, Idaho; that he and his predecessors in interest, have appropriated by actual use, when available, 2 c.f.s. of the waters of Dry Gulch, a tributary of Rock Creek, and have continuously used the same on the said northeast quarter of the northeast quarter of Section 33, since 1920.

That the point of diversion for said appropriated waters is in the northeast quarter of the southwest quarter of Section 34, Township 11 South, Range 18 East, Boise Meridian and that said ditch to his land was constructed in 1920, and has been used continuously since that time to convey the appropriated waters for irrigation purposes on the said land.

That there has just come to his knowledge by notice in the January 3, 1952, issue of the Twin Falls Times News that proof for beneficial use will be submitted on the application of R. A. Bean, Kimberly, Idaho, for the appropriation of 2 second feet of water from Dry Gulch Creek to be used on the south half southwest quarter, Section 27, and the north half northeast quarter of Section 34, Township 11 South, Range 18 East.

That the point of diversion for the water sought to be appropriated from Dry Gulch Creek is above deponent's point of diversion in the southeast quarter of Section 34, and if a license is granted, it will seriously deplete deponent's prior appropriation, when water is short, to his prejudice and injury.

That the said R. A. Bean has threatened, if a license is granted, to use the entire flow of Dry Gulch up to 2 c.f.s. and not allow any waters to reach deponents point of diversion when the flow is less than 2 c.f.s.

Hudson W. Brown

SUBSCRIBED and SWORN TO before me this 10th day of January, 1952.

Irene May Brown
Notary Public
Residing at Twin Falls, Idaho

PARRY, KEENAN, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING
TWIN FALLS, IDAHO

R. P. PARRY
J. R. KEENAN
T. M. ROBERTSON, JR.
JOHN H. DALY

CLIFFORD E. FIX
J. RAY DURTSCHI

January 10,
19 52

RECEIVED
JAN 11 1952
Department of Reclamation

Mr. Mark Kulp
State Reclamation Engineer
Bureau of Reclamation
Boise, Idaho

Re: Permit No. 21996
R. A. Bean

Dear Mr. Kulp:

There is enclosed for such action as you consider appropriate, a letter from Hudson W. Brown and W. Z. Whitehead, Kimberly, Idaho, protesting against the issuance of a license to R. A. Bean, Kimberly, Idaho, under the above numbered permit, and the Affidavit of Hudson W. Brown in support of the protest.

Mr. Brown was quite anxious to proceed at once to Boise to see you, but I suggested that he defer going until he had received a reply to his letter.

If there is any additional information that you may need, please let us know.

Yours very truly,

Clifford E. Fix
CLIFFORD E. FIX

CEF:pf
Encls.

21996

December 15, 1951

RE: Permit No. 21996

Mr. Guy L. Kinney
126½ Main Avenue South
Twin Falls, Idaho

Dear Mr. Kinney:

We have made the necessary corrections in notice for beneficial use proof under Permit No. 21996 in the name of R. A. Bean. We have had to change the priority date as the earliest priority that can be established under a permit is the date which application is filed in this department which is March 22, 1951. If an earlier priority is desirable or necessary, it would have to be established through the district court by proving continuous use.

We have sent a copy of the notice to the Twin Falls Times News with instructions to publish it once a week for four consecutive weeks prior to January 15, 1952 and to send the affidavit of publication to Mr. Bean together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof consisting of one for Mr. Bean and one for each of two witnesses and at the time set, he should appear before Mr. Smith, the Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21996

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21996

Date: December 15, 1951

Twin Falls Times-News

Twin Falls, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **January 15, 1952** the date set for proof, the expense of the publication to be paid by the applicant, **R. A. Bean** of **Rt. 2, Kimberly, 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

