

# Affidavit of Publication

Nº 13601

STATE OF IDAHO,  
COUNTY OF TWIN FALLS } ss.

I, Mable L. Clark, being first duly sworn upon

oath depose and say that I am Office Manager of the TIMES-NEWS,  
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy  
of the notice of advertisement, as per clipping attached, was published in the regular and  
entire issue of said newspaper, and not in any supplement thereof, for two  
consecutive business days, commencing with the issue dated  
Oct. 3, 1968, and ending with the issue dated  
Oct 10, 1968.

And I do further certify that said newspaper is a consolidation, effective February 16,  
1942, of 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 con-  
tinuously and uninterruptedly during a period of more than twelve consecutive months, and  
said TIMES-NEWS, since such consolidation, has been published as a daily newspaper ex-  
cept 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 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.

Mable L. Clark  
Subscribed and sworn to before me this 10th day of

October, 1968.

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

NOTICE OF APPROVED  
APPLICATION FOR WATER  
NOTICE IS HEREBY given that  
Arthur N. Walker, Kimberly, Idaho,  
has received an approved permit No.  
32101 to divert 1.0 cubic feet per sec-  
ond of water from McMullan Creek,  
tributary of Rock Creek. The prior-  
ity to be established under this per-  
mit is October 12, 1964. Water will  
be diverted by a small dam, pipe,  
and pump within two points in the  
SW 1/4 SE 1/4, sec. 23, T. 11 S. R. 18 E.  
B.M., Twin Falls County and is to be  
used for irrigation purposes in the  
SE 1/4 NW 1/4, E 1/4 SW 1/4, W 1/4 SE 1/4, Sec.  
23, T. 11 S. R. 18 E. B.M.  
Any protests against the intent of  
the permit must be filed with the  
Department of Reclamation within  
ten days from the last date of pub-  
lication of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer  
Published in the Times-News,  
Twin Falls, Idaho on October 3 and  
October 10, 1968.

RECEIVED

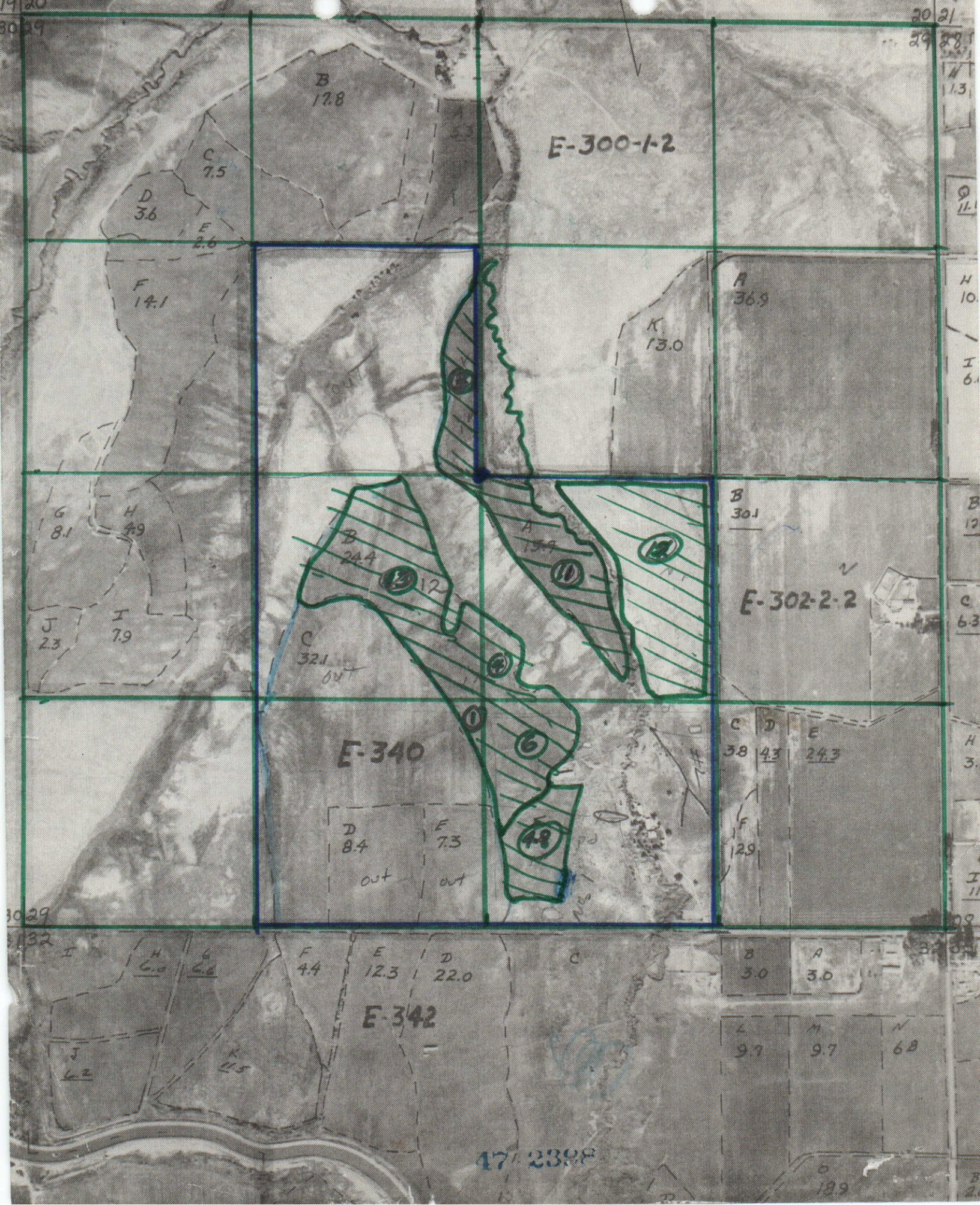
OCT 15 1968

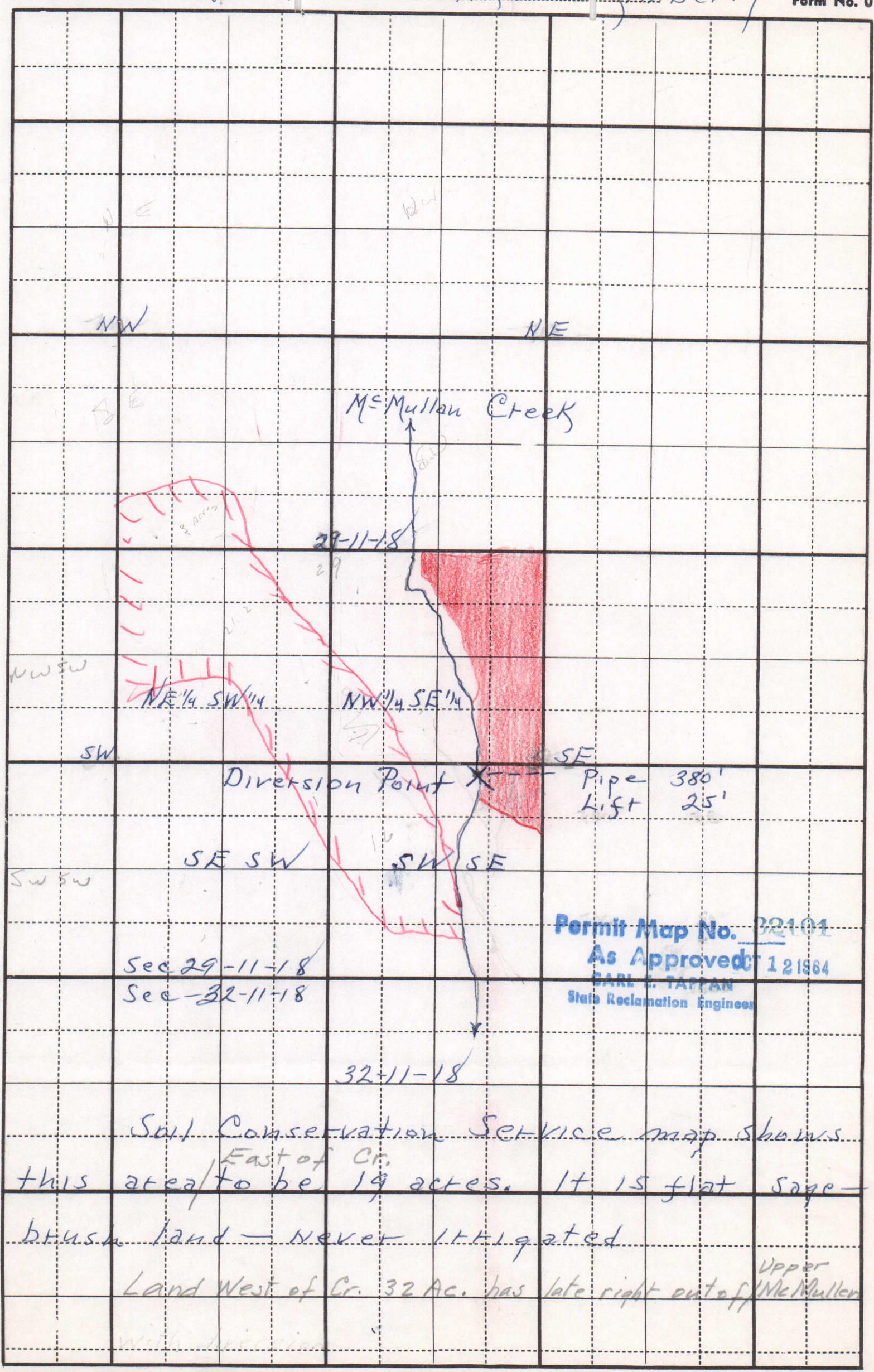
Department of Reclamation

32101

1920  
8019

2021  
2988





State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 47-2398 Priority 10-12-64 Amount 1.0 c.f.s.

THIS IS TO CERTIFY, that ARTHUR N. WALKER  
of Kimberly, Idaho, has complied with the terms and conditions of Permit  
No. 47-2398 issued pursuant to Application for Permit dated 10-12-64,  
and has submitted proof to the Department of Water Administration on 9-23-68,  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 1.0 c.f.s., and that the water has in fact been applied to a  
beneficial use; a right to the use of water from McMullan Creek  
tributary of Rock Creek, is hereby confirmed in the following amounts:

Amount 1.0 c.f.s. for Irrigation from April 1 to Oct. 1 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Subject, however, to the condition that no more than 1.0 c.f.s. of water be diverted at  
any one time, said waters to be diverted within ~~XXX~~ two points within the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>

Sec. 29, Twp. 11 S., Rge. 18 E., B.M.

in the county of Twin Falls; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 206 acre feet per year or \_\_\_\_\_  
4.0 acre feet per acre.