21996

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

Notice is hereby given that at 10:00 A. M. on the 15th day of January, 19 52,
 at Twin Falls, County of Twin Falls, State of Idaho, before
W. O. Smith, Notary Public, proof will be submitted of the
 application to beneficial use of Two cubic feet per second of the waters of Dry Gulch, a
Creek
tributary of Rockin accordance with the terms and conditions of Permit No. 21996
 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
R. A. Bean, Route #2, Kimberly, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 2 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
~~lands irrigated~~) SW⁴ is the entire S¹/₂ NW¹/₄ Section twenty seven (27) Township
Eleven (11) South, Range Eighteen (18) E. B. M. and the N¹/₂ NW¹/₄ of Sec.
Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M.
Situated in Twin Falls County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of
 use is not named, privately constructed

The right to take water from such works is based upon Permit No. 21996

The source of supply from which such water is diverted is from Dry Gulch, a tributary
of Rock Creek, located in SW⁴SW⁴ S¹/₂ S¹/₂ Sec. thirty four (34) Twp Eleven (11)
South, Range Eighteen (18) E. B. M. ~~March 22, 1951~~

The date of priority which said user is prepared to establish is April 1, 1951

MARK R. KULP

State Reclamation Engineer.

21996



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

December 13, 1951

RE: Permit No. 21996

RECEIVED
DEC 15 1951

Department of Reclamation

Mr. Guy L. Kinney
126 $\frac{1}{2}$ Main Avenue South
Twin Falls, Idaho

Dear Mr. Kinney:

We acknowledge receipt of your letter of December 12, 1951, with enclosures as stated.

In checking notice of proof of beneficial use, we find that the place of use is described as the $S\frac{1}{2}$ $NW\frac{1}{4}$ Section 27, and the $N\frac{1}{2}$ $NW\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M. We think this is a typographical error so far as the land described in Section 27 is concerned, as the permit gives it as the $S\frac{1}{2}$ $SW\frac{1}{4}$.

We also note that the source of supply is described as being located in the $SE\frac{1}{4}$ $SE\frac{1}{4}$ Section 34, whereas the permit gives the location of the point of diversion as $SW\frac{1}{4}$ $SW\frac{1}{4}$ Section 34.

We shall withhold sending this notice to the newspaper for publication until we have your further advice as to these corrections.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:fg

Dear Sir: In rechecking with Mr. Bean and his original permit I find that your description is correct. Please make the necessary changes in the notice, and oblige

Yours truly,

Guy L. Kinney

21996

GUY L. KINNEY, LAWYER
126 1/2 MAIN AVENUE SOUTH
TWIN FALLS, IDAHO

Dec 12, 1951

DEC 13 1951
Department of Reclamation

State Department of Reclamation,
Boise, Idaho.

ATT: Mark R. Kulp

Dear Sir:

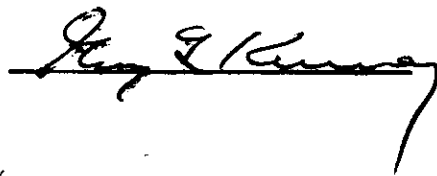
Inclosed please find notice to Department that the applicant of permit #21996 is prepared to prove water has been beneficially applied to the purpose for which it was intended. Also, notice authorizing notice to be published at the expense of the applicant in the TIMES-NEWS, published at Twin Falls, Idaho.

Also, in duplicate, Form #10, NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

You will please note that I have inserted W.O. Smith as a Notary before whom the proof is to be taken, for the reason that I am not a Notary Public, and Mr. Smith's office is next door to mine.

Please send me the blank form affidavits to be used by the applicant and witnesses in submitting applicant's proof. You may return to me, if you so desire, one of the notices for publication and I will have the paper publish the same once a week for four successive weeks.

Yours truly,



K

Inc

21996

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 12, 1951

(P. O.) Route #2, Kimberly, Idaho

STATE RECLAMATION ENGINEER

TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
TIMES-NEWS of Twin Falls, Idaho, published in
the county in which the works are situated.

R a Bess

(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.