Description and location of place of use:

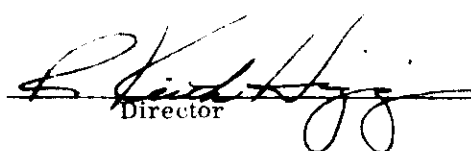
| TWP. | RANGE | SEC. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | TOTALS |
|------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|      |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 11 S | 18 E  | 29   |                                |                                |                                |                                |                                |                                |                                | 3                              | 12                             |                                |                                | 1                              |                                | 25                             | 11                             |                                | 52     |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |

Total number of acres irrigated 52

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4TH day of

May, 19 71.

  
Director

47 2398

47-2318

# Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40239  
PERMIT No. 32101  
DISTRICT No.

1. Name of Applicant: **Arthur N. Walker**

Postoffice address: **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:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

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

3. Source of water supply: **McMullan Creek** which is a tributary of **Rock Creek**

4. Location of point of diversion: **2 points** feet distant from the  
corner of Section **29**, T. **11 S.**, R. **18 E.**, B.M., and is in the **SW $\frac{1}{4}$**  of **SE $\frac{1}{4}$**   
of section **29**, 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. **11 S.**, R. **18 E.**, B.M., in the **SW $\frac{1}{4}$**  of Section of **29**, T. **11 S.**, R. **18 E.**, B.M.
- (b) Amount of power generated: **H.P.**, under **feet** head.
- (c) Water is to be returned to **feet** at a point **feet**  
distant from the **corner of Section** **29**, T. **11 S.**, R. **18 E.**, B.M., in the **SW $\frac{1}{4}$**  of Section **29**, T. **11 S.**, R. **18 E.**, B.M.

7. Estimated cost of works: \$ **1000**

8. Kind of works: **Small dam, pipe, pump**

9. Height of dam **4'** feet; length of dam at top **30'** feet; length of dam at bottom **20'**  
feet; material used in dam: **Dirt - Gravel**

10. Size of headgate: Width **15"** feet; height **15"** feet.

11. Ditch: Width at bottom **feet**; width at water line **feet**; depth of water **feet**;  
dimensions of flume:

Diameter of pipe **6"** inches; length of conduit **500'**  
Average grade per mile **20'** 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 **three** 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: **Upper McMullan water right**  
on this land west of Cr. lasts til middle of June

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.

s/ Arthur N. Walker

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. October 12, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32101  
Recorded in Book 112 Page 32101 Approved October 12, 1964  
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 December 12, 1964 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 April 12, 1965  
The whole of said work to be completed on or before October 12, 1965  
Beneficial use of water appropriated in accordance herewith, to be made on or before October 12, 1968  
WITNESS My hand this 12th day of October, 1964

s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, 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 12th day of October, 1964.  
COUNTERSIGNED: STATE OF IDAHO  
(SEAL) By s/ ARNOLD WILLIAMS, Secretary of State. By s/ ROBERT E. SMYLIE, Governor.

REMARKS:

14.

| Twp. | Range | Sec. | NE1/4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | Totals |
|------|-------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
| 11 S | 18 E. | 29   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |       |       |       |       | 3     |       | 21.2  |       |       | 1     |       | 16    | 10.8  |       | 52.    |
|      |       |      | Permit No. 32101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | CERTIFICATE OF COMPLETION OF WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | This is to certify that ARTHUR N. WALKER of Kimberly, County of Twin Falls, and State of Idaho, the holder of Permit No. 32101, issued upon Application No. 40239 bearing date of priority of October 12, 1964, authorizing the diversion of 1.0 second feet of waters of McMullan 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 works are adequate for diverting and conveying to the place of intended use 1.0 second feet of the waters of McMullan Creek, tributary of Rock Creek that the point of diversion of said waters 2 points SW1/4, Sec. 29, T. 11 S., R. 18 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows to wit: SE1/4, NW1/4, E1/2SW1/4, W1/2SE1/4, Section 29, T. 11 S., R. 18 E., B.M. |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | Witness my hand this 30th day of September, A.D. 1965.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | s/ RALPH W. THOMAS<br>Deputy State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | Proof of Completion of Works Made: September 29, 1965.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

USE ISSUED FOR 1.0 SEC. FT.  
LICENSE NO.

# Affidavit of Publication

Nº 13601

STATE OF IDAHO, }  
COUNTY OF TWIN FALLS } ss.

I, \_\_\_\_\_, being first duly sworn upon

oath depose and say that I am \_\_\_\_\_ of the TIMES-NEWS,  
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy  
of the notice of advertisement, as per clipping attached, was published in the regular and  
entire issue of said newspaper, and not in any supplement thereof, for \_\_\_\_\_  
consecutive \_\_\_\_\_, commencing with the issue dated  
\_\_\_\_\_, 19\_\_\_\_, and ending with the issue dated  
\_\_\_\_\_, 19\_\_\_\_.

And I do further certify that said newspaper is a consolidation, effective February 16,  
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the  
Twin Falls News, published theretofore daily except Monday, both of which newspapers  
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tinuously and uninterruptedly during a period of more than twelve consecutive months, and  
said TIMES-NEWS, since such consolidation, has been published as a daily newspaper ex-  
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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 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 \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

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

32101

Identification No. \_\_\_\_\_

Permit No. 32101

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

RECEIVED

SEP 22 1964

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Arthur N Walker Department of Reclamation

b) Post Office Address Rt 2 Kimberly Idaho

2. Permit Number 32101

3. Date of Priority that you are prepared to establish Oct 12, 1964

4. a) Source from which water was appropriated M<sup>c</sup>Mullan Creek - tributary of Rock Creek

b) Location of the point of diversion: Two points SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 29

Township 11, Range 18 Boise Meridian. Other points of diversion: \_\_\_\_\_

5. a) The amount of water and use to which the water has been applied:

amount 1 cfs for irrigation purposes from April 1 to Oct 1 incl.  
(cfs and/or acre feet per annum) (Mo-Day) (Mo-Day)

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre feet per annum) (Mo-Day) (Mo-Day)

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre feet per annum) (Mo-Day) (Mo-Day)

b) Total amount appropriated 1 cfs cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made

and the qualifications of the person making the measurement: Floyd Lilly Pump Co

figured flow of pumps - 1 - 40" Twin Falls, Idaho  
2 - 30"

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_

b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_

7. a) Briefly describe the works for diverting and conveying the water to the place of use,

(If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or

canal or ditch) Pump #1 - Diversion dam and 300' trench

about 8' deep to pump - 7 1/2 HP - 700' 6" aluminum  
Pipe lift 29' pump 5" suction 4" discharge

Pump #2 - Diversion dam - 7 1/2 HP pump 32101  
4" suction 3" outlet lift 21'

- 50.54

b) Describe the type and size of measuring device which you have installed at your point of diversion: Each dam has 15" headgate

c) Give well drillers name and address and date the well was completed ✓

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use \_\_\_\_\_

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision.

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOT  |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |      |
| 11   | 18E   | 29   |        |        |        |        |        |        |        | -      |        |        |        |        |        | X      |        |        | 16   |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        | 9    |
|      |       |      |        |        |        |        |        |        | X      |        |        |        |        |        |        |        |        |        | 3    |
|      |       |      |        |        |        |        |        |        |        | X      |        |        |        |        |        |        |        |        | 21.2 |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        | 7.8  |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |      |

Total number of acres irrigated 51.0

10. Remarks: Pump #2 irrigates 14 Acres which was formerly sagebrush, and is now in Alfalfa.  
#1 Pump irrigates 32 Acres and also supplements about 20 additional Acres

The above information is a true statement of the extent to which the above numbered permit has been developed.

9/20/68  
(Date)

Arthur H. Walker  
(Signature)

State of Idaho )  
County of Blaine ) ss.

On this 20th day of September, 1968, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public  
Notary Public residing at Blaine Falls, Idaho

My commission expires 6-25-72

May 5, 1971

Mrs. John V. Banke  
P. O. Box 966  
Kimberly, Idaho 83341

Dear Mrs. Banke:

In reply to your letter of April 27th regarding water rights on property purchased from Mr. Arthur Walker:

Our records show that there is a 40 inch decreed right from Rock Creek with a priority date of May 15, 1888, for use in the NE $\frac{1}{4}$ , Section 27, Township 11 South, Range 18 East, B.M. Point of Diversion is the Garrity Ditch. Our copy of the decree does not give the complete land list, therefore, if you would check with the County Recorder to see if the findings of fact give the description.

Mr. Walker has a Licensed water right from McMullan Creek for 1.0 c.f.s. or 50 inches with a priority of October 12, 1964, for use on the SE $\frac{1}{4}$ NW $\frac{1}{4}$  (3 acres); NE $\frac{1}{4}$ SW $\frac{1}{4}$  (12 acres); SE $\frac{1}{4}$ SW $\frac{1}{4}$  (1 acre); NW $\frac{1}{4}$ SE $\frac{1}{4}$  (25 acres); SW $\frac{1}{4}$ SE $\frac{1}{4}$  (11 acres); for a total of 52 acres.

Your question regarding the loss of your right by adverse use is a legal question and without all the information involving the exchange of use we cannot give you any advise. There is, however, a watermaster on Rock Creek and Section 42-607 of the Idaho Code says that if a watermaster is serving on the creek or area your right cannot be adversely confiscated. This should be check with an attorney to be sure you do not lose the right. We can locate no filing ever made of drain or waste water under Mr. Walker's name. If you desire to file and use the drain, please let us know and we will send you an application.

You should also check with Mr. Walker and get his copy of the License No. 47-2398 for it belongs with the land you purchased.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:ejw

47 2398

MRS. JOHN VICTOR BANKE

P.O. Box 966

Kimberly, Idaho 83341

Mr. M. Russell Bash  
Department of Water Administration  
State House  
Boise, Idaho 83700

# 47-2398

April 27, 1971

Dear Mr. Bash,

We have just bought the Art Walker ranch seven miles southwest of Kimberly, Idaho. Since it is difficult to obtain any information from Mr. Walker, our realtor, Mr. R.G. Messersmith, suggested we contact you for the information concerning the water rights attached to the ranch.