21996

NOTICE TO THE DEPARTMENT OF RECLAMATION; That applicant of permit #21996 is prepared to prove water has been beneficially applied to the purpose for which it was intended.

No. I. NAME OF **APPLICANT**: R. A. BEAN, Route #2, Kimberly, Idaho, the person or corporation holding said permit.

No. II. The use to which said water has been applied is irrigation.

No. III. The amount applied to beneficial use is 2.0 cubic feet per second.

No. IV. The place where said water is used is the entire South one half, Southwest one-fourth ($S\frac{1}{2}$ SW $\frac{1}{4}$) Section Twenty-seven (27) Township Eleven (11) South, Range eighteen (18) E.B.M. and the North One Half, Northwest one-fourth ($N\frac{1}{2}$ NW $\frac{1}{4}$) of Section thirty-four (34) Township Eleven South, Range Eighteen E. B. M. situated in Twin Falls County, State of Idaho.

No. V. The name of the canal or ditch or other works by which water is conducted to such place of use is no named, privately constructed.

No. VI. The right to take water from such works is based upon permit #21996.

No. VII. The source of supply from which such water is diverted is from Dry Gulch, a tributary of Rock Creek, located $SE\frac{1}{4}$ $SE\frac{1}{4}$ Section Thirty four (34) Township Eleven (11) South, Range Eighteen, (18) E. B. M.

No VIII. The date of priority which said user is prepared to establish is April 15, 1947.

R A Bean
Applicant.

Dated this 12th day of December, 1951, Twin Falls, Idaho.

21996

July 27, 1951

Re: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

We enclose Certificate of Completion of Works issued under Permit No. 21996 for the diversion of two second feet of water from Dry Gulch, a tributary of Rock Creek, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 11 South, Range 18 East, B.M., for the irrigation of land in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34, same Township and Range.

We are returning Permit No. 21996 enclosed in your letter of July 23; also Departmental Receipt No. 23603 for the \$5.00 fee paid in connection with Completion of Works Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21996

Department of
Reclamation

Kimberly Idaho
July 23 1951

Dear Sir

I am sending you my permit
so you can get the description
correct also I find enclosed check
for \$5.00

Yours truly

F R A Bean

P#2.

Kimberly
Idaho

RECEIVED

JUL 24 1951

Department of Reclamation

21996

✓
July 19, 1951

Re: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

We acknowledge receipt of your Affidavit in Proof of Completion of Works under Permit No. 21996, but you failed to enclose the statutory fee of \$5.00 required in connection with this proof.

We note that your land description includes the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 11 South, Range 19 East, B.M.

We think you have these descriptions transposed and it should be the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, which is the land described in the Permit and which is a consolidated 160 acre tract.

Upon receipt of your advice, we can correct your proof accordingly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21996

RECEIVED
JUL 19 1951
Department of Reclamation
KS

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of.....Twin Falls.

22.

R. A. Bean, 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. 21996, and that his postoffice address is Route 2, Kimberly, State of Idaho.

Second: That the name of the stream which said water is to be directed is Dry Gulch
a tributary of Rock Creek

Third: That the point of diversion of said water is in the SW 1/4
Section 34, Twp. 11S Range 18 E, County of Twin Falls, Idaho

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 24, 1951.

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 ~~(or were not)~~ fully completed and consisted of the following:

I. Kind of works: ~~irrigation ditches and culvert under Foothill road~~
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:.....

(a) Height of dam none 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 ditch width at bottom 12 ft feet, width at water line 2 ft
(State whether ditch, flume or pipe)

feet, depth of water 1½ Max feet; diameter of pipe.....inches, average grade
per mile is.....feet. Length of conduit is 3/4 miles.

Seventh: That said works are capable of conducting to the place of intended use $2\frac{1}{4}$ to $2\frac{1}{2}$ second feet of water.