The following is the legal description of the ranch:

W $\frac{1}{2}$  NE $\frac{1}{4}$  and E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 27; W $\frac{1}{2}$  SE $\frac{1}{4}$  and E $\frac{1}{2}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29; all in Township 11 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho.

We understand we have 160 shares in the Twin Falls Canal Company. What we do not understand is our shares in the Rock Creek Water District and especially, all the pertinent information pertaining to the M $\&$  Mullen Creek.

47-2398

MRS. JOHN VICTOR BANKE  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

We understand from some "old timers" here that Mr. Walker's neighbor, Mr. Kinnsey, has been using Mr. Walker's rights in McMullen Creek in exchange for Mr. Kinnsey's shares of ~~Rock Creek~~ <sup>Twin Falls</sup> for the last two years. We were told if we continued this policy for another year, Mr. Kinnsey would have a legal right to keep our shares in McMullen for good. Is this true? We would like to know any information about the rights in McMullen Creek.

We would also appreciate knowing if Mr. Walker has filed "proof of use" on the water seepage from the ~~Rock Creek~~ <sup>Twin Falls</sup> Canal. We understand that should be accomplished in order for us to keep on using this water. Apparently the water seeps from the canal, forming a running creek by our house. Mr. Walker has been using that water (by pumping from the small creek) to irrigate a field. We would like to know how we stand in relation to this water, also.

We appreciate any and all information you can send us on the water rights attached to this ranch. Right now we are very confused on ~~our~~ <sup>our</sup> rights.

MRS. JOHN VICTOR BANKE  
[REDACTED]  
[REDACTED]

Thank you for your attention to this matter.  
We anxiously await your reply.

Sincerely,

Mrs. John V. Banke

17 2398

---

May 5, 1971

Re: Permit No. 47-2398 (32101)

C

Mr. Arthur N. Walker  
Route 2  
Kimberly, Idaho 83341

Dear Mr. Walker:

Enclosed herewith is your Water License issued on the above numbered permit.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:kh

Enclosure

17 2398

January 11, 1971

Re: Permit No. 47-2398 (32101)

Mr. Arthur N. Walker  
Route 2  
Kimberly, Idaho 83341

Dear Mr. Walker:

A representative of this department has made an examination of the works covered by your Permit No. 47-2398 and has found the following:

Quantity of water diverted: 1.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 1.0 c.f.s.

The maximum quantity diverted shall not exceed 208 acre feet per season.

Beneficial Use: Irrigation of 52 acres within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 29, Twp. 11 S., Rge. 18 E., B.M.

The priority date established is : October 12, 1964

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:kh

47 2398



Permit No. 32101STATE OF IDAHO  
Department of Reclamation

## Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Twin Falls } ss.Arthur N. Walker, 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. 32101, and that his postoffice address is Kimberly, Idaho  
State of IdahoSecond: That the name of the stream from which said water is to be diverted is  
McCullum CreekThird: That the point of diversion of said water is SWSE Sec 29-11S-18EFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct 12, 1965.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: Diversion dam - pump - pipe - power line  
(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam 4' feet, length of dam at top 30' feet, length of dam at bottom 20' feet. Material used in construction Dirt - gravel  
Cement headgate

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir \_\_\_\_\_ acre feet.

(c) Size of headgate: Width 15" feet, height 15" 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 6" inches, average grade per mile is 29' 4" feet. Length of conduit is 450' miles.Seventh: That said works are capable of conducting to the place of intended use  
1" second feet of water. 50"Eighth: That water appropriated under said permit is available for 52 acres of land described as follows: SE NW 3.NE SW 21.2SE SW 1.Sec 29-11S-18ENW SE 16.SW SE 10.8

Ninth: Remarks:—That

Arthur N. Walker  
(SIGN HERE)Subscribed and sworn to before me this 29th day of September, 1965Robert A. Wright  
NOTARY PUBLICMy commission expires 9-28-68

632101

# LICENSING DATA ANALYSIS

1. Permit No. 47-2398
2. Name license is to be issued in Arthur N. Walker  
Assignment required - Yes ☐ No ☒
3. Date of first receipt Oct 12, 64 Date proof due Oct 12, 68 Made Sept 20, 68
4. Priority ☐ Late proof - Yes ☐ No ☒
5. Source McMullen Creek tributary Rock Creek
6. Point of diversion: 2 points of diversion within  
Twp. 11 N 8 Ege. 18 E W, B.M., Sec. 29 SW 1/4 SE 1/4  
Twp.        N/S, Ege.        E/W, B.M., Sec.       ,        1/4 1/4  
Twp.        N/S, Ege.        E/W, B.M., Sec.       ,        1/4 1/4  
Amendment required - Yes ☐ No ☒
7. Beneficial use for license:  
Amt. 1.0 for Irr. from March 1 to Nov 1 AF 208 <sup>ok</sup>  
Amt.        for        from        to        AF         
Amt.        for        from        to        AF         
Amount not to exceed at any one time 1.0 c.f.s. or 208 <sup>ok</sup> acre feet per  
season or 4.0 acre feet per acre  
Amendment required - Yes ☐ No ☒
8. Permitted Amount: 1.0 c.f.s. Volume for season        AF
9. Measured Amount: 1.0 Season for reduction
0. Description and location of place of use:

| Twp | Rge | Sec | NE 160           |                  |                  |                  | NW 160           |                  |                  |                  | SW 160           |                  |                  |                  | SE 160           |                  |                  |                  | Total |
|-----|-----|-----|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------|
|     |     |     | 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 $\frac{1}{4}$ |       |
| 11S | 18E | 29  |                  |                  |                  |                  |                  |                  | 3                | 13               |                  |                  |                  | 1                |                  | 25               | 11               |                  | 55    |
|     |     |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|     |     |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|     |     |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|     |     |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|     |     |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |

Total No. of acres 53

- Supplemental acreage - Yes ☐ No ☒
- Total permitted acres 52
- Amendment required - Yes ☐ No ☒
11. Remarks: Examiner found 53 acres being irrigated but only  
52 acres on permit
12. Measuring device required - Yes ☐ No ☒
13. Type of letter required: Fee ☒ Notice ☒
14. Analysis by Fuel E Date 11/16/70 Checked by BDF Date 1/8/70  
47 2398



Source of supply seepage

a tributary of \_\_\_\_\_

Location of P.D.(s) SWSE sec 29 11B18E

Water is used for irrigation

Quantity of water found 1.0 CFS

How was the measurement made? pumping water into a barrel.

Measurement calculations \_\_\_\_\_

Diversion works description and diagram

See photo

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated \_\_\_\_\_

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

#1 was made by damming normal stream channel and digging a trench for seepage. The trench has a 12" headgate to allow water to flow down the normal stream bed when water isn't needed.  
#2 was dug for seepage in order to use land that was formerly a seep area. It spills into the stream when water isn't needed.

Who represented the permit holder at the examination?

Mrs. Walker.

Recommended allowance for licensing 1.0 CFS

Description of required amendments. Comments.

#1. 7 1/2 hp G.E. motor model 5K20215AL2602 connected by V-belts to centrifugal pump ser no. OC-375049 4" in 3" discharge to 6" pipeline 700' to open ditch.

#2 7 1/2 hp G.E. motor model 5K20215AL202 Centrifugal pump ser no. OC 357829 4" in 3" discharge to 6" aluminum line 500 ft to open ditch.

Report checked? \_\_\_\_\_

Examination date 24 July 70

Signature

William Schmitt

47 2398

nyl  
8-17-70

October 16, 1968

Re: Permit No. 32101

Mr. Arthur N. Walker  
Kimberly, Idaho 83341

Dear Mr. Walker:

We acknowledge receipt of the affidavit of publication  
submitted on the above referenced permit.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:tg

3 2101

Kimberly, Ida

Mr. D.W. McEldowney

RECEIVED

Oct 10, 1968

Dept of Reclamation.

OFFICE

Dear Sir-

DEPT. OF RECLAMATION

I enclosed find the affidavit of  
publication of the enclosed notice.

If your inspector would notify  
me when he is coming I will  
be here.

32101

Yours truly  
Arthur M. Walker

LEGAL .....  
ARTHUR M. WALKER .....  
NOTICE OF APPROVED  
APPLICATION FOR WATER  
NOTICE IS HEREBY given that

Arthur N. Walker, Kimberly, Idaho,  
has received an approved permit No.  
32101 to divert 1.0 cubic feet per sec-  
ond of water from McMullan Creek,  
tributary of Rock Creek. The prior-  
ity to be established under this per-  
mit is October 12, 1964. Water will  
be diverted by a small dam, pipe,  
and pump within two points in the  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 29, T. 11 S. R. 18 E.  
B.M., Twin Falls County and is to be  
used for irrigation purposes in the  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec.  
29, T. 11 S. R. 18 E. B.M.

Any protests against the intent of  
the permit must be filed with the  
Department of Reclamation within  
ten days from the last date of pub-  
lication of this notice.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Times-News,  
Twin Falls, Idaho on October 3 and  
October 10, 1968.

RECEIVED

SEP 30 1968

Department of Reclamation

September 25, 1968

Re: Permit No. 32101

Arthur N. Walker  
Kimberly, Idaho 83341

Dear Mr. Walker:

We acknowledge receipt of your affidavit submitted as proof of beneficial use on Permit No. 32101. Before a license can be issued, the Department must be in receipt of an affidavit of publication. This affidavit of publication can be obtained from the Times News, Twin Falls, Idaho, upon payment of the bill.

It will also be required that a field examination be made by a representative of the Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Please be advised that on your affidavit submitted as proof of proof, the geographical directions for the township and range are 11 S., and 18 E., and that the lands to be irrigated should be SE~~1~~SW~~4~~ instead of the SW~~1~~SE~~4~~. If this is not correct please contact the Department of Reclamation so the license may be issued with the correct information.

Very truly yours,

C. Stephen Allred  
Assistant State Reclamation  
Engineer

CSA:tg

Enc: Letter  
Check  
Copy of letter;  
Times News

32101

September 24, 1968

Re: Permit No. 32101

Time News  
Twin Falls, Idaho 83301

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Arthur N. Walker, Kimberly, Idaho,  
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:tg

Enc: Legal Notice  
cc: Arthur N. Walker  
Kimberly, Idaho

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit the affidavit to the Department at once.