Eighth: That water appropriated under said permit is available for 160 Section 27 acres of land described as follows: NE1/4, NW1/4, SW1/4 & SE1/4 Section 34

~~(NW1/4, NW1/4, NW1/4 Section 27 and SW1/4 & SE1/4 Sec. 34 - all in~~
Township 11 South Range 18 E.B.M. Twin Falls County, State of
Idaho S²SW⁴ Sec. 27, N²W⁴ Sec. 34

Ninth: Remarks: That this right is intended as a supplemental right
to existing water rights.

R. A. Bess

(Sign Here)

Subscribed and sworn to before me this 17th day of July 1951

My commission expires Oct. 20, 1953

Notary Public.

21996

March 27, 1951

Re: Permit No. 21996

Mr. R. A. Bean
Route 2
Kimberly, Idaho

Dear Mr. Bean:

We enclose Permit No. 21996, together with Departmental Receipt No. 23205 for the \$5.25 filing fee.

Since your application states that the works are completed, we have allowed three months or until June 24, 1951, within which to make Proof of Completion of Works.

This proof should be made on Form 6 enclosed, executed before a Notary Public and returned to this Department with the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

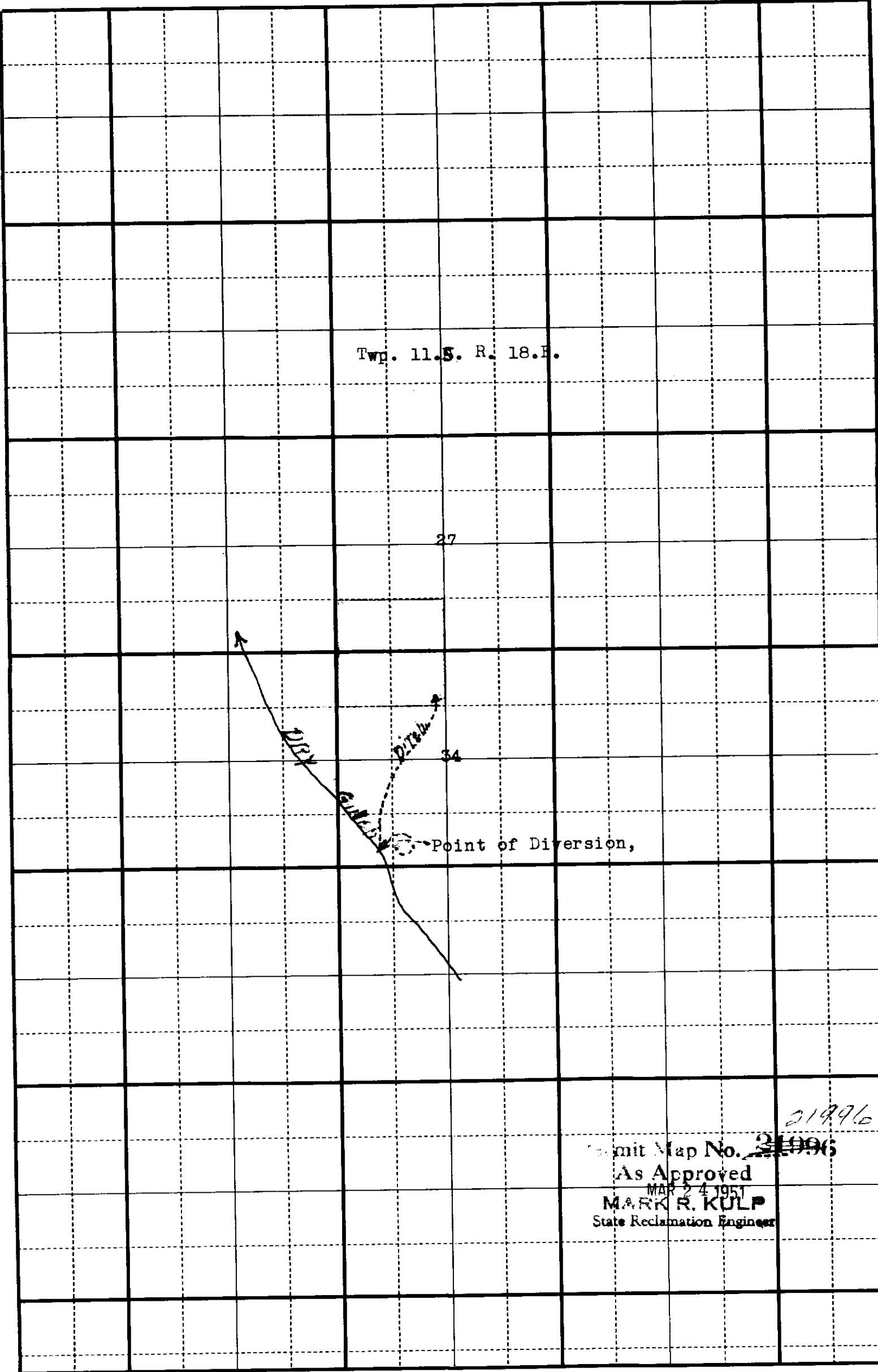
Chief Clerk

A:bh
Enc.

21996

NAME OF APPLICANT R. Bean,

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

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

Notice is hereby given that at 10:00 A. M. on the 15th of January, 1952, at Twin Falls, County of Twin Falls, State of Idaho, before W. O. Smith, Notary Public, proof will be submitted of the application to beneficial use of Two cubic feet per second of the waters of Dry Gulch, a tributary of Rock Creek in accordance with the terms and conditions of Permit No. 21996 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. A. Bean, Route No. 2, Kimberly, Idaho.

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

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

The place where said water is used is the entire S $\frac{1}{4}$ SW $\frac{1}{4}$ Section twenty-seven (27) Township Eleven (11) South, Range Eighteen (18) E. B. M. and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M. Situated in Twin Falls County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is not named, privately constructed.