32101

SEP 13 1968

NOTICE OF APPROVED APPLICATION FOR WATER

Department of Reclamation

Notice is hereby given that Arthur N. Walker, Kimberly, Idaho

has received an approved permit No. 32101 to divert ~~store/~~

1.0 cubic feet per second ~~acre/foot~~ of water from

~~McMullan Creek, tributary of Rock Creek~~

. The priority to be established under this permit is October 12, 1964.

Water will be diverted by a small dam, pipe, and pump

within ~~the~~ two points in the SWSEK, sec. 29, T. 11 S, R. 18 E, B.M., Twin Falls County

and is to be used for irrigation purposes

in the SEKNEK, EKSEK, WSEK, sec. 29, T. 11 S, R. 18 E, B.M.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho

on October 3 and October 10, 1968.

State Reclamation Engineer:

Permit No. 32101

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.

Arthur N. Walker  
(signature)

Route 2  
Kimberly, Idaho  
(address)

9/20/68  
(date)

32101

September 23, 1968

Re: Permit No. 32101

Arthur N. Walker  
Kimberly, Idaho 83341

Dear Mr. Walker:

Thank you for returning the forms connected with proof of the above referenced permit. You also submitted to the Department a blank check to used for payment of the advertisement of the existence of your permit; we are returning this check to you. You may pay for the advertisement in person when you pick up the affidavit of publication from the Times News, Twin Falls, Idaho or mail it to them to obtain the affidavit.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:tg

ENC: Check

32101

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE \$300

85-16-71548-10

32101

POSTMARK OF  
DELIVERED OFFICE

SEP  
20  
A M  
1968

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN  
TO

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE Boise, Idaho 83707

PO

32101

# INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and  
address where delivered ☐ Deliver ONLY  
to addressee  
(Additional charges required for these services)

## RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

20249

INSURED NO.

DATE DELIVERED

1 *Arthur N. Walker*

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*Josephine Walker*

3 SHOW WHERE DELIVERED (only if requested)

c55-16-71545-10 GPO

32101

September 15, 1968

Re: Permit No. 32101

Arthur N. Walker  
Kimberly,  
Idaho

Dear Mr. Walker:

One of the conditions of the approval of your permit 32101 was that proof of application of the water to beneficial use be submitted to this office on or before October 12, 19 68.

Enclosed is an affidavit form which must be used to submit this proof. You may also request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension must be received by this department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



---

State Reclamation Engineer

Enclosure: Proof form

Form 5

B32101

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32101 )  
in the name of Arthur N. Walker, )  
Kimberly, Idaho )

ORDER MODIFYING REQUIREMENTS  
FOR COMPLETION OF PERMIT TO  
APPROPRIATE WATER

WHEREAS, the 39<sup>th</sup> Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32101 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39<sup>th</sup> Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
  - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 18th day of September, 1968.

---

Jack A. Barnett, Deputy  
State Reclamation Engineer

32101

September 11, 1968

Re: Permit No. 32101

Arthur N. Walker  
Kimberly, Idaho 83341

Dear Mr. Walker:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with those rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:5g

enclosure: Order,  
Advertising package  
Proof forms and instructions  
Proof due notice

§ 32101

Sept. 30, 1965

Re: Permit No. 32101

Arthur N. Walker  
Kimberly, Idaho

Dear Mr. Walker:

Enclosed is the Certificate of Completion of Works and Departmental Receipt No. 32941, in the amount of \$5.00 covering the fee. This certificate has been recorded in this office.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

Enc. certificate  
receipt

32101

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho

Re: Permit No. 32101

Aug. 2, 1965

Arthur H. Walker  
Kimberly Idaho

Dear Mr. Walker:

Under the terms of your Permit No. 32101 you are required to complete your diversion works on or before Oct. 12, 1965. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

**CARL E. TAPPAN**

State Reclamation Engineer

Enc. Form 6

B32101

Re: Permit No. 32101

October 15, 1964

Mr. Arthur N. Walker,  
Kimberly, Idaho.

Dear Mr. Walker:

We enclose Permit No. 32101 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 32475 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer  
By

(MRS.) EDNA P. RULE  
Chief Clerk

Encl.  
EPR:pmk

632101

October 12, 1964

Re: Application for Permit

Arthur N. Walker  
Kimberly, Idaho

Dear Mr. Walker:

Returned herewith is your check for \$10.00.  
Your two applications have been combined in one application.  
The application claims one cubic foot per second of water  
from McMullan Creek from two points in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 29. The  
points of diversion are shown as both in same 40-acre sub-  
division as generally the maps we receive are more accurate  
than information on the application.

Very truly yours,

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

532101

Route 2

Kimberly, Idaho

October 10, 1964

Department of Reclamation

107 State House

Boise, Idaho 83701

Dear Sir:

RECEIVED  
OCT 12 1964

Department of Reclamation

I would like to combine the two applications into one as you suggest.

Will you make what corrections you consider necessary on the application? I'm enclosing a check for \$5.00.

Yours truly,

*Arthur N. Walker*  
Arthur N. Walker  
Kimberly, Idaho

B32101

October 9, 1964

Re: Application for Permit

Arthur N. Walker  
Kimberly, Idaho

Dear Mr. Walker:

We received two applications for permit to divert water from McMullan Creek with check for \$10.00 filing fee.

The application for 32 acres on the west side does not show any acreage in the  $SE\frac{1}{4}SW\frac{1}{4}$  or  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 29, T. 11 S., R. 18 E., however the map does show some land. The amount of water cannot exceed the rate of one c.f.s. for each 50 acres or 0.64 c.f.s. for 32 acres, without proof that more is required.

The application for 19 acres on the east side describes the point of diversion as 1805' W 1400' N of SE corner of Sec. 29 in the  $SW\frac{1}{4}SE\frac{1}{4}$ , Sec. 29. The distance north indicates the point would be in  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 29. The amount of water allowable is 0.38 c.f.s.

One application can be used to cover both diversions and tracts of land. We can make the change in this office, if you desire. The filing fee is \$5.00 for 1 c.f.s. and \$5.25 for 1.02 c.f.s.

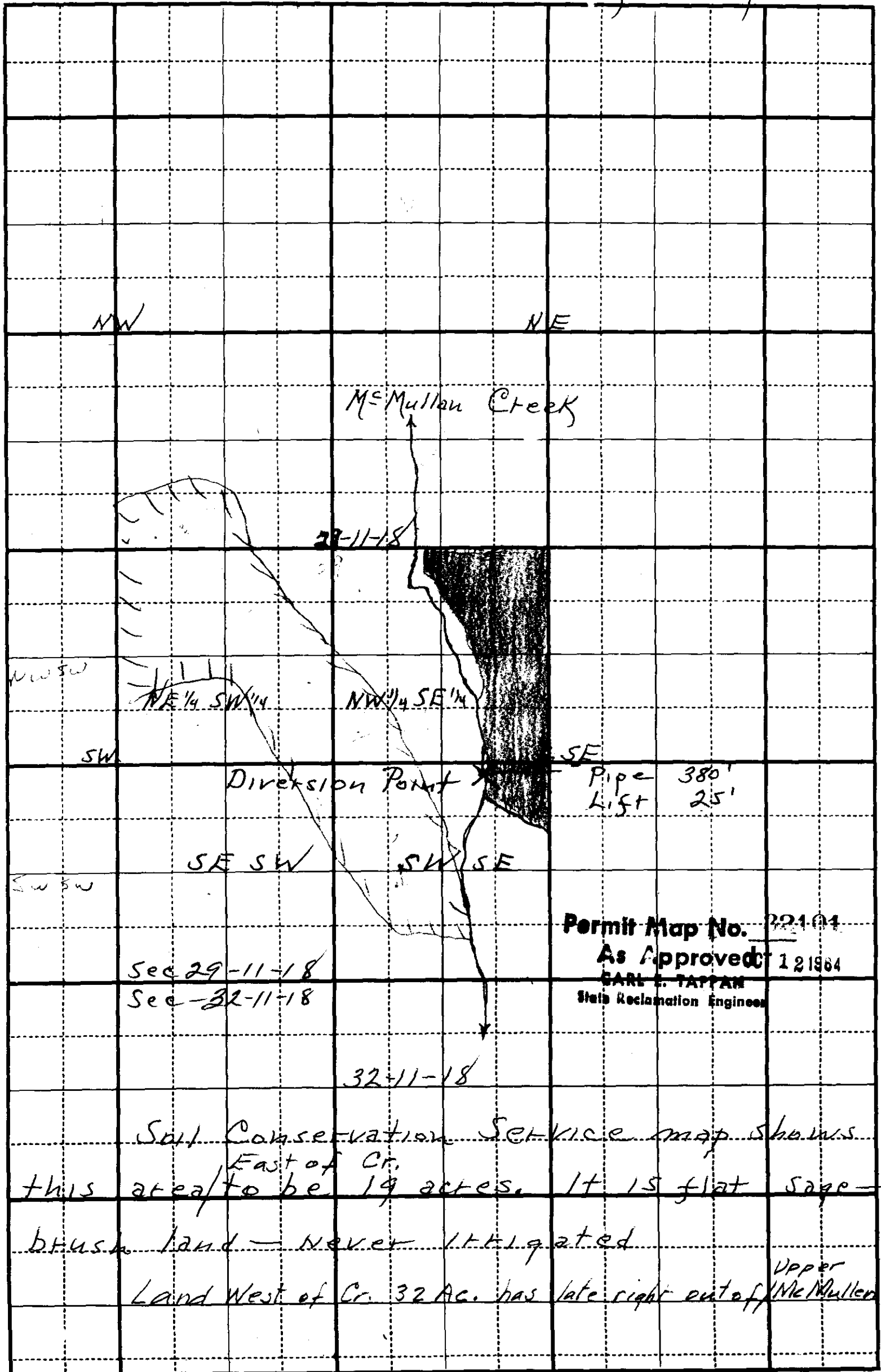
Kindly advise by return mail with corrected fee if you desire one permit to cover all the land, in which case the \$10.00 check will be returned.

Very truly yours,

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

532101



Permit Map No. 32-101  
As Approved 121964  
EARL E. TAPPAN  
State Reclamation Engineer