The right to take water from such works is based upon Permit No. 21996.

The source of supply from which such water is diverted is from Dry Gulch, a tributary of Rock Creek, located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M.

The date of priority which said user is prepared to establish is March 22, 1951.

MARK R. KULP.

State Reclamation Engineer
Publish: Dec. 20, 27, 1951, Jan. 3, 10, 1952

12-20-51

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

Notice is hereby given that at 10:00 A. M. on the 15th of January, 1952, at Twin Falls, County of Twin Falls, State of Idaho, before W. O. Smith, Notary Public, proof will be submitted of the application to beneficial use of Two cubic feet per second of the waters of Dry Gulch, a tributary of Rock Creek in accordance with the terms and conditions of Permit No. 21996 heretofore issued by the State Reclamation Engineer of the State of Idaho. The name and postoffice address of the person or corporation holding said permit are R. A. Bean, Route No. 2, Kimberly, Idaho.

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

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

The place where said water is used is the entire S $\frac{1}{2}$ SW $\frac{1}{4}$ Section twenty-seven (27) Township Eleven (11) South, Range Eighteen (18) E. B. M. and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. Thirty-four (34) Township Eleven (11) South, Range Eighteen (18) E. B. M. Situated in Twin Falls County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is not named, privately constructed.

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The date of priority which said user is prepared to establish is March 22, 1951.

MARK R. KULP.

State Reclamation Engineer
Publish: Dec. 20, 27, 1951 (Jan. 3) 10, 1952

A protest on this was filed by Hudson W. Brown and W. Whitehead, of Kimberly, through Clifford E. F.

Their claim is that they and their predecessors have used water from Dry Gulch for the past thirty years continuously, and that the issuance of a license to Bean would seriously prejudice their rights.

Mr. Fix requests that when an examination is made the protestants be given an opportunity to be heard.

21996

U.S. resapping on truck lane,
1 block fr. light in town.